SENATE—*Monday, January 25, 1971*

The Senate met at 12 o'clock meridian dent pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward and was called to order by the Presi-

Messages in writing from the President L. R. Elson, D.D., offered the following prayer:

May the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our Redeemer.

Make us to know and to cherish our heritage that we may more fitly serve Thee. Live in us and work through us Thy purposes for the people of this Nation. Set our vision upon the highest goals, and give us the clean hands, the pure hearts, the worthy motives, and the wise minds for achieving them.

As this day we pay tribute to a fallen comrade, may we renew our dedication to Thee in the same spirit of selfless service which was his.

In the Master's name we pray. Amen.

MESSAGES FROM THE PRESIDENT of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON GOVERNMENT EMPLOYEES PARTICIPATING IN TRAINING IN NON-GOVERNMENT FACILITIES—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was ordered to be printed in the RECORD:

To the Congress of the United States:

As required by section 1308(b) of title 5, United States Code, I am transmitting forms supplying information on those employees who, during fiscal year 1970, participated in training in non-Government facilities in courses that were over one hundred and twenty days in duration and those employees who received awards or contributions incident to training in non-Government facilities.

RICHARD NIXON.

THE WHITE HOUSE, *January 25, 1971.*

EXECUTIVE MESSAGES REFERRED

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

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. RICHARD B. RUSSELL, late a Senator from the State of Georgia.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 22, 1971, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes during the transaction of routine morning business.

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

DEFERRAL OF DEBATE ON THE QUESTION OF AMENDING THE RULES OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that deliberation and debate on the question of amending the rules of the Senate be deferred until tomorrow and that this deferral shall not be prejudicial to the rights or positions of any opponent or proponent of any rule changes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF TITLE I AGREEMENTS UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of title I agreements under the Agricultural Trade Development and Assistance Act of 1954, as amended, for the months of November and December 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Administrator, General Services Administration, reporting, pursuant to law, an overobligation of its appropriation for operating expenses, property management, and disposal services in the amount of $2,590; to the Committee on Appropriations.

REPORT OF UNITED STATES COURT OF CLAIMS (S. DOC. NO. 92–2)

A letter from the Clerk, U.S. Court of Claims, transmitting, pursuant to law, a report setting forth all the judgments rendered by the court for the year ended September 30, 1970 (with an accompanying report); to the Committee on Appropriations.

REPORT ON FINAL CONCLUSION OF JUDICIAL PROCEEDINGS REGARDING CERTAIN INDIAN TRIBES

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusion of judicial proceedings regarding the Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma, et al, against the United States of America (with an accompanying report and papers); to the Committee on Appropriations.

REPORT OF THE SECRETARY OF THE AIR FORCE ON THE PROGRESS ON THE FLIGHT INSTRUCTION PROGRAM

A letter from the Secretary of the Air Force, transmitting pursuant to law, a report on the progress of the Reserve Officer Training Corps flight training program for the calendar year 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPOSED AIR FORCE RESERVE FACILITIES PROJECTS

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of seven facilities projects proposed to be undertaken for the Air Force Reserve in six States (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPOSED ARMY RESERVE FACILITIES PROJECTS

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of 14 facilities projects proposed to be undertaken for the Army Reserve in 12 States (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPOSED NAVY AND MARINE CORPS RESERVE FACILITIES PROJECTS

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of five facilities projects proposed to be undertaken for the Navy and Marine Corps Reserves in three States (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ended December 31, 1970; to the Committee on Armed Services.

REPORT ON REAL AND PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on real and personal property of the Department of Defense, as of 30 June 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control covering the third quarter of 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE COMPTROLLER OF THE CURRENCY

A letter from the Comptroller of the Currency, the Administrator of National Banks, transmitting, pursuant to law, a report of the Comptroller of the Currency for 1969 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT ON TRUTH IN LENDING

A letter from the Vice Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report on truth in

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

lending for the year 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT ON THE FAIR PACKAGING AND LABELING ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report regarding the administration of the Fair Packaging and Labeling Act by the Food and Drug Administration during fiscal year 1970 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE INTERSTATE COMMERCE COMMISSION

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, the 84th annual report of the Commission, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

REPORT ON ENFORCEMENT OF TITLE I, CONSUMER CREDIT PROTECTION ACT OF 1968

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on the enforcement of Title I of the Consumer Credit Protection Act of 1968 for the calendar year 1970 (with an accompanying report); to the Committee on Commerce.

REPORT ON PUBLIC HEALTH CIGARETTE SMOKING ACT

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report concerning (a) the effectiveness of cigarette labeling, (b) current practices and methods of cigarette advertising and promotion, and (c) recommendations for legislation deemed appropriate, dated December 31, 1970 (with an accompanying report); to the Committee on Commerce.

COAST GUARD REPORT ON INCENTIVE PAY FOR FLIGHT DUTY

A letter from the Commandant, U.S. Coast Guard, reporting, pursuant to law, the number of officers above the grade of lieutenant commander, or equivalent, entitled to receive incentive pay for flight duty during the 6-month period ended December 31, 1970; to the Committee on Commerce.

REPORT OF OPERATIONS UNDER THE FEDERAL AIRPORT ACT

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the operations under the Federal Airport Act, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE CHESAPEAKE AND POTOMAC TELEPHONE CO.

A letter from the Vice President and General Manager, The Chesapeake and Potomac Telephone Co., transmitting, pursuant to law, a report of the Company for the year 1970 (with an accompanying report); to the Committee on the District of Columbia.

REPORTS OF THE SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting, pursuant to law, the combined statement of receipts, expenditures and balances of the U.S. Government for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Finance.

A letter from the Secretary of the Treasury, transmitting, pursuant to law, the statement of liabilities and other financial commitments of the U.S. Government as of June 30, 1970 (with an accompanying report); to the Committee on Finance.

REPORT ON THE FOREIGN-TRADE ZONES BOARD

A letter from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Foreign-Trade Zones Board for the fiscal year ended June 30, 1970, together with the reports covering the activities during the same period of Foreign-Trade Zones Nos. 1, 2, 3, 5, 7, 8, and 9, located respectively at New York, New Orleans, San Francisco, Seattle, Mayaguez, Toledo, and Honolulu (with accompanying reports); to the Committee on Finance.

REPORT OF BOARD OF FOREIGN SCHOLARSHIPS

A letter from the Chairman, The Board of Foreign Scholarships, transmitting, pursuant to law, a copy of the Eighth Annual Report, Board of Foreign Scholarships (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the adverse effects of producing Drone Anti-Submarine Helicopters before completion of development and tests by the Department of the Navy (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity to reduce costs and improve aircraft through prompt processing of engineering change proposals by the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report, covering calendar year 1969, summarizing progress being made by federal agencies in developing and improving their accounting systems in accordance with the overall mandates of the Congress and the related principles, standards and requirements prescribed by the Comptroller General (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on objectives of the feed-grain program not attained because of inclusion of nonagricultural land, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, Department of Agriculture (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for an airport safety inspection program to improve flight safety of civil aircraft by the Federal Aviation Administration, Department of Transportation (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Commodity Credit Corporation, Department of Agriculture, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the financial statements of the Veterans' Canteen Service, Veterans' Administration, for fiscal year 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for improving results of tire-rebuilding programs in Europe by the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for tighter control on occupancy of federally subsidized housing provided under programs administered by the Department of Housing and Urban Development (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the results of the examination by the General Accounting Office of the financial statements of the Federal Prison Industries, Inc., Department of Justice, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Federal Crop Insurance Corporation, Department of Agriculture, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity to reduce medicare costs by consolidating claims-processing activities of the Department of Health, Education, and Welfare and the Railroad Retirement Board (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report pointing out that Farmers Home Administration, Department of Agriculture, procedures and policies on the use of independent auditors should be strengthened (with an accompanying report); to the Committee on Government Operations.

REPORT ON QUALITY OF WATER, COLORADO RIVER BASIN

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a progress report on the quality of water of the Colorado River Basin, dated January 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF THE COLORADO RIVER BASIN PROJECT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Colorado River Basin Project, for the year ended June 30, 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF THE NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

A letter from the Chairman, the National Commission on Reform of Federal Criminal Laws, transmitting, pursuant to law, the final report of the Commission, dated January 7, 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, a report of the Board dated January 8, 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE ATTORNEY GENERAL WITH RESPECT TO ACTIVITIES BEFORE THE SUBVERSIVE ACTIVITIES CONTROL BOARD

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report with respect to proceedings instituted before the Subversive Activities Control Board during the period January 1, 1970 through December 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY CO.

A letter from Steptoe & Johnson, attorneys at law, transmitting, pursuant to law, the annual report of the Georgetown Barge, Dock, Elevator, and Railway Co. for the year ended December 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

AUDIT REPORT OF THE FUTURE FARMERS OF AMERICA

A letter from the chairman of the board of directors, Future Farmers of America,

transmitting, pursuant to law, an audit report of the Future Farmers of America for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF ALIENS WHO CONDITIONALLY ENTERED THE UNITED STATES

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, reporting, pursuant to law, in regard to aliens who conditionally entered the United States during the 6-month period ending December 31, 1970; to the Committee on the Judiciary.

REPORT OF SCIENTIFIC AND PROFESSIONAL POSITIONS, DEPARTMENT OF COMMERCE

A letter from the Director of Personnel, Office of the Secretary, U.S. Department of Commerce, transmitting, pursuant to law, a report of scientific and professional positions established in the Department of Commerce (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON GRADES GS–16, 17, AND 18 POSITIONS, IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, reporting, pursuant to law, on positions in grades GS–16, 17, and 18 which are under the jurisdiction of the Commissioner of Immigration and Naturalization during the calendar year 1970 (with an accompanying paper); to the Committee on Post Office and Civil Service.

REPORT OF U.S. ARMS CONTROL AND DISARMAMENT AGENCY ON SCIENTIFIC OR PROFESSIONAL POSITIONS

A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, a report on scientific or professional positions authorized for the Agency for calendar year 1970 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON GRADES GS–16, 17, AND 18 POSITIONS AUTHORIZED FOR THE ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

A letter from the Assistant Attorney General for Administration, U.S. Department of Justice, transmitting, pursuant to law, a report on positions in grades GS–16, 17, and 18 authorized for use by the Attorney General during the calendar year 1970 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON SCIENTIFIC AND PROFESSIONAL POSITIONS, DEPARTMENT OF THE INTERIOR

A letter from the Deputy Assistant Secretary for Administration, Department of the Interior, reporting, pursuant to law, with respect to scientific and professional positions in this department during the calendar year 1970; to the Committee on Post Office and Civil Service.

REPORT ENTITLED "THE ECONOMICS OF CLEAN AIR"

A letter from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "The Economics of Clean Air", dated December 1970 (with an accompanying report); to the Committee on Public Works.

REPORT OF THE TENNESSEE VALLEY AUTHORITY

A letter from the Board of Directors, Tennessee Valley Authority, transmitting, pursuant to law, the 37th annual report of the Authority, for the fiscal year ended June 30, 1970; to the Committee on Public Works.

REPORT OF THE ECONOMIC DEVELOPMENT ADMINISTRATION

A letter from the Assistant Secretary for Economic Development, notifying the Senate that the report from the Administration due on January 3 will not be ready for delivery until the end of February; to the Committee on Public Works.

REPORT OF THE PUBLIC PRINTER

A letter from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the report of the Printing Office for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS—TREATMENT OF JEWS IN THE SOVIET UNION

Mr. BROOKE. Mr. President, the people of the Commonwealth of Massachusetts have long been justifiably concerned over the conditions imposed upon Jews in the Soviet Union. The incidents of harassment, the denial of basic rights, the refusal to permit religious practice, and most illogical of all, the refusal to permit emigration of Jewish citizens, have imposed an intolerable burden upon Soviet Jews.

The recent Leningrad trials have brought to the fore the worldwide distress over the plight of these captive peoples. The matters of deepest concern have been clearly enunciated in a resolution adopted by the Senate of the Commonwealth of Massachusetts. I ask unanimous consent that the text of this be printed at this point in the RECORD.

There being no objection, the resolution was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

RESOLUTIONS URGING THE PRESIDENT OF THE UNITED STATES TO REQUEST CLEMENCY FOR THE DEFENDANTS IN THE RECENT LENINGRAD HIJACKING TRIAL AND PROTEST THE GENERAL TREATMENT OF JEWS IN THE SOVIET UNION

Whereas, The unusually harsh sentences imposed recently by a Russian court upon eleven persons, nine of whom are Jewish, convicted of planning to hijack a Soviet plane, has appalled the world community; and

Whereas, The imposition of long prison camp sentences, some at hard labor, are contrary to all human considerations and to the best interests of the Soviet government; and

Whereas, It appears that the action of the convicted hijackers was motivated by their desire to emigrate from the Soviet Union to the state of Israel because Jews in the Soviet Union are prohibited from practicing and supporting religious and cultural institutions which normally are an integral part of Jewish community life; and

Whereas, The long continuing repression and brutal treatment of Soviet Jews by the Russian government should be condemned in the name of humanity and decency by the leaders of this great nation; now therefore be it

Resolved, That the Massachusetts Senate respectfully urges the President of the United States to instruct the Secretary of State to lodge a formal protest with the government of the Soviet Union condemning the persecution of Jews in the U.S.S.R. and to request clemency for the defendants in the recent Leningrad hijacking trial; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the Secretary of State, to the presiding officer of each branch of the Congress, and to each member thereof from the commonwealth.

THE UNEMPLOYMENT CRISIS

Mr. BROOKE. Mr. President, as the 92d Congress opens, this Nation faces its highest unemployment rate in many years. The jobless rate has reached a level of 6 percent, and many experts believe it may rise even higher. My own State of Massachusetts has been hit especially hard. Besides the protracted unemployment caused by the closing of textile and shoe plants, the Commonwealth is also beset by major layoffs in aerospace and defense related industries.

Traditionally, much unemployment has been caused by increased mechanization and advancing technology. The necessity of lower costs and increased efficiency too often means the replacement of workers by machines. Now it appears that our technological advancement may have boomeranged. The Federal Government, long the principal customer of many of our most specialized and scientifically advanced industries, has drastically cut its purchases leaving these firms to face diminished markets and major layoffs. Technological unemployment accounts for an increasing portion of those out of work.

If we are to aid our depressed areas and stimulate our economy, we must find a way to decisively reduce unemployment. This Congress must give priority consideration to programs that will assist the unemployed and aid in conversion of our afflicted industries. There are many alternatives open to us, and the following resolution of the Massachusetts Senate offers but one. I hope that the Senate will have an early and complete opportunity to deal with the complex problems of this Nation's high unemployment.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was referred to the Committee on Public Works and ordered to be printed in the RECORD, as follows:

RESOLUTIONS ON THE UNEMPLOYMENT CRISIS IN THE COMMONWEALTH

Whereas, There is an unemployment crisis in this Commonwealth; and

Whereas, There is grave danger of the consequences that might follow if work is not provide; and

Whereas, There is presently over 15,000 people unemployed in these stricken areas; and

Whereas, The Congress of the United States must provide federal aid to help those caught in these stricken depressed areas; now therefore be it

Resolved, That the President of the United States prepare a special message to the United States Congress to enact such legislation for a period sufficient to enable the federal government to develop effective alternative methods of aiding the stricken depressed areas which would stimulate business and the economy by providing government work; and be it further

Reolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the Secretary of Commerce, to the presiding officers of each branch of the Congress, and to the members thereof from the Commonwealth of Massachusetts.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRAVEL (for himself, Mr. PEARSON, Mr. MOSS, Mr. MUSKIE, Mr. PACKWOOD, Mr. MANSFIELD, Mr. BROOKE, Mr. JAVITS, Mr. RANDOLPH, Mr. SPONG, and Mr. SYMINGTON):

S. 1. A bill to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes; to the Committee on Rules and Administration.

(The remarks of Mr. GRAVEL when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS:

S. 2. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Disclosure Act, and for other purposes; to the Committee on Labor and Public Welfare, by unanimous consent.

(The remarks of Mr. JAVITS when he introduced the bill apear below under the appropriate heading.)

By Mr. KENNEDY (for himself, Mr. COOPER, Mr. SAXBE, Mr. BAYH, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. MAGNUSON, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENSON, and Mr. TUNNEY):

S. 3. A bill to create a national system of health security; to the Committee on Finance.

(The remarks of Mr. KENNEDY when he introduced the bill appear below under the appropriate heading.)

By Mr. THURMOND (for himself, Mr. COTTON, Mr. TALMADGE, Mr. BROCK, Mr. ERVIN, Mr. ALLEN, Mr. SPARKMAN, Mr. BAKER, Mr. STENNIS, Mr. BEALL, Mr. HOLLINGS, and Mrs. SMITH of Maine):

S. 4. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Finance.

(The remarks of Mr. THURMOND when he introduced the bill appear below under the appropriate heading.)

By Mr. MONDALE (for himself, Mr. JAVITS, Mr. ANDERSON, Mr. CRANSTON, Mr. FONG, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr RANDOLPH, Mr. STEVENSON, and Mr. WILLIAMS):

S. 5. A bill to promote the public welfare; to the Committee on Labor and Public Welfare.

(The remarks of Mr. MONDALE when he introduced the bill appear below under the appropriate heading.)

By Mr. ANDERSON:

S. 6. A bill to amend the Act entitled "An Act granting land to the city of Albuquerque for public purposes", approved June 9, 1906; to the Committee on Interior and Insular Affairs.

By Mr. FULBRIGHT (for himself and Mr. MCCLELLAN):

S. 7. A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. FULBRIGHT when he introduced the bill appear below under the appropriate heading.)

By Mr. ANDERSON:

S. 8. A bill to amend the Atomic Energy Community Act of 1955, as amended, to authorize the transfer of certain property at Los Alamos, N. Mex.; to the Joint Committee on Atomic Energy.

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

S. 9. A bill to provide a means of financing presidential and congressional election campaigns; to the Committee on Rules and Administration.

By Mr. MCCLELLAN (for himself, Mr. BYRD of Virginia, Mr. CANNON, Mr. JACKSON, Mr. RIBICOFF, Mr. HUMPHREY, Mr. MANSFIELD, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CURTIS, Mr. MCGEE, Mr. MCGOVERN, Mr. MILLER, Mr. MONTOYA, Mr. PEARSON, Mr. SCOTT, Mr. RANDOLPH, Mr. SPARKMAN, Mr. STEVENS, Mr. TALMADGE and Mr. YOUNG):

S. 10. A bill to establish a national policy relative to the revitalization of rural and other economically-distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes; to the Committee on Government Operations.

By Mr. MCCLELLAN (for himself and Mr. HRUSKA):

S. 11. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

S. 12. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

S. 13. A bill to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes;

S. 14. A bill to prohibit the disruption of federally assisted institutions of higher education, to provide for the enforcement of such prohibition, and for other purposes;

S. 15. A bill to amend title XII of the Organized Crime Control Act of 1970, and for other purposes; and

S. 16. A bill to amend title IX of the Organized Crime Control Act of 1970 to provide civil remedies to victims of activities prohibited by said title, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. MCCLELLAN when he introduced the bills appear below under the appropriate heading.)

By Mr. TOWER:

S. 17. A bill for the relief of Colonel Glover Johns, U.S. Army, retired; to the Committee on the Judiciary.

By Mr. CASE:

S. 18. A bill to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; to the Committee on Foreign Relations.

(The remarks of Mr. CASE when he introduced the bill appear below under the appropriate heading.)

By Mr. MONDALE:

S. 19. A bill to amend the Export-Import Bank Act of 1945 to allow for greater expansion of the export trade to the United States to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. MONDALE when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 20. A bill for the relief of Miss Christina Flores; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 21. A bill for the relief of Casa Angelica mental retardation facility of Alberquerque, N. Mex.; and

S. 22. A bill for the relief of Saint John's College at Santa Fe, N. Mex.; to the Committee on Labor and Public Welfare.

By Mr. SCHWEIKER:

S. 23. A bill to provide a program to improve the opportunity for the study of cultural heritages of all ethnic groups in the Nation; to the Committee on Labor and Public Welfare.

(The remarks of Mr. SCHWEIKER when he introduced the bill appear below under the appropriate heading.)

By Mr. ANDERSON:

S. 24. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 25. A bill to provide for the establishment of the Great Salt Lake National Monument, in the State of Utah, and for other purposes;

S. 26. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah;

S. 27. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the above bills appear below under the appropriate heading.)

By Mr. MOSS (for himself, Mr. BENNETT, Mr. BIBLE, Mr. CANNON, Mr. GOLDWATER, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. MCGOVERN, and Mr. PACKWOOD):

S. 28. A bill to clarify the relationship of

interests of the United States and of the States in the use of waters of certain streams; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear below under the appropriate heading.)

By Mr. MOSS:

S. 29. A bill to establish the Capitol Reef National Park in the State of Utah; and

S. 30. A bill to establish the Arches National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear below under the appropriate heading.)

By Mr. NELSON (for himself, Mr. JAVITS, Mr. BYRD of West Virginia, Mr. CRANSTON, Mr. EAGLETON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENSON, Mr. WILLIAMS, Mr. SCHWEIKER, Mr. BAYH, Mr. BELLMON, Mr. BROOKE, Mr. CASE, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. JACKSON, Mr. MAGNUSON, Mr. MATHIAS, Mr. MCGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. PEARSON, Mr. PERCY, Mr. SCOTT, and Mr. TUNNEY):

S. 31. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. NELSON when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY (for himself, Mr. ANDERSON, Mr. CRANSTON, Mr. GRAVEL, Mr. HOLLINGS, Mr. MONDALE, Mr. MOSS, Mr. RANDOLPH, Mr. STEVENS, and Mr. TUNNEY):

S. 32. A bill to authorize the National Science Foundation to conduct research, education and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. KENNEDY when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY:

S. 33. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

(The remarks of Mr. KENNEDY when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY (for himself and Mr. JAVITS):

S. 34. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Labor and Public Welfare.

(The remarks of Mr. KENNEDY when he introduced the bill appear below under the appropriate heading.)

By Mr. JACKSON (for himself, Mr. GRAVEL and Mr. STEVENS):

S. 35. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear below under the appropriate heading.)

By Mr. RIBICOFF:

S. 36. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. RIBICOFF when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia (for Mr. MCINTYRE):

S. 37. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Finance.

(The remarks of Mr. BYRD of West Virginia, when he introduced the bill for Mr. MCINTYRE, appear below under the appropriate heading.)

By Mr. CURTIS:

S. 38. A bill to amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to designate areas in which there has been a loss of population as redevelopment areas; to the Committee on Public Works.

S. 39. A bill to amend titles X and XVI of the Social Security Act to prohibit any State from imposing a lien on a blind individual's property as a condition of aid or assistance thereunder; to the Committee on Finance.

By Mr. ANDERSON:

S. 40. A bill to amend the Indian Long-Term Act; to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

S. 41. A bill to provide for the establishment, within the Department of Health, Education, and Welfare, of a National Information and Resource Center for the Handicapped; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOLE when he introduced the bill appear below under the appropriate heading.)

By Mr. STEVENS:

S. 42. A bill for the relief of Dr. Won Pal Chung; to the Committee on the Judiciary.

S. 43. A bill to authorize the issuance of U.S. conservation savings bonds in order to afford an opportunity for the people of the United States through the purchase of such bonds, to participate in the financing of programs to conserve and improve the Nation's environment; to the Committee on Finance.

S. 44. A bill to provide for grants and loans to communities for construction, maintenance, and operation of marine ways facilities; to the Committee on Commerce.

S. 45. A bill to forgive a portion of some Small Business Administration loans granted as a result of the Good Friday earthquake of 1964; to the Committee on Banking and Urban Affairs.

S. 46. A bill to amend the act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966; to the Committee on Commerce.

S. 47. A bill for the relief of Flore Lekanof; and

S. 48. A bill for the relief of Zacarias Q. Montero; to the Committee on the Judiciary.

(The remarks of Mr. STEVENS when he introduced S. 43, S. 44, S. 45 and S. 46 appear below under the appropriate heading.)

By Mr. COOK:

S. 49. A bill for the relief of Capt. Walker B. Moore, Jr., U.S. Air Force Reserve; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 50. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Brantley project, Pecos River Basin, N. Mex., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOKE:

S. 51. A bill for the relief of Elizabeth Cheng;

S. 52. A bill for the relief of Aslaug K. Kristoffersen;

S. 53. A bill for the relief of Christine Hadow;

S. 54. A bill for the relief of Milenka Vuksanovich;

S. 55. A bill for the relief of Bridget Hanna;

S. 56. A bill for the relief of Guilhermina Garcia;

S. 57. A bill for the relief of Luciano Guillermo Harms;

S. 58. A bill for the relief of Joyce Cerita Bent;

S. 59. A bill for the relief of Ng Kwok Kwen;

S. 60. A bill for the relief of Foo Ying Yee; and

S. 61. A bill for the relief of Agness Modano; to the Committee on the Judiciary.

By Mr. TAFT:

S. 62. A bill to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time enforcement officers and firemen employed by State and local governmental instrumentalities; to the Committee on Finance.

(The remarks of Mr. TAFT when he introduced the bill appear below under the appropriate heading.)

By Mr. CURTIS:

S. 63. A bill to amend section 162 of the Internal Revenue Code of 1954; to the Committee on Finance.

By Mr. HOLLINGS:

S. 64. A bill to assist the States and their political subdivisions to meet their needs for increased revenues by sharing with them a portion of the revenues derived from the Federal individual income tax; to the Committee on Finance.

(The remarks of Mr. HOLLINGS when he introduced the bill appear below under the appropriate heading.)

By Mr. HOLLINGS:

S. 65. A bill for the relief of Dennis Yiantos;

S. 66. A bill for the relief of Alberto Mattiolo; and

S. 67. A bill for the relief of Francisco Marpuri, D. M., and his wife, Angelita Marshall Marpuri; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. TALMADGE, and Mr. THURMOND):

S. 68. A bill to establish quotas on certain textile and footwear articles; to the Committee on Finance.

(The remarks of Mr. HOLLINGS when he introduced the bill appear below under the appropriate heading.)

By Mr. DOLE:

S. 69. A bill to authorize the Secretary of Agriculture to conduct a pilot Federal-State cooperative program for the prevention, control, and suppression of fires in rural areas, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. DOLE when he introduced the bill appear below under the appropriate heading.)

By Mr. DOLE (for himself and Mr. TALMADGE):

S. 70. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. DOLE when he introduced the bill appear below under the appropriate heading.)

By Mr. DOLE:

S. 71. A bill to amend the Small Business Act to increase the availability of management counseling to small business concerns; to the Committee on Banking, Housing and Urban Affairs.

(The remarks of Mr. DOLE when he introduced the bill appear below under the appropriate heading.)

By Mr. YOUNG:

S. 72. A bill to amend the Watershed Protection and Flood Prevention Act as amended, so as to permit Federal cost sharing for certain uses of water stored in reser-

voir structures constructed or modified under such act; to the Committee on Agriculture and Forestry.

S. 73. A bill to authorize the Secretary of the Army to convey certain lands in the State of North Dakota to the Montrail County Park Commission, Mountrail County, N. Dak.; to the Committee on Armed Services.

S. 74. A bill to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota; to the Committee on Interior and Insular Affairs.

By Mr. NELSON:

S. 75. A bill to amend the Federal Water Pollution Control Act to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

S. 76. A bill to amend sections 201(s) and 409 of the Federal Food, Drug, and Cosmetic Act, as amended, relating to food additives; to the Committee on Labor and Public Welfare.

S. 77. A bill to provide for the regulation of present and future surface and strip mining, for the conservation, acquisition, and reclamation of surface and strip mined areas, and for other purposes; to the Committee on Interior and Insular Affairs.

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

S. 78. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Commerce.

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 79. A bill for the relief of the Glover Packing Co.; to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 80. A bill for the relief of Gerges Vergivadis; and

S. 81. A bill for the relief of Marjorie Grantham; to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 82. A bill for the relief of Mrs. Wanda Martens;

S. 83. A bill for the relief of William A. Gallagher;

S. 84. A bill for the relief of Avelina Ong Patascil;

S. 85. A bill for the relief of Basile Christopoulos;

S. 86. A bill for the relief of Margaret Deme and her daughters, Clara Deme and Susie Deme;

S. 87. A bill for the relief of James Fletcher McAndrew;

S. 88. A bill for the relief of Cedomir Capic;

S. 89. A bill for the relief of Liliana Grasseschi Baroni;

S. 90. A bill for the relief of Ebony V. Herza;

S. 91. A bill for the relief of Gregoris (Gregory) Andreas Gountanis;

S. 92. A bill for the relief of Roberto De Lamonica;

S. 93. A bill for the relief of Mario di Rienzo;

S. 94. A bill for the relief of Emile Georges Cochand and Marjorie Almo Cochand;

S. 95. A bill for the relief of Norad Electric Company;

S. 96. A bill for the relief of Shan W. Wofford;

S. 97. A bill for the relief of Lai Wai (Waiming);

S. 98. A bill for the relief of Anthony E. Keane; and

S. 99. A bill for the relief of Josefina Gonzales Batoon; to the Committee on the Judiciary.

By Mr. PROUTY:

S. 100. A bill for the relief of Yosef Pincu; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 101. A bill to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyo.; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG:

S. 102. A bill for the relief of Maria Josefina Granara Castillo;

S. 103. A bill for the relief of Olav Nomeland;

S. 104. A bill for the relief of Michele Del'oso;

S. 105. A bill for the relief of Luciano Trencio;

S. 106. A bill for the relief of Modesto G. Guerrero, Jr.;

S. 107. A bill for the relief of Dr. Amada G. Chanco, Jr.;

S. 108. A bill for the relief of Kyung Jo Min and Kyung Sook Min;

S. 109. A bill for the relief of Maximo Tang-Sie;

S. 110. A bill for the relief of Susanna Barbara Schmitt;

S. 111. A bill for the relief of Joy Isabel Pateman;

S. 112. A bill for the relief of Filyne Villareul;

S. 113. A bill for the relief of certain individuals and organizations; and

S. 114. A bill for the relief of Sarvar Houshyar; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 115. A bill for the relief of Donald William McIntyre;

S. 116. A bill for the relief of Jerry J. McCutcheon of Anchorage, Alaska; and

S. 117. A bill for the relief of Angelina R. Reyes; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 118. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

By Mr. BYRD of West Virginia (for Mr. CRANSTON):

S. 119. A bill for the relief of Manuela C. Bonito; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 120. A bill to prohibit assaults on State law enforcement officers, firemen and judicial officers; to the Committee on the Judiciary.

(The remarks of Mr. SCHWEIKER when he introduced the bill appear below under the appropriate heading.)

By Mr. HANSEN:

S. 121. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 122. A bill to amend the Natural Gas Act of 1938;

S. 123. A bill to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyo., for fishery conservation; to the Committee on Commerce.

S. 124. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Polecat Bench area of the Shoshone extensions unit, Missouri River Basin project, Wyo., and for other purposes; to the Committee on Interior and Insular Affairs.

S. 125. A bill to authorize the sale of certain lands under the jurisdiction of the Department of Agriculture; to the Committee on Agriculture and Forestry.

S. 126. A bill for the relief of Oclides Gonzales Barrero; to the Committee on the Judiciary.

S. 127. A bill to designate the Gros Ventre Wilderness, Teton National Forest, in the State of Wyoming; to the Committee on Interior and Insular Affairs.

S. 128. A bill to authorize issuance of a special postage stamp for the 100th anniversary of the establishment of Yellowstone National Park in 1972; to the Committee on Post Office and Civil Service.

(The remarks of Mr. HANSEN when he introduced S. 127 appear below under the appropriate heading.)

By Mr. McGEE:

S. 129. A bill to authorize certain conveyances of land; to the Committee on Interior and Insular Affairs.

S. 130. A bill for the relief of Reva J. Cullen; to the Committee on the Judiciary.

S. 131. A bill to provide for the conveyance to the County of Washakie, State of Wyoming, of certain real property of the United States; to the Committee on Interior and Insular Affairs.

S. 132. A bill for the relief of Nedja Budisavljvich; and

S. 133. A bill for the relief of Miss Teruko Sasaki; to the Committee on the Judiciary.

By Mr. McGEE (for himself and Mr. HANSEN):

S. 134. A bill to provide for the establishment of a national cemetery in the State of Wyoming; to the Committee on Veterans Affairs.

S. 135. A bill to establish the Women's Hall of Fame Study Commission; to the Committee on the Judiciary.

S. 136. A bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act;

S. 137. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; and

S. 138. A bill to authorize the Secretary of the Interior to convey certain water rights to the State of Wyoming; to the Committee on Interior and Insular Affairs.

S. 139. A bill for the relief of Anka Zdunic; and

S. 140. A bill for the relief of Robert L. Miller and Mildred M. Miller; to the Committee on the Judiciary.

S. 141. A bill to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. McGEE when he introduced S. 141 appear below under the appropriate heading.)

By Mr. McGEE (for himself and Mr. MANSFIELD):

S. 142. A bill to amend the Gun Control Act of 1968 to permit the Interstate transportation and shipment of firearms used for sporting purposes and in target competitions; to the Committee on the Judiciary.

By Mr. McGEE (for himself, Mr. Moss, and Mr. HANSEN):

S. 143. A bill to amend section 315b of title 43, United States Code, to provide the cost factors which shall be taken into consideration in determining the grazing fees which will be imposed for use of public lands; to the Committee on Interior and Insular Affairs.

By Mr. McGEE (for himself, Mr. ALLEN, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. DOMINICK, Mr. EASTLAND, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. MANSFIELD, Mr. METCALF, Mr. MOSS, Mr. PEARSON, Mr. PROUTY, Mr. PROXMIRE, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. YOUNG, and Mr. HOLLINGS):

S. 144. A bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements; to the Committee on Finance.

(The remarks of Mr. McGEE when he introduced the bill appear below under the appropriate heading.)

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 145. A bill for the relief of Esther Catherine Milner; to the Committee on the Judiciary.

By Mr. FONG:

S. 146. A bill for the relief of Ruby Y. K. Kum;

S. 147. A bill for the relief of Radegundis J. Agsalud;

S. 148. A bill for the relief of Erminia Ancheta Mandac;

S. 149. A bill for the relief of Antonio G. Punzalan;

S. 150. A bill for the relief of Valerio B. Bonilla, Agapito B. Bonilla, and Mariano B. Bonilla;

S. 151. A bill for the relief of Pedro C. Carag;

S. 152. A bill for the relief of Hoon Kyubyuk Kiem, his wife, Uesuk Peark Kiem, and their two daughters, Jin-A Kiem and Jin In Kiem; and

S. 153. A bill for the relief of Fred Domingo, Aquilina B. Domingo, Froilan Domingo, Azucena Mae Domingo, and Wilmina Domingo; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 154. A bill to provide for a connecting road between three units of the Theodore Roosevelt National Memorial Park, N. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

S. 155. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees; to the Committee on Finance.

S. 156. A bill to authorize the mortgaging of tribal lands on the Fort Berthold Reservation for certain purposes; to the Committee on Interior and Insular Affairs.

S. 157. A bill for the relief of Arthur Rike; to the Committee on the Judiciary.

S. 158. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Finance.

S. 159. A bill to authorize the establishment of the Fort Buford unit of the Fort Union Trading Post National Historic Site in the State of North Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 160. A bill to modify the comprehensive plan for the Missouri River Basin to provide for certain road construction; to the Committee on Public Works.

S. 161. A bill for the relief of the West Fargo Pioneer; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 162. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation relative to the north side pumping division extension, Minidoka project; to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

S. 163. A bill to amend the Federal Regulation of Lobbying Act with respect to certain activities of Members of Congress; to the Committee on Government Operations.

(The remarks of Mr. DOLE when he introduced the bill appear below under the appropriate heading.)

By Mr. HANSEN:

S. 164. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums; to the Committee on Government Operations.

S. 165. A bill to authorize the Secretary of the Interior to make disposition of federally owned mineral rights, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN (for himself and Mr. McGEE):

S. 166. A bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. HANSEN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. INOUYE:

S. 167. A bill for the relief of Lenisi Mataele;

S. 168. A bill for the relief of Mrs. Carolina M. Lacsamana;

S. 169. A bill for the relief of Miss Filomena Cabot;

S. 170. A bill for the relief of Mrs. Julia B. Briones;

S. 171. A bill for the relief of Silvano Scandale;

S. 172. A bill for the relief of Miss Alma Carrillo Custodio;

S. 173. A bill for the relief of Naoyo Campbell;

S. 174. A bill for the relief of Shui Lun Young (Wah Yuk Lau);

S. 175. A bill for the relief of Mitsuhiro Nakakoji, Keiko Nakakoji, and Yukiko Nakakoji;

S. 176. A bill for the relief of Soledad Cabagay;

S. 177. A bill for the relief of Violetta Bravo;

S. 178. A bill for the relief of Claude Leruitte;

S. 179. A bill for the relief of Mrs. Kong Sook Lee;

S. 180. A bill for the relief of Kuay Ten Chang (Kuay Hong Chang);

S. 181. A bill for the relief of Leonardo Galvizo Eder;

S. 182. A bill for the relief of Amado V. Rivera, Junior;

S. 183. A bill for the relief of Helen O. McKinney; and

S. 184. A bill to provide for the advancement in grade of a certain officer in the U.S. Naval Reserve; to the Committee of the Judiciary.

By Mr. MANSFIELD (for Mr. BAYH, for himself and Mr. BAKER, Mr. BELLMON, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. GRAVEL, Mr. GRIFFIN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MATHIAS, Mr. MONDALE, Mr. MONTOYA, Mr. PACKWOOD, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, and Mr. WILLIAMS):

S.J. Res. 1. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. ERVIN:

S.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; and

S.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

(The remarks of Mr. ERVIN when he introduced the joint resolutions appear below under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. CRANSTON, Mr. PELL, and Mr. PROUTY):

S.J. Res. 4. Joint resolution to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week"; to the Committee on the Judiciary.

(The remarks of Mr. JAVITS when he introduced the bill appear below under the appropriate heading.)

By Mr. BROOKE:

S.J. Res. 5. Joint resolution designating January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

(The remarks of Mr. BROOKE when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. KENNEDY (for himself, Mr. BAYH, Mr. MATHIAS, Mr. BROOKE, Mr. COOK, Mr. CRANSTON, Mr. EAGLETON, Mr. HARRIS, Mr HART, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. MCGOVERN, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STEVENSON, and Mr. TUNNEY):

S.J. Res. 6. Joint resolution proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia; to the Committee on the Judiciary.

(The remarks of Mr. KENNEDY when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. RANDOLPH (for himself, Mr. AIKEN, Mr ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BAYH, Mr. BEALL, Mr. BELLMON, Mr. BIBLE, Mr. BOGGS, Mr. BROCK, Mr. BROOKE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. CHURCH, MR. COOK, MR. COOPER, MR. COTTON, Mr. CRANSTON, Mr. DOLE, Mr DOMINICK, Mr. EAGLETON, Mr. FANNIN, MR. FONG, MR. GOLDWATER, Mr. GRAVEL, Mr. GRIFFIN, Mr. GURNEY, Mr. HANSEN, Mr. HARRIS, Mr. HART, MR. HARTKE, MR. HATFIELD, MR. HOLLINGS, Mr. HRUSKA, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr JAVITS, Mr. JORDAN of Idaho, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCCLELLAN, Mr MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. ROTH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mrs. SMITH, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, Mr. STEVENSON, Mr. SYMINGTON, Mr. TAFT, Mr. TALMADGE, Mr. THURMOND, Mr. TUNNEY, Mr. WEICKER, Mr. WILLIAMS, and Mr. YOUNG):

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

(The remarks of Mr. RANDOLPH when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. MANSFIELD (for Mr. BAYH, for himself and Mr. BEALL, Mr. BIBLE, Mr. CASE, Mr. CHURCH, Mr. COOK, Mr. GRAVEL, Mr. GURNEY, Mr. HARRIS, Mr. HATFIELD, Mr. HUGHES, Mr. INOUYE, Mr. JORDAN of North Carolina, Mr. MATHIAS, Mr. MCCLELLAN, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mrs. SMITH, Mr. STEVENS, Mr. STEVENSON, Mr. TAFT, Mr. THURMOND, Mr. TUNNEY, Mr. WILLIAMS, and Mr. YOUNG):

S.J. Res. 8. Joint resolution proposing an amendment to the Constitution of the

United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. COOK (for himself, Mr. BAYH, Mr. HARRIS, Mr. HUGHES, Mr. WILLIAMS, Mr. GRAVEL, Mr. TAFT, Mr. RANDOLPH, Mr. THURMOND, Mr. INOUYE, Mr. MCINTYRE, Mr. MOSS, Mr. PELL, Mr. TUNNEY, Mr. MONTOYA, Mr. RIBICOFF, Mr. MCGOVERN, Mr. CHURCH, Mr. JORDAN of North Carolina, Mr. STEVENSON, Mr. BEALL, Mr. YOUNG, Mr. HATFIELD, Mr. MCCLELLAN, Mr. PROXMIRE, Mr. SCHWEIKER, Mr. GURNEY, Mr. CASE, Mr. STEVENS, and Mr. BIBLE):

S.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

(The remarks of Mr. COOK when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. BROCK (for himself, Mr. BAKER, Mr. TOWER, Mr. DOMINICK, Mr. SCOTT, Mr. GURNEY, Mr. FONG, Mr. COTTON, Mr. BUCKLEY, Mr. DOLE, Mr. GOLDWATER, Mr. PERCY, Mr. TAFT, Mr. ALLEN, Mr. CHILES, Mr. MCINTYRE, Mr. HOLLINGS, Mr. MCCLELLAN, Mr. TALMADGE, Mr. MOSS, Mr. EAGLETON, Mr. BAYH, Mr. ERVIN, Mr. SPONG, Mr. PASTORE, Mr. RANDOLPH, Mr. MILLER, Mr. GRIFFIN, and Mr. BEALL):

S.J. Res. 10. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War Missing in Action"; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. CANNON, Mr. FONG, Mr. GURNEY, Mr. HARRIS, Mr. HOLLINGS, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. PELL, Mr. PROUTY, Mr. STEVENS, Mr. TAFT, Mr. THURMOND, Mr. TUNNEY, Mr. WILLIAMS, and Mr. YOUNG):

S.J. Res. 11. Joint resolution to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse"; to the Committee on the Judiciary.

(The remarks of Mr. HATFIELD when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. CURTIS (for Mr. MUNDT):

S.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. ANDERSON:

S.J. Res. 13. Joint resolution to authorize the Secretary of Agriculture to carry out demonstration projects, using heat and light traps and other nonchemical means, to control insects harmful to agricultural crops; to the Committee on Agriculture and Forestry.

By Mr. NELSON:

S.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States declaring that every person has an inalienable right to a decent environment; and

S.J. Res. 15. Joint resolution designating the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

S. 1—INTRODUCTION OF A BILL TO STRENGTHEN CONFIDENCE IN THE POLITICAL PROCESS

Mr. GRAVEL. Mr. President, the financing of political campaigns is the Achilles heel of the American governmental system.

Although it is an Achilles heel of long standing, the dramatic technological developments of recent years are threatening to transform a point of vulnerability into a galloping cancer which will eat away at the very vitals of our democratic political processes.

The elections just concluded were only the most recent manifestations of all the evils of campaign funding, the abuse of media and the consequent disenchantment of voters.

This may be a moment of great promise to deal with the problem. Winners and losers alike must have a king-size hangover not only from the rigors of campaigning but from the more gruesome exercise of fund raising and the recording of innumerable spots with the equivalent of the breathless message "vote for Dan, the man with the plan."

We witness the bizarre ritual of the filing of campaign expenditure reports. Many of these reports swear to zero spending.

After the 1968 elections, 182 candidates for Congress filed reports stating that they had personally spent nothing on their campaigns and knew of no committee expenditures that needed to be reported at the Federal level.

Also in 1968, congressional campaign expenditures reported under Federal statutes amounted to only $8½ million, although the best estimates are that actual spending was well over $50 million.

It is still anybody's guess whether the 1970 reporting spectacle will surpass that of 1968 in its "Alice in Wonderland" quality. Since the offices of House Clerk and Senate Secretary, which are under current law the repositories of this information, are not charged with the duty of compiling and publishing these figures, it will be spring before they will be available. That we will have them even then is due only to the efforts of private citizens who are concerned enough to come here to the Capitol and spend many drudging hours handcopying the reports.

Clearly the present provisions for reporting campaign expenditures only encourage evasion and penalize the conscientious. But the lack of full and meaningful disclosure is only part of the problem.

Skyrocketing costs of campaigning in this electronic era have increasingly made elective politics the special preserve of the wealthy or of those who have access to the funds of well-healed special interests.

The dimensions of the problem are growing, but it has been with us a long time. It was Abraham Lincoln, dispirited on the night of his election to the Presidency who commented to his campaign committee—

> They have gambled me all around, bought and sold me a hundred times. I cannot begin to fill the pledges made in my name.

Comparing the relative simplicity of Lincoln's presidential campaign to the electronic circus of many congressional campaigns, one begins to get a feeling for the pervasive dimensions of the problem.

There is a profound irony in the fact that most voters view the electronic revolution in politics as both a nuisance and a threat. Here we have in the technology of television the potential renaissance of the Athenean forum where the public gathers, political contenders debate the issues and enlightened citizen decisions are formed.

The analogy is tempting but faulty. True, the Greeks allowed the merchant to sell his wares on the common, but it was taken for granted that when the public forum was needed for serious public business he had to roll his carts and merchandise off the square.

The airwaves of America belong to the people of America, no less than the town square of Athens belonged to the people of Athens. Yet, on the very eve of the last election one of our two major political parties did not have the necessary funds to lease the public's own airwaves from the private concessioners.

We are at the crossroads. We can either seize the unprecedented opportunity of revitalizing the political process in the United States, or we can consciously allow the dangerous trend of the alienation of citizens from our political system to gain added momentum with every election.

The growing disaffection with the electoral process is directly traceable to our present methods of campaign funding and the widespread misuse of the media.

There are few things which Congress could do that would more effectively strengthen our political processes and build respect for our political institutions than to enact comprehensive legislation to make elections more fair and electoral campaigns more informative.

Many distinguished Members of this body deserve great credit for their efforts over the course of years in strengthening and purifying elections in this country. The time is perhaps opportune to mount a comprehensive effort dealing with all the salient evils of the existing system.

FUNDING

Campaigns should be financed in a way that will build support for our political institutions and respect for the political process. This obviously is not the case at present.

One of the most serious consequences of the present pattern of campaign funding is the loss to the American public of many talented men and women who are repelled from seeking public office since they are unprepared to go through the demeaning exercise of raising campaign funds as a preliminary to entering public office.

In relative terms campaign costs have almost doubled in recent years, rising from $140 million in 1952 to over one-quarter billion dollars in 1968.

Today a competitive campaign for a House seat can cost each side several hundred thousand dollars, while a Senate contest can cost each campaigner a minimum of $250,000 even in a relatively small State, and as much as several million dollars in larger States.

The ideal campaign finance system is one based on relatively small voluntary contributions from large numbers of citizens.

The most effective way to achieve this is to adopt a tax incentive system. Each individual taxpayer should be allowed a tax credit equal to one-half of all his political contributions, up to a total

credit of $50. This would mean that any political contributor who gives as much as $50 could deduct $25 from his final income tax bill.

As an alternative to the tax credit an individual should be able to choose to take a $100 tax deduction. Either the credit or the deduction should be given on a contribution to any candidate for any public office, whether Federal, State, or local, in any general, special, or primary election.

In 1907 President Theodore Roosevelt, responding to the controversy over the influence of corporate contributions, recommended that political campaigns be paid for by public rather than by private funds. His proposal was rejected in favor of the limitation and disclosure approach.

A special Senate committee that investigated campaign expenditures in the 1936 elections also recommended that private contributions to Federal campaigns be barred completely and that campaigns be financed by the Government, but no action was taken.

In 1966 the presidential election campaign fund was enacted—title III of Public Law 89–809—but was then voted inoperative in May 1967. This law would have allowed each taxpayer, by checking a box on his return, to have one dollar of his taxes paid into a special fund to pay for presidential elections. The funds were to be used to reimburse major and minor parties for legitimate campaign expenses. The act would have given equal funds to major parties for legitimate campaign expenses.

In my view, Government expenditure is the most effective and most direct method of solving the vast financial problems entailed in all Federal campaigns.

For this reason I plan to introduce legislation in addition to the tax incentive feature which would fundamentally change how candidates for public office are financed and elected. This second bill would create by direct appropriation both a presidential and a congressional election campaign fund.

Candidates of both major and minor parties would be paid from the funds 20 cents times the number of votes received by their own party for the office in question during the preceding election. This amount would then be increased at the 20-cents-per-vote rate for any additional votes the party received in the current election. New parties would be paid 20 cents per vote entirely on their showing in the current election.

This approach to campaign funding will bring to an end the present method of financing, through either personal fortunes or from massive contributions from one or another special interest group.

MEDIA

There is no doubt in my mind that, increasingly, television will be the key medium in political campaigns. Television's impact is profound and increasingly campaigns are planned around the use of television.

Before long, presidential campaigning will be done almost entirely by television and radio. This possibility was obvious over a decade ago to Adlai Stevenson, who had this to say:

> To hear the candidate discuss the great issues of an earlier America, people rode all day by buggy or wagon; they waited for hours for the candidate's train; they stood in the sun and rain and listened. They wanted to know about the issues and where the candidate stood. Today's citizens seem to have less time and taste for political controversy, but certainly the need for enlightenment and considered participation is no less. And they are entitled to demand: Who is this man? How does he look? What does he believe? What is his idea of America's future and its place in the world? How will he use the power of the office he seeks and for what ends? Does he deal in facts, and discuss issues frankly, or does he prefer generalities and platitudes? He may declare for education but is he for better schools; for health, but does he favor medical insurance; for free enterprise, but will he seek to restrain monopoly; for prosperity, but has he a program to restore depressed areas; for peace, but will he press for negotiated settlement of differences? How deep are his convictions? How considered his views? How honest his attitudes?

Stevenson continued in testimony before the Commerce Committee of the Senate:

> We have the means, through television, to bring the candidates for President and Vice President face to face with virtually all Americans for the first time. They can sit down with 40 million families often enough and for long enough periods to discuss the questions which are critical to our survival and our leadership in the world. But only the Congress can make that possible. The political parties, the Congress, and the television industry share responsibility, I suppose, for the fact that television has contributed far less than it could to the people's understanding of the issues or knowledge of the candidate's position.
>
> The party with the largest campaign fund will provide its candidate more time on television than his opponent. He is seen and heard more times by more people. He gains an advantage, and democracy suffers from the unequal contest.
>
> The cost of television also produces a frantic determination to squeeze the maximum number of votes from the investment. The almost unbelievable complexity of television scheduling has long since made necessary the services of the professional advertising agency in national campaigns. Drawing on their broad experience and unquestioned success in selling soap, cereal, and deodorants, it isn't surprising that the advertising agencies recommend the jingle, the spot announcement, and the animated cartoon".

It is preposterous that ability to pay determines access to television, and that the political television fare of the American public is commercial-like campaign spots rather than rational and informative political discussion. I recommend, therefore, that each major presidential candidate and his running mate be given broadcast time, simultaneously on all television and radio stations in the United States. This provision is aptly referred tc as "voters' time."

It belongs truly neither to the candidate nor to the political party, but to the American voter who has the right to the use of his own airwaves in making his crucial decisions among candidates. Voters' time must guarantee to all significant presidential and vice-presidential candidates access to the great television audience.

Unlike other media operations, broadcast licensees are charged with operating in the service of the public interest, convenience, and necessity.

Voters' time will provide the electorate with an opportunity to appraise the candidates' personality, ability, and character. Not only are a man's views on the issues important; so is the man. How the public feels about a man may vitally affect his ability to exercise leadership.

To implement voters' time, section 315 (a) of the Communications Act of 1934 must be suspended for the presidential race.

I also believe that Congress should direct the FCC to develop regulations requiring broadcasters to grant free air time to candidates for public office—Federal, State, and where practicable, local—on a fair and equitable basis, as a condition to obtaining the right to use the public airwaves.

Realism compels one to conclude that no enforceable limits can be placed on overall campaign spending. The existing policy of spending ceilings has been counterproductive and resulted both in evasion and in growing disrespect for law.

I recommend, therefore, that overall campaign spending limits be eliminated. At the same time, effective and enforceable spending limits must be instituted where they are possible; namely, in the areas of broadcasting, billboards, newspapers, and magazines.

I propose that a candidate be allowed to spend on these media in behalf of his candidacy 10 cents times the number of persons registered to vote for the office he seeks, or $40,000, if this is greater. This same amount should also be allowed to be spent for primaries, for the contest is not always in the general election.

This formula would limit total media spending by presidential and vice presidential candidates in 1972 to approximately $8.5 million per party. In point of fact, according to the FCC, the Nixon-Agnew ticket spent $12.6 million on television and radio appearances alone in 1968, while the Humphrey-Muskie ticket spent $6.1 million.

Another major area demanding reform is campaign contributions. First of all, the word itself must be redefined to include a transfer of funds between one political committee and another. Even more importantly, the loopholes which now permit contributions made to committees operating in only one State or in the District of Columbia to go unreported must be closed. It is practices such as these which now make a farce of the law, and allow candidates to report no spending whatsoever when they have in fact spent millions.

I also recommend that current prohibitions against corporate, union, and Government contractor contributions to Federal campaigns be continued and vigorously enforced. When a corporation, union, or contractor is prosecuted for making illegal contributions to Federal campaigns the names of candidates who receive such contributions should be released to the public.

The amount that any person or group may contribute to a candidate's campaign should not be so great as to com-

promise that candidate's independence from special interests. I am therefore recommending a $5,000 limitation on single source contributions, and suggest that this regulation apply to committees as well as individuals.

In addition, no individual should be allowed to spend more than $25,000 of his own or his family's funds on his campaign. It is not fair that a rich candidate starts the race ahead of his competitors simply because of his family wealth.

The chief responsibility for reporting campaign contributions must rest with campaign organizations and candidates. Yet, large contributors who spend money independently of candidates and committees should also be required to submit reports. I recommend a base figure of $100 for this purpose.

DISCLOSURE

A sine qua non of election reform is the creation of Federal statutes providing for complete and meaningful disclosure of all campaign receipts and expenditures. Information about campaign financing should be available to the public in easily understandable form during the campaign.

At present, the Federal statute specifically excludes primary elections from reporting requirements. In many areas primaries are more important than general elections. I recommend that every political organization and committee that spends money or other resources to influence a primary or general election for Federal office be required to register and to keep orderly and open records of its activities.

Any such organization or committee that raises or spends $100 or more in any year should be required to file a report—with a Federal elections commission—quarterly and 15 and 5 days prior to a primary or general election.

Reports should be clear, simple, and easy for the public to understand. They should provide complete information about the source of all contributions, pledges, and new or outstanding loans; and about the recipient and purpose of all expenditures.

I recommend that firm and realistic penalties be established and enforced to deter late, inaccurate, or incomplete reports. Candidates and their authorized agents should be held responsible for the accuracy and completeness of reports filed by their campaign committees.

A common way for candidates and their managers to avoid the current limitations on spending and reporting is to establish many committees to finance and organize a single campaign. This procedure usually obscures information about the amount and sources of money spent in their campaigns.

I believe that the elimination of contributing and spending limits removes any possible justification for the establishment of multiple committees. All candidates for Federal office should be required to designate one official campaign committee. All subsidiary and specialized committees should be responsible to the official campaign committee which shall file all required income and spending reports for the entire campaign. Individuals should be prohibited from making contributions to more than one committee specifically to support the same candidate.

In preparing the comprehensive reform legislation just set out, I researched the many proposals that had gone before and tried to discover just where each had foundered. The subject of election campaign financing and reform has a long and involved history. Now, however, because of the President's veto of last October and the ensuing national attention the subject has received, I believe the time is ripe for the kind of basic reform we are proposing.

I also believe that the reason more has not actually been accomplished in the past in this field is not because Congress or the President has been capricious or difficult, but because the whole question is a complicated one which involves some crucial assumptions about which intelligent and well-meaning men differ. The bill I am introducing today is the best combination of provisions we could devise to meet the broad elements that make up the problems of election financing and campaign behavior.

Mr. President, on behalf of myself and Senators PEARSON, MUSKIE, PACKWOOD, MANSFIELD, BROOKE, JAVITS, and RANDOLPH, I introduce a bill to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1) to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes, introduced by Mr. GRAVEL (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Rules and Administration.

S. 2—INTRODUCTION OF PENSION AND EMPLOYEE BENEFIT ACT

Mr. JAVITS. Mr. President, I send to the desk a bill to establish a SEC-style agency to protect the rights of the 27 million employees covered by private pension plans with reserve assets of more than $125 billion—predicted to grow to over $200 billion by 1980—the largest aggregate of virtually unregulated money in the Nation.

The new agency, the U.S. Pension and Employee Benefit Commission, would administer the provisions of the bill, which are designed to insure that the reasonable expectations of employees to receive pension benefits will be met and to curb fraud in the handling of corporate and labor-union pension plans. The bill would protect against the denial or substantial reduction of benefits to employees because of job transfer, lack of tenure, or plant shutdown.

For years, interest has been building in this problem, and I have every reason to believe that this year—or at least this Congress—will finally see comprehensive action in this field, and I fully expect it to be along the lines of this bill.

There are now well over $125 billion in private pension plans, yet there is almost no Federal regulation of the operation of these plans, no minimum standards governing their establishment, and, far too often, no practical means by which a beneficiary can secure his rights. I am committed to preserving, fostering, and improving the private pension plan system. I join those who also want to improve social security, but I have no illusions that social security will or ought to replace private pension plans. For private plans serve a dual purpose of supplementing the limited benefits payable under social security while at the same time providing substantial funds for investment, thereby fostering the growth of this Nation's economy.

The most fundamental need in this field is to eliminate the possibility that a worker can be forced to lose all his pension benefits just because he is laid off or quits one day before all his benefits are scheduled to vest.

This bill, entitled the Pension and Employee Benefit Act, includes provisions which would:

First, require minimum vesting standards for pension plans, to assure that no plan would set its eligibility standards so high as to deny rights to all but a few employees. The standard would be that an employee after 6 years would have a nonforfeitable right to at least 10 percent of any pension benefits he had earned up to that time. Each year thereafter an additional 10 percent of his benefits would vest, so that after 15 years all benefits would be fully vested and no forfeiture could occur;

Second, require minimum funding standards to assure that pensions will operate on a sound and solvent basis and will deliver all benefits promised;

Third, establish a Federal insurance program for pension plans to guarantee that benefits will be paid even if an employer goes out of business before the plan is fully funded;

Fourth, establish a central fund which employees could join on a voluntary basis to enable their pension plans to operate on a central clearinghouse basis for individuals who transfer from one employer to another without any loss of pension benefits;

Fifth, establish rules of conduct covering conflicts of interest and other unethical practices to prevent graft and mishandling of funds;

Sixth, consolidate in the newly established Pension and Employee Benefit Plan Commission existing regulatory standards dealing with pension and welfare plans that now rest in other Federal agencies, and

Seventh, provide for effective judicial enforcement of the bill's requirements, and for recovery of pension benefits.

Even as I introduce this latest pension bill, my staff and I have already begun to explore additional problems, such as:

First, the need to extend survivors' benefits in the private pension system;

Second, the need to provide employees with a greater voice in the administration of their plans;

Third, the need to find effective means for channeling investment of pension funds into socially useful areas without destroying the flexibility of private pen-

sion investment policy or causing ultimate detriment to the retirement expectations of beneficiaries; and

Fourth, the need to provide even more effective mechanisms to protect the highly mobile employee and extend coverage of private pensions.

The bill I introduced today represents the distillation of years of inquiry and thought by my staff and myself on this problem. It is, in my judgment, the most advanced proposal yet developed in this field, built upon proposals advanced by me in earlier Congresses, elements of proposals of the current and previous administrations, many suggestions developed in recent months as the Senate Labor Committee's pension investigation has probed deeper into this field than ever before. I do not, however, claim that this bill represents the only way of dealing with problems in the pension field; there are other approaches which can and should be explored. It is my hope that this bill will serve as a focal point for the pension debate and that out of subsequent discussion of it and other proposals which have and will be made, will emerge specific legislation designed to cope with the problems which exist in the pension field.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD and I ask unanimous consent, as I did in 1969 when I introduced a similar bill, that it be refered to the Committee on Labor and Public Welfare.

The PRESIDENT pro tempore. The bill will be received and referred to the Committee on Labor and Public Welfare; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2) to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, by unanimous consent, and ordered to be printed in the RECORD, as follows:

S. 2

To provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a United States Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pension and Employee Benefit Act."

DEFINITIONS

SEC. 2. (a) As used in this Act—

(1) The term "Commission" means the United States Pension and Employee Benefit Plan Commission established under section 3.

(2) The term "employee" means any person employed by an employer, and includes an officer or director of a corporation or of an unincorporated organization and an agent acting for his principal on a substantially full-time basis.

(3) The term "employees' benefit plan" means any plan providing for the payment of any of the benefits specified in section 2(4).

(4) The term "employees' benefit fund" means any fund, whether established pursuant to a collective bargaining agreement or unilaterally by an employer or by a labor organization, which is available for the payment either from principal or income, or both, to persons who are employed in an industry affecting commerce or who are members of a labor organization representing employees in an industry affecting commerce, or to members of the families, dependents, or beneficiaries of such persons, of one or more of the following benefits: Medical or hospital care, pension on retirement or death of employees, benefits under a profit-sharing-retirement plan, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness benefits, or accident benefits, or pooled vacation, holiday, severance or similar benefits, or defraying the costs of apprenticeship training programs, or, in the case of a fund subject to the restrictions of section 302(c) of the Labor-Management Relations Act, providing any other benefit which may be permitted by subsections 302(c)(5) or 302(c)(6) of that Act: *Provided,* That any fund to which contributions are made solely to provide workmen's compensation benefits, disability benefits, or other benefits required by State or local law to be provided to employees (including supplemental workmen's compensation or supplemental disability benefits permitted but not required by State or local law) shall not be deemed to be an employees' benefit fund. To the extent that benefits under an employees' benefit plan are provided through the medium of an insurance contract under which benefits are guaranteed by the insurance company to the extent that insurance premiums are paid, and under which neither the employer nor any labor organization retains the power to instruct the insurance carrier with respect to entitlement to receipt of benefits, disposition of assets or any other matter relating to the moneys received by the insurance carrier pursuant to the plan, such plan shall not be deemed to involve an employees' benefit fund subject to the provisions of title IV.

(5) The term "employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to a pension plan or employee's benefit fund, and includes a group or association of employers acting for an employer in such capacity

(6) The term "person" means an individual, partnership, corporation, mutual company, joint stock company, trust, unincorporated organization, association, or employee organization.

(7) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act.

(8) The term "commerce" means trade, commerce, transportation, or communication, among the several States, or between any foreign country and any State, or between any State and any place outside thereof.

(9) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(10) The term "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person.

(11) The term "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in no event later than age seventy.

(12) The term "pension benefit" means the aggregate annual, monthly, or other amounts to which an employee will become entitled upon retirement or to which any other person is entitled by virtue of such employee's death.

(13) The term "pension plan" means a pension fund or plan, other than a profit-sharing-retirement plan, organized and administered to provide pension benefits for employees or their beneficiaries, and includes, without limiting the generality of the foregoing:

(A) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service.

(B) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee, and

(C) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount.

(14) The terms "registered pension plan" and "registered profit-sharing-retirement plan" mean, respectively, a pension plan or profit-sharing-retirement plan registered with and certified by the Commission as a plan organized and administered in accordance with title I.

(15) The term "reinsured pension plan" means a registered pension plan which has been reinsured under title II and which has been in operation for at least five years and, for each of such years, has met the registration requirements of title I: *Provided,* That any addition to or amendment of a reinsured pension plan shall, if such addition or amendment involves a significant increase, as determined by the Commission, in the initial unfunded liability of such pension plan, be regarded as a new and distinct pension plan which may become a "reinsured pension plan" only after meeting the five-year operation requirements of this paragraph and section 202(c) and the registration requirements of title I.

(16) The term "supplemental pension plan" includes a pension plan established for employees whose membership in another pension plan is a condition precedent to membership in the supplemental pension plan.

(17) The term "voluntary additional contribution" means an additional contribution by an employee to or under a pension or profit-sharing-retirement plan except a contribution the payment of which, under the terms of the plan, imposes upon the employer an obligation to make concurrent additional contribution to or under the plan.

(18) The term "experience deficiency" with respect to a pension plan means any actuarial deficit, determined at the time of a review of the plan, that is attributable to factors other than (i) the existence of an initial unfunded liability, or (ii) the failure of the employer to make any payment as required by the terms of the plan or by the provisions of title I, other than as required by section 108(b)(3).

(19) The term "fully funded" with respect to any pension plan means that such plan at any particular time has assets actuarily determined by a person authorized under section 108(e) to be sufficient to provide for the payment of all pension and other benefits to all employees and former employees then entitled to an immediate or deferred benefit under the terms of the plan.

(20) The term "unfunded liability" means the amount, on the date when such liability is computed, by which the assets are actuarily required to be augmented to insure that the plan is and will remain fully funded.

(21) The term "initial unfunded liability" means the amount, on the effective date of this Act, or the effective date of a pension plan or any amendment thereto, whichever is later, by which the assets are actuarily required to be augmented to insure that the plan is and will remain fully funded.

(22) The term "special payment" means a payment made to or under a pension plan for the purpose of liquidating an initial unfunded liability or experience deficiency.

(23) The term "fund" shall mean a trust fund, but shall also include a contractual right pursuant to an agreement with an insurance company.

(24) The term "funding" shall mean payment or transfer of assets into a fund, but shall also include payment to an insurance company to secure a contractual right from such company.

(25) The term "profit-sharing-retirement plan" means a plan established and maintained by an employer to provide for the participation in his profits by his employees in accordance with a definite predetermined formula for allocating the contributions made to the plan among the participants and for distributing the funds accumulated under the plan upon retirement or death. Such plan may include provisions permitting the withdrawal or distribution of the funds accumulated upon contingencies other than, and in addition to, retirement and death.

(26) The term "interest in a profit-sharing-retirement plan" means the amount allocated to the account of a participant in a profit-sharing-retirement plan.

(27) The term "service for a continuous period" means service for a period of time without regard to periods of temporary suspension of employment, and shall include equivalent aggregate service as provided in section 107(f).

(28) The term "Administrator" means the person defined in Section 2(b)(3) of this Act.

(b) As used in titles IV and V of this Act, and in the Welfare and Pension Plans Disclosure Act:

(1) The term "party in interest" means any administrator, officer, trustee, custodian, counsel, or employee of any employee benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer or such person, or an employee organization having members covered by such plan, or an officer or employee or agent of such an employee organization, or a relative, partner or joint venturer of any of the above persons.

(2) The term "relative" means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

(3) The term "administrator" means—

(A) the person specifically so designated by the terms of the plan, collective bargaining agreement, trust agreement, contract, or other instrument, under which the plan is operated; or

(B) in the absence of such designation (i) the employer in the case of an employee benefit plan established or maintained by a single employer, (ii) the employee organization in the case of a plan established or maintained by an employee organization, or (iii) the association, committee, joint board of trustees, or other similar group of representatives of the parties who established or maintain the plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

(4) The term "adequate consideration" means either (1) at the price of the security prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (2) if the security is not traded on such a national securities exchange, at a price not less favorable to the fund than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer.

(5) The term "security" has the same meaning as in the Securities Act of 1933 (15 U.S.C. 77(a) et seq.).

(6) The term "fiduciary" means any person who exercises any power of control, management, or disposition with respect to any moneys or other property of an employee benefit fund, or has authority or responsibility to do so.

(7) The term "market value" or "value" when used in this Act means fair market value where available, and otherwise the fair value as determined in good faith by the administrator.

ESTABLISHMENT OF PENSION AND EMPLOYEE BENEFIT PLAN COMMISSION

SEC. 3. (a) There is hereby established in the executive branch of the Government an independent agency to be known as the "United States Pension and Employee Benefit Plan Commission". The Commission shall be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. Members of the Commission shall serve for terms of six years, except that (i) of the members first appointed two shall be appointed for a term of two years, two shall be appointed for a term of four years, and one shall be appointed for a term of six years, and (ii) members appointed to fill vacancies occurring by reason of death or resignation shall be appointed for the unexpired terms of their predecessors. Not more than three members of the Commission shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable. No member of the Commission shall engage in any business, vocation, or employment other than that as serving as a member, nor shall any member participate, directly or indirectly (except as a beneficiary) in the management of any plan or fund subject to regulation under this Act. One of the members shall be designated by the President as Chairman of the Commission. Three members shall constitute a quorum of the Commission.

(b)(1) Section 5314 of title 5, United States Code (which lists positions in level III of the Executive Schedule) is amended by adding at the end thereof the following:

"(46) Chairman, United States Pension Commission."

(2) Section 5315 of such title (which lists positions in level IV of the Executive Schedule) is amended by adding at the end thereof the following:

"(78) Members, United States Pension Commission."

(c) The Commission is authorized to appoint and fix the compensation of such officers and employees, and to incur such expenses, as may be necessary to enable it to carry out its functions.

POWERS AND DUTIES OF COMMISSION

SEC. 4. (a) It shall be the duty of the Commission—

(1) to promote the establishment, extension, and improvement of pension, profit-sharing-retirement and other employee benefit plans;

(2) to accept for registration all pension and profit-sharing-retirement plans required and qualified to be registered with the Commission under title I, and to reject any pension or profit-sharing-retirement plan that does not qualify for registration;

(3) to cancel certificates of registration of pension and profit-sharing-retirement plans registered under such title which cease to be qualified for such registration;

(4) to direct and administer the pension reinsurance program established by title II;

(5) to direct and administer the pension portability program established by title III;

(6) to enforce the provisions of title IV; and

(7) to perform such other functions as may be necessary to administer the provisions of this Act.

(b) The Commission or its duly authorized representatives shall have power, at any reasonable time—

(1) to inspect the books, files, documents, and other records respecting pension and profit-sharing-retirement plans kept by an administrator, employer, insurer, trustee, or other person in relation to such plans: *Provided*, That the Commission may delegate its powers under this subsection (b) to the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation in cases involving books, files, documents, or other records held by a bank or trust company, subject to their respective supervisory power, and

(2) to require any such administrator, employer, insurer, trustee, or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and regulations of the Commission hereunder have been or are being complied with.

(c) The Commission is authorized by regulation to prescribe minimum standards and qualifications for persons performing services required by the provisions of this Act to be performed by actuaries and, upon application of any person to determine whether such person meets the standards and qualifications so prescribed. The Commission shall issue certificates of qualification to applicants determined by the Commission after such examination, investigation, or other procedure as it may deem necessary, to meet such standards and qualifications.

(d) The Commission is authorized by regulation to prescribe reasonable fees for the registration of pension and profit-sharing-retirement plans and other services to be performed by it in connection with such plans under this Act, and to make and enforce such other regulations as may be necessary to enable it to carry out its functions and duties under this Act. All fees collected by the Commission shall be paid into the general fund of the Treasury.

(e) The Commission shall transmit to the Congress annually a report of its activities under this Act during the preceding fiscal year together with the results of such studies as may be directed by this Act or, from time to time, by other Acts of Congress. In its first such report, the Commission shall include information, research findings and recommendations for such further legislation as may be advisable, including but not limited to additional coverage under this Act.

(f) In accordance with the Administrative Procedure Act, the Commission may prescribe such rules and regulations as may be necessary or appropriate to carry out the purposes of this Act. Among other things, such rules and regulations may define actuarial accounting, technical, and trade terms; may prescribe reasonable limitations or actuarial assumptions as to interest rates, mortality, turnover rates, and other matters; may pre-

scribe the form and detail of all reports required to be made under this Act; and may provide for the keeping of books and records and the inspection of such books and records. Prior to promulgating rules or regulations, the Commission shall consult with other Federal departments or agencies which have jurisdiction over employee benefit plans with a view to avoiding unnecessary conflict, duplication or inconsistency in the rules and regulations which are applicable to such plans under other laws of the United States.

APPROPRIATIONS

SEC. 5. There are authorized to be appropriated such sums as may be necessary to enable the Commission to carry out its functions and duties.

ADMINISTRATION OF WELFARE AND PENSION PLANS DISCLOSURE ACT

SEC. 6. (a) The functions of the Secretary of Labor and the Department of Labor under the Welfare and Pension Plans Disclosure Act, as amended, are hereby transferred to and shall be administered by the Commission.

(b) All personnel, property, records, and unexpended balances of appropriations, which the Director of the Bureau of the Budget determines are used or intended for use by the Secretary of Labor or the Department of Labor primarily in the administration of functions transferred under the provision of this section, are transferred to the Commission.

(c) In addition to the filing requirements of the Welfare and Pension Plan Disclosure Act, it shall be a condition of compliance with section 7 of such Act that each annual report hereinafter filed under that section shall be accompanied by a certificate or certificates in the name of and on behalf of the plan, the administrator, and any employer or labor organization participating in the establishment of the plan, designating the Commission as agent for service of process on the persons and entities executing such certificate or certificates in any action arising under the Welfare and Pension Plans Disclosure Act or this Act.

TITLE I—BENEFIT STANDARDS

PLANS TO WHICH TITLE APPLIES

SEC. 101. (a) Except as provided by subsection (b), this title applies to any pension plan and, to the extent hereinafter provided, to any profit-sharing-retirement plan established by an employer engaged in commerce or in any industry or activity affecting commerce or by any employee organization or organizations representing employees engaged in commerce or in an industry or activity affecting commerce or by both.

(b) This title shall not apply to a pension or profit-sharing-retirement plan if—

(1) such plan is administered by the Federal Government or the government of a State or subdivision thereof, or by an agency or instrumentality thereof;

(2) such plan is administered by an organization which is exempt from taxation under the provisions of section 501(a) of the Internal Revenue Code of 1954 and is administered as a corollary to membership in a fraternal benefit society described in section 501(c)(8) of the Internal Revenue Code of 1954 or by an organization described in section 501(c) (3) or (4) of such Code: *Provided*, That the provisions of this paragraph shall not exempt any plan administered by a fraternal benefit society or organization which represents its members for purposes of collective bargaining;

(3) such plan is established by a self-employed individual for his own benefit or for the benefit of his survivors or established by one or more owner-employers exclusively for his or their benefit or for the benefit of his or their survivors;

(4) such plan covers not more than twenty-five participants;

(5) such plan is established and maintained outside the United States by an employer primarily for the benefit of employees who are not citizens of the United States; or

(6) such plan is unfunded and is established by an employer primarily for the purpose of providing deferred compensation for a select group of management employees and is declared by the employer as not intended to meet the requirements of section 401 (a) of the Internal Revenue Code.

REGISTRATION OF PLANS

SEC. 102. (a) Every administrator of a pension or profit-sharing-retirement plan to which this title applies shall file with the Commission an application for registration of such plan. Such application shall be in such form as shall be prescribed by regulation of the Commission, and shall be accompanied by a copy of the plan, a copy of the trust deed, insurance contract, by law, or other document under which the plan is constituted. Thereafter, while such plan is in force, the administrator shall maintain its qualification for registration under this title.

(b) In the case of plans established on or after the effective date of this Act, the filing required by subsection (a) shall be made within six months after such plan is established. In the case of plans established prior to the effective date of this Act, such filing shall be made within six months after such effective date.

(c) If, after examination of a pension or profit-sharing-retirement plan filed under this section, the Commission is satisfied that such plan is qualified for registration under this title the Commission shall issue a certificate of registration with respect to such plan. If the Commission is not so satisfied it shall notify the administrator.

(d) If at any time subsequent to the issuance of a certificate under subsection (c) with respect to any plan, the Commission determines that such plan is no longer qualified for registration under this title, it shall notify the administrator.

(e) A notification under subsection (c) or (d) shall set forth the deficiency or deficiencies in the plan or in its administration by reason of which the notification is given, and shall give the administrator, the employer of the employees covered by the plan, and the labor organization, if any, representing such employees a reasonable time within which to remove such deficiency or deficiencies. If the Commission thereafter determines that the deficiency or deficiencies have been removed it shall issue or continue in effect the certificate, as the case may be. If it determines that the deficiency or deficiencies have not been removed it shall enter an order denying or canceling the certificate of registration.

ANNUAL REPORTS ON REGISTERED PLANS

SEC. 103. The Commission may, by regulations promulgated pursuant to the Administrative Procedures Act, provide for the filing of single reports satisfying the reporting requirements of this Act, the Welfare and Pension Plans Disclosure Act and such other Acts as are administered or enforced by the Commission.

AMENDMENTS OF REGISTERED PLANS

SEC. 104. When a pension or profit-sharing-retirement plan filed for registration under this title is amended subsequent to such filing, the administrator shall within six months after the effective date or the date of adoption of such amendment, whichever is later, within sixty days after the effective date of such amendment file with the Commission a copy of the amendment and such additional information and reports as the Commission by regulation requires to determine the amount of any initial unfunded liability created by the amendment and the special payments required to liquidate such liability.

QUALIFICATION OF PLAN FOR REGISTRATION

SEC. 105. A pension or profit-sharing-retirement plan shall be deemed to be qualified for registration under section 102 if it conforms to, and is administered in accordance with, the standards and requirements set forth in section 102 and sections 106 to 110, inclusive.

GENERAL REQUIREMENTS

SEC. 106. (a) Every pension plan and, to the extent required by regulations issued by the Commission, every profit-sharing-retirement plan shall define the benefits provided by such plan, the method of determination and payment of benefits, conditions for qualification for membership in the plan and the financial arrangements made to insure provisional or full funding of benefits under the plan. Each such plan shall provide for the furnishing of a written explanation to each member of the plan of the terms and conditions of the plan and amendments thereto applicable to him, together with an explanation of the rights and duties of the employee with reference to the benefits available to him under the terms of the plan and such other information as may be required by regulations of the Commission.

(b) The Commission shall, by regulation, require each plan to furnish each participant, upon termination of service with a vested right to a deferred life annuity, pension, or other vested interest, with a certificate setting forth the benefits to which he is entitled, including but not limited to the name and location of the entity responsible for payment, the amount of benefits, and the date when payment shall begin, as such regulations shall specify. A copy of each such certificate shall be filed with the Commission. In any proceeding arising under this Act, such certificate shall be deemed prima facie evidence of the facts and rights set forth in such certificate.

(c) A pension or profit-sharing-retirement plan filed for registration under this title, and any trust forming a part of such plan, shall meet all the requirements set forth in section 401 of the Internal Revenue Code of 1954, as determined by the Commission, except to the extent such requirements are inconsistent with the provisions of subsection (a) of this section or of sections 107 to 110, inclusive.

VESTING OF BENEFITS

SEC. 107. (a) A pension or profit-sharing-retirement plan filed for registration under this title shall provide, under the terms of the plan in respect of service on or after the effective date of this Act, or by amendment to the terms of the plan or by the creation of a new plan on or after such date in respect of service on or after the effective date of such amendment or new plan, that—

(1) a member of the plan who has been in the service of the employer, or has been a member of the plan, for a continuous period of six years is entitled upon termination of his employment or membership in the plan prior to attaining retirement age (i) in the case of a pension plan to a deferred life annuity commencing at his normal retirement age, and (ii) in the case of a profit-sharing-retirement plan to a nonforfeitable right to his interest in such plan, equal to 10 per centum of full pension benefits as provided by the plan in respect of such service or of such interest, respectively, and such entitlement shall increase by at least 10 per centum per year of continuous service thereafter until the completion of fifteen years of continuous service, after which such member shall be entitled upon termination of employment or membership in the plan prior to attaining retirement age to a deferred life annuity commencing at his normal retirement age equal to the full pension benefits as provided by the plan in respect to such service, or to the full amount of such interest in the profit-sharing-retirement plan, respectively;

(2) the pension benefits provided under the terms of a pension plan, the deferred life annuity referred to in paragraph (1), and an interest in a profit-sharing-retirement plan referred to in paragraph (1) shall not be capable of assignment or alienation and shall not confer upon an employee, personal representative, or dependent, or any other person, any right or interest in such pension benefits, deferred life annuity, or profit-sharing-retirement plan, capable of being assigned or otherwise alienated: *Provided*, That the Commission may by regulation provide for the final disposition of plan assets when beneficiaries cannot be located or ascertained within a reasonable time.

(3) An "employee" shall be deemed a "member" of a pension plan beginning on the day when contributions are first made to the plan or its fund with respect to the employee's service to the employer, but in no event shall any pension plan subject to this Act provide, as a condition of membership or eligibility to participate in such plan, a period of service longer than 6 months.

(b) Anything in subsection (a) to the contrary notwithstanding, a pension or profit-sharing-retirement plan may provide for vesting upon service or membership in the plan for a lesser period than is provided in such subsection.

(c) Anything in subsection (a) to the contrary notwithstanding, when a plan so provides, an employee may receive in discharge of his rights thereunder upon termination of employment prior to attaining normal retirement age as defined in the plan, or upon attaining such retirement age, a lump sum amount equal to the commuted value of the annuity prescribed by the plan, or, in the case of a profit-sharing-retirement plan, the value of his interest in such plan.

(d) If a pension plan so provides, a person who is entitled to a deferred life annuity under subsection (a) may, before the commencement of payment of such life annuity, elect to receive, partly or wholly in lieu of the deferred life annuity described by subsection (a)—

(1) a deferred life annuity the amount of which is reduced or increased by reason of early or deferred retirement, by provision for the payment of an optional annuity to a survivor or to the estate of the employee, or by variation of the terms of payment of such annuity to any person after the employee's death, and

(2) a payment or series of payments by reason of a mental or physical disability as prescribed by regulations of the Commission.

(e) For the purposes of subsections (b) (2) and (c), the commuted value of a deferred life annuity shall be computed on the basis of such interest rate and mortality tables and in such manner as may be approved by the Commission.

AGGREGATE SERVICE

(f) In any case in which an employee has been a member of the plan for an aggregate number of days equivalent to the period of time required for a non-forfeitable right under section 107(a)(1), such employee shall be deemed to have satisfied the continuous service requirement to which his aggregate days of service are equivalent, on the basis of 240 working days being equivalent to one working year and 20 working days being equivalent to one working month, but in no event shall an employee's time worked in any period in which he is credited for a period of service under the plan be credited under this paragraph to any other period of time.

FUNDING OF PLANS

SEC. 108. (a) A pension plan filed for registration under this title shall provide for funding, in accordance with this title, that is adequate to provide for payment of all pension benefits, deferred life annuities and other benefits required to be paid under the terms of the plan.

(b) Provisions for funding shall set forth the obligation of the employer to contribute both in respect of the current service cost of the plan and in respect of any initial unfunded liability and experience deficiency. The contribution of the employer, including any contributions made by employees, shall consist of the payment currently into the plan or fund of—

(1) all current service costs;

(2) where the plan has an initial unfunded liability, special payments consisting of equal annual amounts sufficient to liquidate such initial unfunded liability over a term not exceeding,

(A) in the case of an initial unfunded liability existing on the effective date of this Act, in any plan established before that date, forty years from that date, and

(B) in the case of an initial unfunded liability resulting from an amendment to a pension plan made on or after the effective date of this Act, or resulting from the establishment of a pension plan on or after the effective date of this Act, thirty years from the date of such amendment or establishment; and

(3) where the plan has an experience deficiency, special payments consisting of equal annual amounts sufficient to liquidate such experience deficiency over a term not exceeding five years from the date on which the experience deficiency was determined: *Provided*, That the Commission may suspend the special payments requirements or extend the five-year period provided in this subparagraph (3) in cases involving business necessity or substantial risk to the continuation of the employing enterprise.

Notwithstanding the provisions of this subsection, (i) the liquidation of initial unfunded liabilities or experience deficiencies may be accelerated at any time, and (ii) where an insured pension plan established before the effective date of this Act is funded by level annual premiums to retirement age for each individual member and benefits are guaranteed by the insurance company to the extent that premiums have been paid, it shall be deemed to meet the requirement of paragraph (2)(A) of this subsection.

(c) One year after the effective date of this Act, in the case of pension plans registered on or before that date, or within six months after the date of establishment of the plan in other cases, the Administrator shall submit a report of the person authorized by subsection (e) certifying—

(1) the estimated cost of benefits in respect of service in the first year during which such plan is required to register and the rule for computing such cost in subsequent years up to the date of the next report;

(2) the initial unfunded liability, if any, for benefits under the pension plan as of the date on which the plan is required to be registered; and

(3) the special payments required to liquidate such initial unfunded liability in accordance with subsection (b).

Where an insured pension plan is funded by level annual premiums extending not beyond the retirement age for each individual member and benefits are guaranteed by the insurance company to the extent that premiums have been paid, the report required by this subsection may certify the adequacy of the premiums to provide for the payment of all benefits under the plan in lieu of the matters required to be certified under clauses (1), (2), and (3).

(d) The Administrator in respect of a registered pension plan shall cause the plan to be reviewed by a person authorized by subsection (e) not more than three years after registration and at intervals of not more than three years thereafter and the person reviewing the plan shall prepare a report certifying—

(1) the estimated cost of benefits in respect of service in the next succeeding year and the rule for computing such cost in subsequent years up to the date of the next report;

(2) the surplus or the experience deficiency in the pension plan after making allowance for the present value of all special payments required to be made in the future by the employer as determined by previous reports; and

(3) the special payments which will liquidate any such experience deficiency over a term not exceeding five years.

If any such report discloses a surplus in a pension plan, the amount of any future payments required to be made to the fund or plan may be reduced by the amount of such surplus. A report under this subsection shall be filed with the Commission by the Administrator upon its receipt.

(e) The reports and certificates referred to in subsections (c) and (d) shall be made by an actuary certified by the Commission under section 4(c): *Provided*, That the Commission may exempt any plan, in whole or in part, from the requirement that such reports and certificates be filed where the Commission finds such filing to be unnecessary.

(f) Anything in this section 108 to the contrary notwithstanding, if evidence satisfactory to the Commission shall be filed on behalf of a pension plan in connection with an application for registration under this title demonstrating that (i) such pension plan is a multiemployer plan in which at least 25 per centum of the employees in the industry covered by the plan, either nationally or in a particular region in which a substantial number of employees in such industry is employed, participate, and (ii) no single employer employs more than 20 per centum of the employees covered by the plan, and (iii) the history and present business condition of the industry make it improbable that there will be a substantial decrease in employment in the industry within the foreseeable future—

(I) the Commission may register such plan without regard to the funding requirements of section 108 if such plan meets the following alternative funding requirements:

(1) annual payment into the fund of all current service costs;

(2) annual payment into the fund of an amount equal to the interest, at such rate of interest as the Commission shall prescribe, but not more than 6 per centum per annum, on the unfunded liability of such fund at the date each such payment is made;

(3) annual payment into the fund of an amount equal to the insurance premium for such year required to be paid on behalf of such fund by section 203 of title II of this Act; and

(4) in computing unfunded liability under this subsection (f), the Commission may permit a multiemployer plan to compute such liability solely on the basis of information obtained from participants pursuant to a requirement of the plan under which each such participant, upon reaching the age of forty and completing ten years of continuous service, is required to file with the Administrator of the plan notification of his status under the plan.

(II) the Commission may regulation approve alternative requirements for payments into the fund other than those specified in subparagraph I of this subsection (f) when, in the opinion of the Commission, such standards will provide reasonable assurance of sufficient assets in the fund of the multiemployer plan to provide for payment of anticipated benefits.

(g) Each pension plan shall, as a condition of registration under this title, apply for reinsurance and pay the reinsurance premiums provided in title II.

(h) For the purpose of this section, a

profit-sharing-retirement plan, within the meaning of section 2(26) of this Act which meets the requirements of title I insofar as they are made specifically applicable to such a plan by section 105, and any money purchase plan within the meaning of Section 2(13(B), shall be deemed fully funded.

DISCONTINUANCE OF PLANS

SEC. 109. (a) Upon complete termination, or substantial termination as determined by the Commission, of a pension plan—

(1) All contributions by an employer, a labor organization, an employee or other person made after January 1, 1968, in respect of the deferred life annuity prescribed in section 107(a) shall be applied under the terms of the plan—

(A) first, in the case of persons who have already retired and begun to draw benefits under the plan, or who, on the date of such termination, had the right to retire and begin to draw such benefits immediately, to provide the life annuities to which such persons were entitled at the date of termination of their employment;

(B) second, in the case of persons who have vested rights under the plan but have not reached retirement age and begun to draw benefits, to provide the deferred life annuities to which they were entitled at the date of such termination of the plan;

(C) third, in the case of any other participants in the plan, to provide deferred life annuities to which they are entitled under the plan pursuant to the requirements of section 401(a)(7) of the Internal Revenue Code of 1954, as amended; and

(D) in any case, the Commission may approve payment of survivor benefits with priorities equal to those of the employees or former employees on whose service such benefits are based.

(2) The employer, and the employees if the plan so provided, shall be liable to pay all amounts that would otherwise have been required to be paid to meet the tests of solvency prescribed by section 108, up to the date of such termination, to the insurer, trustee, or administrator of the plan.

(3) No part of the assets of the plan shall revert to the employer until provision has been made for all pensions and other benefits vested or otherwise payable under section 109 according to the plan in respect of age and service up to the date of the discontinuance to members of the plan and for all benefits to pensioners, and their pension beneficiaries in accordance with the terms of the plan.

(b) Upon complete termination, or substantial termination as determined by the Commission, of a profit-sharing-retirement plan, the interests of all participants in such plan shall fully vest.

PAYMENTS TO SURVIVORS

SEC. 110. (a) Where in accordance with the terms of a pension or profit-sharing-retirement plan an employee or former employee has designated a person or persons to receive a benefit payable under the plan in the event of the employee's death—

(1) the employer's liability to provide the benefit shall be discharged upon payment to such person or persons of the amount of the benefit; and

(2) such person or persons may upon death of the employee or former employee enforce payment of the benefit, but the employer shall be entitled to set up any defense that he could have set up against the employee or former employee. As used in this subsection, the term "employer" includes a trustee or insurer under a pension or profit-sharing-retirement plan.

(b) An employee or former employee may from time to time alter or revoke a designation made under a pension or profit-sharing-retirement plan, but any such alteration or revocation may be made only in the manner set forth in the plan.

AMENDMENT TO INTERNAL REVENUE CODE

SEC. 111. (a) Section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, etc., plans) is amended by redesignating subsection (j) as (k) and by inserting after subsection (i) the following new subsection:

"(j) PENSION AND PROFIT-SHARING-RETIREMENT PLANS TO WHICH THE PENSION AND WELFARE BENEFITS ACT OF 1969 APPLIES.—For purposes of this part, any pension or profit-sharing-retirement plan to which title I of this Act applies, and any trust forming a part of such plan—

"(1) shall be treated as meeting the requirements of this section during any period for which a certificate of registration with respect to such plan issued by the United States Pension Commission under such title is in effect or an application therefor is pending before the Commission, and

"(2) shall be treated as not meeting the requirements of this section during any period for which such application has not been timely filed or such certificate has been denied or cancelled by such Commission."

(b) The amendment made by subsection (a) shall apply with respect to periods after the effective date of this Act, except that with respect to any pension plan established before the effective date of this Act, such amendment shall not apply to any period before the date specified by the Commission under section 102(b).

MINIMUM WAGE QUALIFICATION

SEC. 112. Contributions by an employer to a registered pension or profit-sharing-retirement plan shall not be deemed to be part of or to affect the "regular rate" as that term is used in section 7 of the Fair Labor Standards Act.

DELEGATION OF OTHER REGULATORY AUTHORITY

SEC. 113. The President, as may be necessary or appropriate to establish and maintain a uniform, consistent, and simplified system of law applicable to employee benefit plans, may by Executive order delegate to the Commission authority to administer and enforce any other provisions of the laws of the United States insofar as such provisions regulate or affect employee benefit plans.

DELAY IN THE APPLICATION OF TITLE I

SEC. 114. If the Commission finds that the application of this title to any employee benefit plan would increase the costs of the parties to the plan to such an extent that there would result a substantial risk to the voluntary continuation of the plan or a substantial curtailment of pension benefit levels or the levels of employees' compensation it may grant to such plan a delay, not to exceed five years, in satisfying the requirements of this title, under such conditions as it may prescribe as necessary or appropriate to effectuate the policies of this Act.

TITLE II—PENSION REINSURANCE

ESTABLISHMENT OF PROGRAM

SEC. 201. There is hereby established a program to be known as the Federal pension reinsurance program (hereinafter referred to as the "program"). The program shall be administered by, or under the direction and control of, the Commission.

CONTINGENCY INSURED AGAINST UNDER PROGRAM

SEC. 202. (a) The program shall insure (to the extent provided in subsection (b)) beneficiaries of a reinsured pension plan against loss of non-forfeitable benefits to which they are entitled under such pension plan arising from substantial cessation of one or more of the operations carried on by the contributing employer in one or more facilities of such employer before such plan has been fully funded.

(b) The rights of beneficiaries of a reinsured pension plan shall be insured under the program only to the extent that such rights do not exceed—

(1) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 50 per centum of the average monthly wage he received from the contributing employer in the five-year period after the registration date of the plan for which his earnings were the greatest, or $500 per month;

(2) in the case of a right on the part of one or more dependents, or members of the family, of the employee, or in the case of a right to a lump sum survivor benefit on account of the death of an employee, an amount found by the Commission to be reasonably related to the amount determined under subparagraph (1).

In the case of a periodic benefit which is paid on other than a monthly basis, the monthly equivalent of such benefits shall be regarded as the amount of the monthly benefit for purposes of clauses (1) and (2) of the preceding sentence.

(c) If a registered pension plan has not been registered under title I for each of at least the five years preceding the time when there occurs the contingency insured against, the rights of beneficiaries shall not be insured: *Provided*, That the Commission may, in its discretion, credit against the five year requirement of section 202(c) one or more years prior to the effective date of this Act for any pension plan which, during such prior years, would have satisfied the registration requirements of title I had this Act been in effect.

PREMIUM FOR PARTICIPATION IN PROGRAM

SEC. 203. (a) Each registered pension plan shall pay an annual premium for reinsurance under the program upon payment of such annual premium as may be established by the Commission. Premium rates established under this section shall be uniform for all pension funds insured by the program and shall be applied to the amount of the unfunded liability for non-forfeitable benefits of each insured pension fund. The premium rates may be changed from year to year by the Commission, when the Commission determines changes to be necessary or desirable to give effect to the purposes of this title; but in no event shall the premium rate exceed 1 per centum for each dollar of such unfunded liability. Premiums under this title shall be payable as of the effective date of this Act, or for plans adopted after that date, as of the effective date of such plans.

(b) If the Commission determines that, because of the limitation on rate of premium established under subsection (a) or for other reasons, it is not feasible to insure against loss of rights of all beneficiaries of reinsured pension plans, then the Commission shall insure the rights of beneficiaries in accordance with the following order of priorities—

First: Individuals who, at the time when there occurs the contingency insured against, are receiving benefits under the pension plan, and individuals who have attained normal retirement age or if no normal retirement age is fixed have reached the age when an unreduced old-age benefit is payable under title II of the Social Security Act, as amended, and who are eligible, upon retirement, for retirement benefits under the pension plan;

Second: Individuals who, at such time, have attained the age for early retirement and who are entitled, upon early retirement, to early retirement benefits under the pension plan; or, if the pension plan does not provide for early retirement, individuals who, at such time, have attained age sixty and who, under such pension plan, are eligible for benefits upon retirement;

Third: In addition to individuals described in the above priorities, such other individuals as the Commission shall prescribe.

(c) Participation in the program by a pension plan shall be terminated by the Commission upon failure, after such reasonable

period as the Commission shall prescribe, of such pension fund to make payment of premiums due for participation in the program.

REVOLVING FUND

SEC. 204. (a) In carrying out its duties under this title, the Commission shall establish a revolving fund into which all amounts paid into the program as premiums shall be deposited and from which all liabilities under the program shall be paid.

(b) The Commission is authorized to borrow from the Treasury such amounts as may be necessary, for deposit into the revolving fund, to meet the liabilities of the program. Moneys borrowed from the Treasury shall bear a rate of interest determined by the Secretary of the Treasury to be equal to the average on outstanding marketable obligations of the United States as of the period such moneys are borrowed. Such moneys shall be repaid by the Commission from premiums paid into the revolving fund.

(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

TITLE III—PENSION PORTABILITY PROGRAM

ACCEPTANCE OF DEPOSITS

SEC. 301. (a) It is declared to be the policy of the Congress that a system of pension portability should be established by the Federal Government to facilitate the voluntary transfer of credits between registered pension or profit-sharing-retirement plans having similar benefit features and actuarial assumptions. Nothing in this title nor in the regulations issued by the Commission hereunder shall be construed to require participation in such portability system by a plan as a condition of registration under this Act.

(b) The Commission is authorized and directed, in accordance with regulations prescribed by it, to receive amounts which are transferred to it from a registered pension or profit-sharing-retirement plan and which are in settlement of an individual's rights under the plan when such individual is separated from employment covered by the plan before the time prescribed for payments under the plan to such individual or to his beneficiaries.

SPECIAL FUND

SEC. 302. Amounts received by the Commission pursuant to section 301 shall be deposited in a special fund which shall be established by it for the purposes of this title. The amounts in the funds which are not needed to meet current withdrawals shall be invested as provided under regulations prescribed by the Commission.

INDIVIDUAL ACCOUNTS

SEC. 303. There shall be established and maintained in accordance with regulations prescribed by the Commission, an account for each individual with respect to whom the Commission receives amounts under this title. The amount credited to each such account shall be adjusted at the times and in the manner provided by such regulations to reflect earnings of the special fund and transfers from the special fund for costs of administration.

PAYMENTS FROM INDIVIDUAL ACCOUNTS

SEC. 304. Amounts credited to the account of any individual under this title may, in accordance with regulations prescribed by the Commission, be paid by the Commission—

(1) to a registered plan, if such individual becomes an employee covered by such plan and if such plan has benefit features and actuarial assumptions similar to those of the plan from which such amount was originally transferred, or

(2) to such individual or his beneficiaries, if he dies or reaches the age of sixty-five.

Payments under this section shall be made at such times, in such manner, and in such amounts in a lump sum or otherwise as may be determined under such regulations. The amount of any periodic payments shall be determined on an actuarial basis.

COST OF ADMINISTRATION

SEC. 305. There are authorized to be made available out of the special fund established pursuant to section 302 such amounts as the Congress may deem appropriate to pay the costs of administration of this title.

EFFECTIVE DATE

SEC. 306. No amount may be transferred to the Commission pursuant to section 301 of this title before the first day of the twelfth month following the month in which this Act is enacted.

TECHNICAL ASSISTANCE

SEC. 307. The Commission and the Secretary of Labor are authorized to provide technical assistance to employers, trade unions, and administrators of pension and profit-sharing-retirement plans in their efforts to provide greater retirement protection for individuals who are separated from employment covered under such plans. Such assistance may include, but is not limited to (1) the development of reciprocity arrangements between plans in the same industry or area, and (2) the development of special arrangements for portability of credits within a particular industry or area.

TITLE IV—DISCLOSURE AND FIDUCIARY STANDARDS

PART A—AMENDMENTS TO, AND ADMINISTRATION OF, THE WELFARE AND PENSION PLANS DISCLOSURE ACT

SEC. 401. (a) The functions and powers of the Secretary of Labor and the Department of Labor under the Welfare and Pension Plans Disclosure Act, as amended, are hereby transferred to and shall be administered by the Commission. Such powers provided in the Welfare and Pension Plans Disclosure Act shall be available to the Commission in the enforcement of the provisions of this Act. Wherever the term "Secretary" appears in the Welfare and Pension Plans Disclosure Act, the term "Commission" (as defined in this Act) is hereby substituted.

(b) All personnel, property, records, and unexpended balances of appropriations, which the Director of the Bureau of the Budget determines are used or intended for use by the Secretary of Labor or the Department of Labor primarily in the administration of functions transferred under the provision of this section, are transferred to the Commission.

(c) In addition to the filing requirements of the Welfare and Pension Plans Disclosure Act, it shall be a condition of compliance with section 7 of such Act that each annual report hereinafter filed under that section shall be accompanied by a certificate or certificates in the name of and on behalf of the plan, the administrator, and any employer or labor organization participating in the establishment of the plan, designating the Commission as agent for service of process on the persons and entities executing such certificate or certificates in any action arising under the Welfare and Pension Plans Disclosure Act or this Act.

(d) Section 6 of the Welfare and Pension Plans Disclosure Act is amended to read as follows:

"(a) A description of any employee benefit plan shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this Act.

"(b) The description of the plan shall be comprehensive and shall include the name and type of administration of the plan; the name and address of the administrator; the schedule of benefits; a description of the provisions providing for nonforfeitable pension benefits (if the plan so provides) written in a manner calculated to be understood by the average participant, and if the plan does not provide such benefits, a statement to this effect; the source of the financing of the plan and the identity of any organization through which benefits are provided; whether records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 7, shall be included in the description on and after the effective date of such amendments. Any change in the information required by this subsection shall be reported in accordance with regulations prescribed by the Commission."

(c) Subsection (a) of section 7 of such Act is amended by adding the number "(1)" after the letter "(a)", and by striking out that part of the first sentence which precedes the word "if" the first time it appears and inserting in lieu thereof the words "An annual report shall be published with respect to any employee benefit plan if the plan provides for an employee benefit fund subject to section 14 of this Act or".

(d) Section 7(a)(1) of such Act is further amended by striking out the word "investigation" and inserting in lieu thereof the words "notice and opportunity to be heard", by striking out the words "year or if" and inserting in lieu thereof the words "policy or fiscal year on which", adding a period after the word "kept", and striking out all the words following the word "kept."

(e) Section 7(a) of such Act is further amended by adding the following paragraphs:

"(2) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such reasonable information determined by the Commission to be necessary to enable such administrator to comply with the requirements of this Act.

"(3) The administrator of an employee benefit plan shall cause an audit to be made annually of the employee benefit fund established in connection with or pursuant to the provisions of the plan. Such audit shall be conducted in accordance with accepted standards of auditing by an independent certified or licensed public accountant, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing an insurance, investment, or related function for the plan, if such books or records are subject to periodic examination by an agency of the Federal Government or the government of any State. The auditor's opinion and comments with respect to the financial information required to be furnished in the annual report by the plan administrator shall form a part of such report."

(f) Sections 7 (b) and (c) of such Act are amended to read as follows:

"(b) A report under this section shall include:

"(1) the amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a statement of assets, liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to

whom paid, in what amount, and for what purposes; the name and address of each fiduciary, his official position with respect to the plan, his relationship to the employer of the employees covered by the plan, or the employee organization, and any other office, position or employment he holds with any party in interest;

"(2) a schedule of all investments of the fund showing as of the end of the fiscal year:

"(A) the aggregate cost and aggregate value of each security, by insurer;

"(B) the aggregate cost and aggregate value, by type or category, of all other investments, and separately identifying (i) each investment the value of which exceeds $100,000 or 3 per centum of the value of the fund and (ii) each investment in securities or properties of any person known to be a party in interest.

"(3) a schedule showing the aggregate amount, by type of security, of all purchases, sales, redemptions, and exchanges of securities made during the reporting period; a list of the issuers of such securities; and in addition, a schedule showing, as to each separate transaction with or with respect to securities issued by any person known to be a party in interest, the issuer, the type and class of security, the quantity involved in the transaction, the gross purchase price, and in the case of a sale, redemption, or exchange, the gross and net proceeds (including a description and the value of any consideration other than money) and the net gain or loss;

"(4) a schedule of purchases, sales, or exchanges during the year covered by the report of investment assets other than securities—

"(A) by type or category of asset the aggregate amount of purchases, sales, and exchanges; the aggregate expenses incurred in connection therewith; and the aggregate net gain (or loss) on sales, and

"(B) for each transaction involving a person known to be a party in interest and for each transaction involving over $100,000 or 3 per centum of the fund, an indication of each asset purchased, sold, or exchanged (and, in the case of fixed assets such as land, buildings, and leasehold, the location of the asset); the purchase or selling price; expenses incurred in connection with the purchase, sale, or exchange; the cost of the asset and the net gain (or loss) on each sale; the identity of the seller in the case of a purchase, or the identity of the purchaser in the case of a sale, and his relationship to the plan, the employer, or any employee organization;

"(5) a schedule of all loans made from the fund during the reporting year or outstanding at the end of the year, and a schedule of principal and interest payments received by the fund during the reporting year, aggregated in each case by type of loan, and in addition a separate schedule showing as to each loan which—

"(A) was made to a party in interest, or

"(B) was in default, or

"(C) was written off during the year as uncollectible, or

"(D) exceeded $100,000 or 3 per centum of the value of the fund,

the original principal amount of the loan, the amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral, and other material terms), the amount of principal and interest overdue (if any) and as to loans written off as uncollectable an explanation thereof;

"(6) a list of all leases with—

"(A) persons other than parties in interest who are in default, and

"(B) any party in interest,

including information as to the type of property leased (and, in the case of fixed assets such as land, buildings, leaseholds, etc., the location of the property), the identity of the lessor or lessee from or to whom the plan is leasing, the relationship of such lessors and lessees, if any, to the plan, the employer, employee organization, or any other party in interest, the terms of the lease regarding rent, taxes, insurance, repairs, expenses, and renewal options; if property is leased from persons described in (B) the amount of rental and other expenses paid during the reporting year; and if property is leased to persons described in (A) or (B), the date the leased property was purchased and its cost, date the property was leased and its approximate value at such date, the gross rental receipts during the reporting period, expenses paid for the leased property during the reporting period, the net receipts from the lease, and with respect to any such leases in default, their identity, the amounts in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default;

"(7) a detailed list of purchases, sales, exchanges, or any other transactions with any party in interest made during the year, including information as to the asset involved, the price, any expenses connected with the transaction, the cost of the asset, the proceeds, the net gain or loss, the identity of the other party to the transaction and his relationship to the plan;

"(8) if some or all of the assets of a plan or plans are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report shall include a statement of assets and liabilities and a statement of receipts and disbursements of such common or collective trust or separate account and such of the information required under section 7(b) (2), (3), (4), (5), (6), and (7) with respect to such common or collective trust or separate account as the Commission may determine appropriate by regulation. In such case the bank or similar institution or insurance carrier shall certify to the administrator of such plan or plans, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, the information determined by the Commission to be necessary to enable the plan administrator to comply with the requirements of this Act; and

"(9) in addition to reporting the information called for by this subsection 7(b), the administrator may elect to furnish other information as to investment or reinvestment of the fund as additional disclosures to the Commission.

"(c) If the only assets from which claims against an employee benefit plan may be paid are the general assets of the employer or the employee organization, the report shall include (for each of the past five years) the benefits paid and the average number of employees eligible for participation."

(g) Section 7(d) of such Act is amended by striking out the capital "T" in the word "The" the first time it appears in paragraphs (1) and (2) and inserting in lieu thereof a lower case "t".

(h) Section 7(e) of such Act is amended to read as follows:

"(e) Every employee pension benefit plan shall include with its annual report (to the extent applicable) the following information:

"(1) the type and basis of funding,

"(2) the number of participants, both retired and nonretired, covered by the plan,

"(3) the amount of all reserves or net assets accumulated under the plan,

"(4) the present value of all liabilities for all nonforfeitable pension benefits and the present value of all other accrued liabilities,

"(5) the ratios of the market value of the reserves and assets described in (3) above to the liabilities described in (4) above.

"(6) a copy of the most recent actuarial report, and

"(A) (i) the actuarial asumptions used in computing the contributions to a trust or payments under an insurance contract, (ii) the actuarial assumptions used in determining the level of benefits, and (iii) the actuarial assumptions used in connection with the other information required to be furnished under this section 7(e), insofar as any such actuarial assumptions are not included in the most recent actuarial report,

"(B) (i) if there is no such report, or (ii) if any of the actuarial assumptions employed in the annual report differ from those in the most recent actuarial report, or (iii) if different actuarial assumptions are used for computing contributions or payments than are used for any other purpose, a statement explaining same,

"(7) a statement showing the number of participants who terminated service under the plan during the year, whether or not they retain any nonforfeitable rights, their length of service by category, the present value of the total accrued benefits of said participants and the present value of such benefits forfeited, and,

"(8) such other information pertinent to disclosure under this section 7(e) as the Commission may by regulation prescribe."

(i) Section 7 of such Act is further amended by striking out in their entirety subsections (f), (g), and (h).

(j) Section 8 of such Act is amended by striking out subsections (a) and (b) in their entirety and by redesignating subsection (c) as subsection (a). The subsection redesignated as subsection (a) is further amended by striking out the words "of plans"' after the word "descriptions", striking out the word "the" before the word "annual" and adding the word "plan" before the word "descriptions".

(k) Section 8 of such Act is further amended by adding subsections (b), (c), (d), and (e), to read as follows:

"(b) The administrator of any employee benefit plan subject to this Act shall file with the Commission a copy of the plan description and each annual report. The Commission shall make copies of such descriptions and annual reports available for public inspection.

"(c) Publication of the plan descriptions and annual reports required by this Act shall be made to participants and beneficiaries of the particular plan as follows:

"(1) the administrator shall make copies of the plan description (including all amendments or modifications thereto) and the latest annual report and the bargaining agreement, trust agreement, contract, or other instrument under which the plan was established and is operated available for examination by any plan participant or beneficiary in the principal office of the administrator;

"(2) the administrator shall furnish to any plan participant or beneficiary so requested in writing a fair summary of the latest annual report;

"(3) the administrator shall furnish to any plan participant or beneficiary so requesting in writing a complete copy of the plan description (including all amendments or modifications thereto) or a complete copy of the latest annual report, or both. He shall in the same way furnish a complete copy of the bargaining agreement, trust agreement, contract, or other instrument under which the plan is established and operated. In accordance with regulations of the Commission, an administrator may make a reasonable charge to cover the cost of furnishing such complete copies.

PART B.—FIDUCIARY STANDARDS

SEC. 402. (a) Every employees' benefit fund established to provide for the payment of benefits under an employee's benefit plan shall be established pursuant to a duly executed trust agreement which shall set forth the purpose or purposes for which such fund is established and the detailed basis on which payments are to be made into and out of such fund. Such fund shall be deemed to be a trust and shall be held for the exclusive purpose of (1) providing benefits to participants in the plan and their beneficiaries and (2) defraying reasonable expenses of administering the plan.

(b) (1) A fiduciary shall discharge his duties with respect to the fund—

(A) solely in the interests of the participants and their beneficiaries;

(B) with the care under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and

(C) in accordance with the documents and instruments governing the fund insofar as is consistent with this Act: *Provided*, That, any assets of the fund remaining upon dissolution or termination of the fund shall, after complete satisfaction of the rights of all beneficiaries to benefits accrued to the date of dissolution or termination, be distributed ratably to the beneficiaries thereof or, if the trust agreement so provides, to the contributors thereto: *Provided further*, That in the case of a registered pension or profit-sharing-retirement plan, such distribution shall be subject to the requirements of the previous titles of this Act.

(2) Except as permitted hereunder, a fiduciary shall not—

(A) lease or sell property of the fund to any person known to be a party in interest;

(B) lease or purchase on behalf of the fund any property known to be property of any party in interest;

(C) deal with such fund in his own interest or for his own account;

(D) represent any other party with such fund, or in any way act on behalf of a party adverse to the fund or to the interests of its participants or beneficiaries;

(E) receive any consideration from any party dealing with such fund in connection with a transaction involving the fund;

(F) loan money or other assets of the fund to any person known to be a party in interest;

(G) furnish goods, service, or facilities to any person known to be a party in interest;

(H) permit the transfer of any property of the fund to, or its use by, or for the benefit of any person known to be a party in interest; or

(I) permit any of the assets of the fund to be held, deposited or invested outside the United States unless the indicia of ownership remain within the jurisdiction of a United States district court, except as authorized by the Commission by rule or regulation. The Commission may by rule or regulation provide for the exemption of any fiduciary or transaction from all or part of the proscriptions contained in this subsection 402(b) (2), when the Commission finds that to do so is consistent with the purposes of this Act and in the interest of the fund and its participants and beneficiaries; *Provided, however*, That any such exemption shall not relieve a fiduciary from any other applicable provisions of this Act.

(c) Nothing in this section shall be construed to prohibit any fiduciary from—

(1) receiving any benefit to which he may be entitled as a participant or beneficiary in the plan under which the fund was established;

(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties with the fund: *Provided*, That no person so serving who already receives full-time pay from an employer or an association of employers whose employees are participants in the plan under which the fund was established, or from an employee organization whose members are participants in such plan shall receive compensation from such fund, except for reimbursement of expenses properly and actually incurred and not otherwise reimbursed;

(3) serving in such position in addition to being an officer, employee, agent, or other representative of a party in interest;

(4) engaging in the following transactions:

(A) purchasing on behalf of the fund any society which has been issued by an employer whose employees are participants in the plan under which the fund was established or a corporation controlling, controlled by, or under common control with such employer: *Provided*, That the purchase of any security is for no more than adequate consideration in money or money's worth: *Provided further*, That if an employee benefit fund is one which provides primarily for benefits of a stated amount, or an amount determined by an employee's compensation, an employee's period of service, or a combination of both, or money purchase type benefits based on fixed contributions which are not geared to the employer's profits, no investment shall be made subsequent to the enactment of this amendment by a fiduciary of such a fund in securities of such an employer or of a corporation controlling, controlled by, or under common control with such employer, if such investment, when added to such securities already held, exceeds 10 per centum of the fair market value of the assets of the fund. Notwithstanding the foregoing, such 10 per centum limitation shall not apply to profit-sharing plans, nor to stock bonus, thrift, and savings or other similar plans which have the requirement that some or all of the plan funds shall be invested in securities of such employer;

(B) purchasing on behalf of the fund any security other than one described in (A) immediately above, or selling on behalf of the fund any security which is acquired or held by the fund, to a party in interest: *Provided*, (i) That the security is listed and traded on an exchange subject to regulation by the Securities and Exchange Commission, (ii) that no brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with such transaction, and (iii) that adequate consideration is paid;

(5) making any loan to participants or beneficiaries of the plan under which the fund was established where such loans are available to all participants or beneficiaries on a nondiscriminatory basis and are made in accordance with specific provisions regarding such loans set forth in the plan;

(6) contracting or making reasonable arrangements with a party in interest for office space and other services necessary for the operation of the plan and paying reasonable compensation therefor;

(7) following the direction in the trust instrument or other document governing the fund insofar as consistent with the specific prohibitions listed in subsection 402(b)(2);

(8) taking action pursuant to an authorization in the trust instrument or other document governing the fund, provided such action is consistent with the provisions of subsection 402(b).

(d) Any fiduciary who breaches any of the responsibilities, obligations, or duties imposed upon fiduciaries by this Act shall be personally liable to make good to such fund any losses to the fund resulting from such breach, and to restore to such fund any profits of such fiduciary which have been made through use of assets of the fund by the fiduciary.

(e) When two or more fiduciaries undertake jointly the performance of a duty or the exercise of a power or where two or more fiduciaries are required by any instrument governing the fund to undertake jointly the performance of a duty or the exercise of a power, but not otherwise, each of such fiduciaries shall have the duty to prevent any other such cofiduciary from committing a breach of a responsibility, obligation, or duty of a fiduciary or to compel such other cofiduciary to redress such a breach: *Provided*, That no fiduciary shall be liable for any consequence of any act or failure to act of a cofiduciary who is undertaking or is required to undertake jointly any duty or power if he shall object in writing to the specific action and promptly file a copy of his objection with the Commission.

(f) No fiduciary may be relieved from any responsibility, obligation, or duty under this Act by agreement or otherwise. Nothing herein shall preclude any agreement allocating specific duties or responsibilities among fiduciaries, or bar any agreement of insurance coverage or indemnification affecting fiduciaries, but no such agreement shall restrict the obligations of any fiduciary to a plan or to any participant or beneficiary without prior approval of the Commission.

(g) A fiduciary shall not be liable for a violation of this Act committed before he became a fiduciary or after he ceased to be a fiduciary.

(h) No person who has been convicted of, or has been imprisoned as a result of his conviction of: robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, kidnaping, perjury, assault with intent to kill, assault which inflicts grievous bodily injury, any crime described in section 9(a) (1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(a)(1)), or a violation of any provision of this Act, or a violation of section 302 of the Labor-Management Relations Act of 1947 (61 Stat. 157, as amended; 29 U.S.C. 186), or a violation of chapter 63 of title 18, United States Code, or a violation of section 874, 1027, 1503, 1505, 1506, 1510, 1951, or 1954 of title 18, United States Code, or a violation of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519, as amended; 29 U.S.C. 401), or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve—

"(1) as an administrator, officer, trustee, custodian, counsel, agent, employee (other than as an employee performing exclusively clerical or janitorial duties) or other fiduciary position of any employee benefit plan; or

"(2) as a consultant to any employee benefit plan, during or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the Commission determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. No person shall knowingly permit any other person to serve in any capacity referred to in clause (1) or (2) in violation of this subsection. Any person who willfully violates this subsection (h) shall be fined not more than $10,000 or imprisoned for not more than one year, or both. For the purposes of this subsection (h), any person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of

enactment of this section. For the purposes of this subsection (h), the term 'consultant' means any person who, for compensation, advises or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan."

(i) No person who is a party in interest shall receive or accept, directly or indirectly, whether through a corporation or other entity owned or controlled in any substantial degree by such person or otherwise, any payment, loan, pledge, hypothecation, assignment, or other transfer out of the assets of such fund (other than benefits to which such person is entitled as an employee), except that if such person is an officer or employee of such fund, reasonable fees or expenses of attending meetings in connection with the business thereof may be paid from the fund to any such officer or employee attending such meetings in an official capacity. Nothing herein contained shall prohibit the purchase by a profit-sharing-retirement plan or other profit-sharing plan, in the ordinary course of business, of the securities or indebtedness of any corporation or other business entity employing directly or through a subsidiary or parent entity a substantial number of the beneficiaries of such fund.

(j) All investments and deposits of the funds of an employees' benefit fund and all loans made out of any such fund shall be made in the name of the fund or its nominee, and no officer or employee of the fund, no trustee or administrator or officer or employee thereof, no employer or officer or employee thereof, and no labor organization. or officer or employee thereof shall either directly or indirectly accept or be the beneficiary of any fee, brokerage, commission, gift, or other consideration for or on account of any loan, deposit, purchase, sale payment or exchange made by or on behalf of the fund.

TITLE V—ENFORCEMENT

SEC. 501. Whenever the Commission—

(1) determines, in the case of a pension or profit-sharing-retirement plan required to be registered under title I, that no application for registration has been filed in accordance with section 102(a), or

(2) issues an order under section 102(e) denying or canceling the certificate of registration of a pension or profit-sharing-retirement plan,

the Commission may petition any district court of the United States having jurisdiction of the parties, or the United States District Court for the District of Columbia, for an order requiring the employer or other person responsible for the administration of such plan to comply with such requirements of title I as will qualify such plan for registration under title I.

SEC. 502. Whenever the Commission has reasonable cause to believe that an employees' benefit fund is being or has been administered in violation of the requirements of Part B of title IV, the Commission may petition any district court of the United States having jurisdiction of the parties or the United States District Court for the District of Columbia for an order (1) requiring return to such fund of assets transferred from such fund in violation of the requirements of such title, (2) requiring payment of benefits denied to any beneficiary in violation of the requirements of such title, and (3) restraining any conduct in violation of the requirements of Part B of such title, and granting such other relief as may be appropriate to effectuate the purposes of this Act.

SEC. 503. Upon the filing of any petition pursuant to section 501 or 502, the district court may, in its discretion, (a) appoint a receiver to take possession of the assets of the plan or fund which is the subject of the petition and to administer them until such time as the violations of law alleged in such petition no longer exist, and (b) remove a fiduciary who has failed to carry out his duties or is serving in violation of the provisions of this Act.

SEC. 504. Suits by persons entitled, or who may become entitled, to benefits from employees' benefit funds or plans may be brought in any court of competent jurisdiction, State or Federal, or the United States District Court for the District of Columbia, without respect to the amount in controversy and without regard to the citizenship of the parties (1) against any such fund or plan to recover benefits required to be paid from an employees' benefit fund or plan pursuant to the terms of the agreement pursuant to which such fund or plan is established or other constituent instrument; or (2) on behalf of and in the name of an employees' benefit fund against any person who shall have transferred or received any of the assets of such fund in violation of any such agreement or of the requirements of Part B of title IV. Where such action is brought in a district court of the United tSates, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found. In any such action the court in its discretion may—

"(A) allow a reasonable attorney's fee and costs of the action to any party;

"(B) require the plaintiff to post security for payment of costs of the action and reasonable attorney's fees.

A copy of the complaint in any such action by shall be served upon the Commission by certified mail who shall have the right, in its discretion, to intervene in the action.

SEC. 505. The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115) shall not be applicable with respect to suits brought under this title.

SEC. 506. Suits by an administrator or fiduciary of a pension plan, a profit-sharing-retirement plan, or an employees' benefit fund, to review any final order of the Commission, to restrain the Commission from taking any action contrary to the provisions of this Act, or to compel action required under this Act, may be brought in the name of the plan or fund in the district court of the United States for the district where the fund has its principal office, or in the United States District Court for the District of Columbia.

SEC. 507. It is hereby declared to be the express intent of Congress that the provisions of this Act shall supersede any and all laws of the States and of political subdivisions thereof insofar as they may now or hereafter relate to the subject matters regulated by this Act: *Provided*, That nothing herein shall be construed to exempt or relieve any person from any law of any State which regulates insurance, banking, or securities or to prohibit a State from requiring that there be filed with a State agency copies of reports required by this Act to be filed with the Secretary. Nothing herein shall be construed to alter, amend, modify, invalidate, impair, or supersede any law of the United States (other than the Welfare and Pension Plans Disclosure Act of 1958 as amended (92 Stat. 994)) or any rule or regulation issued under any such law."

SEC. 508. Any action, suit or proceeding based upon a violation of this Act or the Welfare and Pension Plans Disclosure Act shall be commenced within 5 years after the plaintiff has notice of the acts or events forming the basis of the claim: *Provided*, That truthful disclosure of a fact in any form or other document required to be filed with the Commission shall be deemed such notice.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of major changes in the bill from its previous version—S. 2167 in the 91st Congress.

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

SUMMARY OF MAJOR CHANGES

This bill has been modified and differs in certain important respects from the proposals advanced by me in earlier Congresses. The following is a summary of some of the more important differences:

(1) Two important changes have been made to the vesting provisions of Section 107. In order to preclude plans from establishing unfair eligibility requirements which would frustrate the benefits intended to flow from the required vesting provisions, it is specified that membership in the pension plan shall commence on the day when contributions are first made to the plan or fund on behalf of the employee and that in other cases no initial period before membership in the plan shall be set at more than 6 months of service with the employer. It is also provided that for purposes of meeting the service requirements which are prerequisite to attaining a vested status under the bill, the employee's "aggregate" service, which is equivalent to the period of time required to qualify for a vested right, be treated as if the service were "continuous". This provision is necessary in order to prevent the divestment of employees' benefit rights by reason of unfairly restrictive rules pertaining to "breaks in service."

(2) Technical changes have been made to the definitions applicable to the funding section in order to insure that there is systematic funding of past service liabilities, irrespective of the extent to which such unfunded past service liabilities represent nonforfeitable benefits.

(3) The pension reinsurance program provided by Title II is revised to clarify the provision that the title insures only against loss of non-forfeitable benefits owing to premature plan termination. In addition, the premium rate structure is revised to make clear that it is based on the unfunded liability for nonforfeitable benefits.

(4) A new provision is added authorizing the Commission to conduct research and studies and make recommendations for such further legislation as may be advisable. The Commission is directed to study the issue of expanding coverage under the act and the intent is that the Commission will look into the problem of benefit protection in pension plans covering State and municipal employees.

(5) In order to relieve plan administrators and trustees from the unnecessary burden of complying with numerous and potentially conflicting state laws, the Act provides that State law shall be preempted with respect to the matters regulated by it, except with respect to those laws which regulate insurance, banking or securities.

(6) The bill expands the enforcement provisions provided to the Commission, transferring their investigative authority of the Secretary of Labor under the Welfare and Pension Plans Disclosure Act, and making it applicable to all matters regulated by the Act, and by making available to the Commission the full range of remedies inherent in a court of equity.

(7) The bill combines some of the major elements of the Administration's fiduciary proposal in the prior Congress (S. 3589) with fiduciary provisions of my own previous bill (S. 2167), so that title IV of the new bill includes:

(a) greater specificity of disclosure, particularly with respect to investments in and transactions with "parties in interest" (which is more broadly defined);

(b) explicit imposition of the "prudent man" rule for all employee benefit fund administrators and the imposition of an obligation on co-fiduciaries with joint responsibility to prevent and redress breaches of such responsibility by each other;

(c) the prohibition of a wider range of conflict of interest transactions between the fund and "parties in interest"; and

(d) the prohibition for 5 years of persons convicted of certain crimes serving in fiduciary positions on employee benefit funds.

S. 3—INTRODUCTION OF A BILL TO CREATE A NATIONAL SYSTEM OF HEALTH SECURITY

Mr. KENNEDY. Mr. President, on behalf of Senator COOPER, Senator SAXBE, and myself, together with Senators BAYH, CASE, CRANSTON, GRAVEL, HARRIS, HART, HUGHES, HUMPHREY, INOUYE, JAVITS, MAGNUSON, MCGEE, MCGOVERN, METCALF, MONDALE, MOSS, MUSKIE, PASTORE, PELL, RANDOLPH, STEVENSON, and TUNNEY, I introduce for appropriate reference S. 3, The Health Security Act of 1971.

The bill is a legislative proposal to establish a Health Security program for all Americans. Through the mechanism of comprehensive national health insurance, it will bring health security to our people and end our current health crisis by improving each of the three basic aspects of our health care system—the organization, delivery, and financing of personal health services. We commend this legislation to our colleagues in the Senate for their favorable consideration and early action.

I believe that in America today, health care is a right for all, not just a privilege for the few. The basic goal of the Health Security program is to make that right a continuing reality, not just the empty promise it is today. Just as the Social Security program of the decade of the 1930's brought hope and new faith to a nation mired in the social crisis of the great depression, so I believe the Health Security program in the decade of the 1970's can guarantee high quality health care to our people and lead us out of the current crisis of confidence in our health system.

We know from recent experience that changes in the organization and delivery of health care in the United States will come only by an excruciating national effort. Throughout our society today, there is perhaps no institution more resistant to change than the organized medical profession. Indeed, because the crisis is so serious in the organization and delivery of health care, there are many who argue that we must make improvements in the organization and delivery system first, before we can safely embark on changing the financing system through national health insurance.

I believe the opposite is true. We must use the financing mechanism to create strong new incentives for the reorganization and delivery of health care. Thomas Paine declared at the founding of our American Republic, echoing the words of the ancient Greeks, "Give us a lever and we shall move the world." I say, give us the lever of national health insurance, and together we shall move the medical world and achieve the reforms that are so desperately needed.

The fact that the time has come for national health insurance makes it all the more urgent to pour new resources into remaking our present system. The existing organization and delivery of health care are so obviously inadequate to meet our current health crisis that only the catalyst of national health insurance will be able to produce the sort of basic changes that are needed if we are to escape the twin evils of a national health disaster or the total federalization of health care in the 1970's.

The use of the phrase "national health disaster" is not too strong. That the danger is great and imminent is a point on which both President Nixon and I agree. In July of 1969, President Nixon told a news conference that the Nation faced a massive crisis in health care, and that unless action was taken both administratively and legislatively to meet the crisis within the next 2 or 3 years, we would have a breakdown of our medical care system.

Our view of the problem is the same, but—on the basis of the information available about the administration's health program—we differ profoundly on the solution to be proposed. The central issue is how we can begin to move the health care system from where we are today to where we want to be tomorrow and in the years ahead. Neither the Health Security program nor the administration's program seeks revolutionary change in health care. The change that comes must be evolutionary change, but it must also be change that is capable of reaching the goals we share.

In essence, our difference is over the question whether the existing health care system needs a major overhaul or simply a minor tuneup. The question is whether a coordinated and comprehensive new approach is needed, or simply the sort of patchwork approach we have been using for too long. To be sure, we do need health insurance for the poor, catastrophic illness insurance for middle America, more assistance for medical schools, a moonshot against cancer and a manhattan project against sickle-cell anemia, incentives for health maintenance, and all the other items likely to be unveiled in the administration's arsenal. But we cannot afford to take these steps alone. Such divided and categorical approaches have been tried under Government or private sponsorship in the past, and they have met with uniform frustration and defeat.

We propose that the Nation cannot afford to repeat the mistakes of the past. We must begin now to develop a more coherent health care system which provides for the efficient use of existing health services and resources, which encourages better services and resources for the future, and which offers a comprehensive, balanced and proportioned approach to the health care system as a whole. This is the goal of the Health Security program.

The experience of medicare and medicaid has demonstrated that money alone and health insurance alone are no longer adequate to deal with the health needs of the Nation. So long as the resources are insufficient and the organizational arrangements are inadequate, money alone will only make the problem worse. National health insurance is necessary, but it must now and for the years ahead be part of a broader program of Health Security.

To those who say that the Health Security program will not work unless we first have an enormous increase in health manpower, health facilities and our ability to deliver health care, I reply that until we begin moving toward such a Health Security program, neither Congress nor the medical profession will ever take the basic steps that are essential to improve the system. Without something like the Health Security program to galvanize us into action, I fear that we will simply continue to patch the present system beyond any reasonable hope of survival.

If we are to reach our goal of bringing adequate health care to all our citizens, we must have full and generous cooperation between Congress, the administration, and all the health professions. I believe that we shall have this cooperation. We know the dedication of the health professions, the heroic efforts of hospitals and other institutions, the conscientious efforts of Federal, State, and local government agencies and their health personnel. We know their strong desire to end the limitations under which they struggle today to meet the growing national need for better health care. We share a common goal, and I am confident that we shall prevail.

It is highly appropriate that we in the Senate launch this new debate over health care on this, our first day of legislative business in the 92d Congress. At last, the debate over health care has shifted from the halls of the universities to the hearing rooms of Congress. The anguished pleas of millions of our people are being heard.

In the weeks and months to come, a great national debate will take place. As the new chairman of the Senate Health Subcommittee, I intend to take this issue to the people in all parts of the country, and to make every effort to insure that the promise of good health care becomes a reality for every citizen.

Although the debate will be nationwide, the primary focus will be on Congress and the response we make to the challenge that so clearly exists. More and more, in recent years, Congress has shown itself capable of meeting great challenges with great responses, and I am confident that the 92d Congress will do no less. Indeed, there could be no finer tribute to the 92d Congress than to be recorded as the Congress that at last ended the crisis of health care in America and brought health security to all our people.

THE CURRENT CRISIS

If one thing is clear in the United States of 1971, it is that health care is the fastest-growing failing business in the Nation—a $70 billion industry that fails to meet the urgent needs of our people. Today, more than ever before, we are spending more on health care and enjoying it less.

In spite of our vaunted research and technology, unequaled by any other nation in the history of the world,

America is an also-ran in the delivery of health care to our people.

Almost every family knows the cruel burden of worry, frustration, and disappointment that mark our search for better health care. The average American lives in dread of illness and disability. He lives with the uncertainty of not knowing whether to seek medical care, or when to seek it, or where to find it, or how to pay for it.

For millions of our citizens, health care of any sort is simply not available at any price. For millions more, the quality of care available is so poor that it may be fairly said that the citizen will be worse off because of his contact with the system.

There is not a person in the Nation who has not felt the heavy burden of the soaring cost of medical care. There is not a family in the Nation that does not live in fear of sickness and ill health, and the very real prospect of financial ruin and worse because of accident or serious illness.

Our current health crisis cuts across all political, social, economic and geographic lines. It affects rich and poor, black and white, old and young, urban and rural alike. Of all the pressing domestic problems we face, none is more pervasive or more difficult to resolve than the deterioration of our once proud system of health care. Never have so many different elements in our population been so united in their demand for action.

COMPARISONS WITH OTHER NATIONS

We know very well the dismal health record of the United States compared to the other major industrial nations of the world. Our rates of sickness and mortality lag far behind the potential of modern health care in America, or the reality of such care in many foreign nations. Year after year, the statistics tell us how little progress we have been making in health care in recent decades compared to other nations. Our record is getting no better. Unless we stop the slide, the crisis will get worse, and the result will be disaster.

The comparisons are shocking:

In infant mortality, among the major industrial nations of the world, the United States today trails behind 12 other countries, including all the Scandinavian nations, most of the British Commonwealth, Japan, and East Germany. Half of these nations were behind us in the early 1950's.

We trail six other nations in the percentage of mothers who die in childbirth. In the early 1950's, we had the lowest rate of any industrial nation.

Tragically, the infant mortality rate for nonwhites in the United States is nearly twice the rate for whites. And nearly five times as many nonwhite mothers die in childbirth as whites—shameful evidence of the ineffective prenatal and postnatal care our minority groups receive.

The story told by other health indicators is equally dismal. The United States trails 17 other nations in life expectancy for males, 10 other nations in life expectancy for females, and 15 other nations in the death rate for middle-aged males.

THE ROLE OF PRIVATE HEALTH INSURANCE

The comparison with other nations, reveals one other very important point. The United States today is the only major industrial nation in the world without a system of national health insurance or a national health service. Instead, we have placed our prime reliance on private enterprise and private health insurance to meet the need.

I believe that the private health insurance industry has failed us. It fails to control costs. It fails to control quality. It provides partial benefits, not comprehensive benefits; acute care, not preventive care. It ignores the poor and the medically indigent.

Despite the fact that private health insurance is a giant $12 billion industry, despite more than three decades of enormous growth, despite massive sales of health insurance by thousands of private companies competing with each other for the health dollar of millions of citizens, health insurance benefits today pay only one-third of the total cost of private health care, leaving two-thirds to be paid out of pocket by the patient at the time of illness or as a debt thereafter, at the very time when he can least afford it.

Nearly all private health insurance is partial and limited. For most citizens, their health insurance coverage is more loophole than protection. In 1968, of the 180 million Americans under 65:

Twenty percent, or 36 million, had no hospital insurance;

Twenty-two percent, or 39 million, had no surgical insurance;

Thirty-four percent, or 61 million, had no in-patient medical insurance;

Fifty percent, or 89 million, had no outpatient X-ray and laboratory insurance;

Fifty-seven percent, or 102 million, had no insurance for doctors' office visits or home visits;

Sixty-one percent, or 108 million, had no insurance for prescription drugs;

Ninety-seven percent, or 173 million, had no dental insurance.

As a result, it is fair to say that private health insurance today is a major part of our current crisis in health care. Commercial carriers syphon off the young and healthy, leaving the old and ill to Blue Cross, vulnerable to escalating rates they cannot possibly afford.

Too often, private carriers pay only the cost of hospital care. They force doctors and patients alike to resort to wasteful and inefficient use of hospital facilities, thereby giving further impetus to the already soaring cost of hospital care and unnecessary strains on health manpower.

Valuable hospital beds are used for routine tests and examinations which, under any rational health care system, would be conducted on an out-patient basis.

Unnecessary hospitalization and unnecessarily extended hospital care are encouraged for patients for whom any rational system would provide treatment in other, less elaborate facilities.

Unnecessary surgery is encouraged. We know that far more surgery takes place in the United States than in other nations with far better health records. We know that under the Federal Employees Health Benefits program, more than twice as much surgery takes place on Federal employees enrolled in the indemnity reimbursement plan as on those enrolled in prepaid group practice plans in the Federal program. The figures are especially striking for female surgery and for surgical procedures like appendectomy and tonsillectomy.

This, then, is where we stand today. Private health insurance has done no more than this to provide health security for American families.

THE SOURCE OF OUR HEALTH CRISIS

Our system of health care is in crisis today largely because our knowledge of health care has evolved at a much greater rate than our ability to deliver health care. We are the richest nation in the world in Nobel Prizes for medicine, yet we are among the poorest nations of the world in our ability to translate the triumphs of medical research into the reality of better health care. Our success in the laboratory is hollow indeed, in light of the cruel truth that good health care is simply not available to millions of our people.

In large part, our health care system has been buried under our magnificent advances of medical research. We have allowed ourselves to become so preoccupied with developing techniques to treat disease that we have ignored the delivery of health care. To be sure, the delivery system has evolved, but it has evolved more by neglect than design, to the point where it can no longer be called a system in a meaningful sense. We have severe shortages of family doctors and dentists, and a surfeit of surgeons. Rural practitioners retire, and hundreds of counties and thousands of small communities in America find themselves without access to a physician. Patients everywhere face a bewildering array of health personnel who know more and more about one disease or organ, but less and less about the whole patient.

It is important to understand how our present health crisis came about. At the turn of the present century, medical care in the United States began to take firm root in the emerging modern science. Soon after 1910, medical education itself became a university undertaking with a solid foundation in science.

The explosion of scientific knowledge made vast new resources available to medicine. The science and art of medical care developed at an unprecedented rate. As a result, specialization in medicine became necessary, and a number of specialties began to develop in medical schools and in the practice of medicine. The family physician began to disappear, replaced by an increasing variety of specialists, according to ages of life, categories of disease, organs of the body, and medical techniques.

Medical care became increasingly fractionated. No adequate resources were developed to take the place of the disappearing family physician, to provide primary medical care, or to coordinate services of the emerging specialties. The quality and effectiveness of medical care became increasingly uneven.

The specialization of physicians was accompanied by an increasing variety and number of allied practitioners. And, inevitably, along with the increasing complexity in the function of physicians, a similar complexity developed in the services provided by hospitals—the essential workshops of most of the new specialists.

As a consequence of these developments, the cost of medical care began to rise, progressively pricing more and more medical care beyond the reach of more and more people.

At the same time, the system of medical practice in the Nation—which had developed over the centuries when medical care was simple and uncomplicated—became increasingly rigid and unchanging, and began to impede the availability of medical care for more and more people. It began to interfere with the development of the personnel, facilities, and organizations needed to make medical care actually available to the people.

In turn, the stagnation of the health care system had two further unfortunate developments—an increasing unavailability of medical care despite increasing public expectation and demand for better medical care; and steeply increasing costs. The system resisted the development of needed resources for the delivery of medical care, and it resisted organizational improvements to moderate the steep rise in costs.

These developments and progressions were not peculiar to the United States. They were also taking place in all developed countries of the world. As one nation after another faced the problem, it acted to deal with the situation. Some countries developed national health insurance programs. Others developed national health services. They met their problems as best they could, according to their own needs and resources.

The United States alone stood apart from these worldwide developments. We preserved our faith in the private sector. Although government did become involved in the effort to upgrade health care, the effort was always limited, categorical, and inadequate. We chose to leave basic planning and development of health care to professional leadership and to the play of the marketplace.

The crisis today reflects the fact that professional leadership alone was not capable of meeting the national needs, and that the demands and needs of medical care do not lend themselves to satisfaction solely through the forces and the dynamics of the marketplace.

THE DEVELOPMENT OF THE HEALTH SECURITY PROGRAM

Recently, an important new chapter began in the long history of American health needs and social policy. Walter Reuther, the late president of the United Auto Workers, was among the first to see that financing programs like medicare and medicaid or extensions of private health insurance could not resolve the crisis of disorganization and the spiraling cost of health care. Walter Reuther understood that the Nation needed to take a bold step forward. In November 1968, he announced the formation of the Committee of One Hundred for National Health Insurance. As he said, in establishing the mandate of the committee:

I do not propose that we borrow a national health insurance system from any other nation. No nation has a system that will meet the peculiar needs of America. I am confident that we have in America the ingenuity and the social inventiveness needed to create a system of national health insurance that will be uniquely American—one that will harmonize and make compatible the best features of the present system, with maximum freedom of choice, within the economic framework and social structure of a national health insurance system.

Joining Walter Reuther on that committee were Dr. Michael E. deBakey, president of Baylor College of Medicine; Mrs. Mary Lasker, president of the Albert and Mary Lasker Foundation; Mr. Whitney M. Young, Jr., executive director of the National Urban League; and other outstanding citizens from the fields of medicine, public health, industry, agriculture, labor, education, the social services, youth, civil rights, religious organizations, and consumer groups. I have had the honor of serving on that committee, along with my Senate colleagues, JOHN SHERMAN COOPER and WILLIAM SAXBE, and my former colleague, Ralph Yarborough.

In its efforts over the past 2 years, the committee has worked to develop a sound program for improving the organization, financing and delivery of health services to the American people. The committee's deliberations were based upon the premise that progress toward a more rational health system should be orderly and evolutionary. The members of the committee felt that a better system of health care for America should rest upon the positive motivations and interests of both consumers and providers of health services. They believed that no system could succeed if it were imposed by fiat through rigid legislation and administrative regulations.

Throughout its deliberations, the committee has been guided by the work of its distinguished technical subcommittee, chaired by Dr. I. S. Falk, professor emeritus of public health of Yale University and the most eminent authority in the field of health economics in the Nation. The committee consulted extensively with representatives of professional associations, consumer organizations, labor unions, business groups, and many other interested organizations. The Health Security program is the result of these efforts, and it gives careful consideration to the recommendations of all of these groups.

Last August, Senators COOPER, SAXBE, YARBOROUGH, and I, together with 11 other Senators, introduced the original version of the Health Security program as S. 4297 in the 91st Congress. In September, the Senate Committee on Labor and Public Welfare held 2 days of hearings on the legislation, the first hearings to be held in Congress on comprehensive national health insurance since the critical problems of health care in America first became paramount 20 years ago. With the exception of the administration, testimony from a broad spectrum of witnesses was immensely favorable to the bill, and generated increased momentum for introduction of the bill in the 92d Congress.

At the time the bill was originally introduced last year, Congresswoman MARTHA GRIFFITHS of Michigan had already introduced legislation in the House of Representatives to create a national health insurance program similar in overall concept to the Health Security program, and her bill had received the strong endorsement of the AFL–CIO, under the leadership of President George Meany.

Before the 91st Congress adjourned last year, we had decided to pool our efforts and introduce a common bill in the 92d Congress. Hundreds of detailed differences between the two previous bills have been resolved, and the debate over the preparation of the new bill has led to the stronger Health Security program we introduce today.

As these and other developments make clear, we are now seeing the uniting of major American institutions to support the goal of Health Security. It is an issue destined to grow and remain before the American public until the goal of adequate health care for all is finally achieved.

MAJOR PROVISIONS OF THE HEALTH SECURITY PROGRAM

The Health Security program is intended to be comprehensive and extensive. At the conclusion of my remarks in the CONGRESSIONAL RECORD, I will include a section-by-section analysis of the bill and the text of the bill itself, so that the details of its provisions may be widely available to all. At this time, however, I would like to call attention to its main provisions:

Basic principle—The basic principle of the Health Security program is twofold: to establish a system of comprehensive national health insurance for the United States, capable of bringing the same high quality health care to every resident; and, to use the program to bring about major improvements in the organization and delivery of health care in the Nation.

The Health Security program does not envisage a national health service, in which Government owns the facilities, employs the personnel, and manages all the finances of the health care system. On the contrary, the program proposes a working partnership between the public and private sectors. There will be Government financing and administrative management, accompanied by private provision of personal health services through private practitioners, institutions, and other providers of health care.

Persons eligible for benefits—Every individual residing in the United States will be eligible to receive benefits. There will be no requirement of past individual contributions, as in Social Security, or a means test, as in Medicaid.

Starting date for benefits—July 1, 1973. The 2-year tooling-up period prior to that date will be used to prepare the health care system for the program.

Covered benefits—With certain modest limitations, the program will provide comprehensive health benefits for

every eligible person. The benefits available under the program will cover the entire range of personal health care services, including the prevention and early detection of disease, the care and treatment of illness, and medical rehabilitation. There are no cutoff dates, no coinsurance, no deductibles, and no waiting periods.

For example, the program provides full coverage for physicians' services, inpatient and outpatient hospital services, and home health services. It also provides full coverage for other professional and supporting services, such as optometry services, podiatry services, devices, and appliances, and certain other services under specified conditions.

The four limitations in the otherwise unlimited scope of benefits are dictated by inadequacies in existing health resources or in management potentials. They deal with nursing home care, psychiatric care, dental care, and prescription drugs, as follows:

Skilled nursing home care is limited to 120 days per benefit period. The period may be extended, however, if the nursing home is owned or managed by a hospital, and payment for care is made through the hospital's budget.

Psychiatric hospitalization is limited to 45 consecutive days of active treatment during a benefit period, and psychiatric consultations are limited to 20 visits during a benefit period. These limits do not apply, however, when benefits are provided through comprehensive health care organizations or comprehensive mental health care organizations.

Dental care is restricted to children through age 15 at the outset, with the covered age group increasing annually until persons through age 25 are covered. Persons eligible for coverage through age 25 will remain eligible for coverage throughout their lives.

Prescribed drugs are limited to those provided through hospital in-patient or out-patient departments, or through organized patient care programs. For other patients, coverage extends only to drugs required for the treatment of chronic or long-term illness.

Inevitably, simply stating these four limitations gives them a prominence they do not deserve. In all other respects, covered health services will be available without limit, in accordance with medical need.

Administration—The administration of the Health Security program will be carried out by a five-member full-time Health Security Board, appointed by the President with the advice and consent of the Senate. Members of the Board will serve 5-year terms, and will be under the authority of the Secretary of Health, Education, and Welfare.

A statutory National Advisory Council will assist the Board in the development of general policy, the formulation of regulations, and the allocation of funds. Members of the Council will include representatives of both providers and consumers of health care.

Field administration of the program will be carried out through the 10 existing HEW regions, as well as through the approximately 100 health subareas that now exist as natural medical marketplaces in the Nation. Advisory councils on matters of administration will be established at each of these levels. However, the Board will guide the overall performance of the program. It will coordinate its functions with State and regional planning agencies, and it will account for its activities to Congress.

Financing the program—The program will be financed through a Health Security Trust Fund, similar to the Social Security Trust Fund. Income to the Fund will derive from four sources:

Fifty percent from general Federal tax revenues;

Thirty-six percent from a tax of 3.5 percent on employers' payrolls;

Twelve percent from a tax of 1 percent on employees' wages and unearned income up to $15,000 a year;

Two percent from a tax of 2.5 percent on self-employment income up to $15,000 a year.

Employers may pay all or part of their employees' health security taxes, in accord with arrangements established under collective-bargaining agreements.

Payment mechanism—The essence of the payment mechanism and the central cost control feature of the program is that the health care system as a whole will be anchored to a budget established in advance. A given amount of money will be made available for the program each year, based on the available estimates of the needs to be met and the services to be provided, with due regard for the resources of the system. As in every area of our economic life, the health care system will be obliged to live within its budget. In this way we can end the unacceptable escalation of costs within our present system. In this way we can end the long financial binge in which health care has had a signed blank check on the whole economy of the Nation.

Each year, the Health Security Board will make an advance estimate of the total amount needed for expenditure from the Trust Fund to pay for health care services in the program. The Board will allocate funds to the several regions, and these allocations will be subdivided among categories of services in the health subareas. Advance estimates, constituting the program budgets, will be subject to adjustments in accordance with guidelines in the act. The allocations to regions and to subareas will be guided initially by the available data on current levels of expenditure. Thereafter, they will be guided by the program's own experience in making expenditures and in assessing the need for equitable health care throughout the Nation.

Compensation of doctors, hospitals, and other providers—Providers of health services will be compensated directly by the Health Security program. Individuals will not be charged for covered services.

Hospitals and other institutional providers will be paid on the basis of approved prospective budgets. Independent practitioners, including physicians, dentists, podiatrists, and optometrists, may be paid by various methods which they may elect: by fee-for-service, by capitation payments, or in some cases by retainers, stipends, or a combination of such methods. Comprehensive health service organizations may be paid by capitation, or by a combination of capitation and methods applicable to payments to hospitals and other institutional providers. Other independent providers, such as pathology laboratories, radiology services, pharmacies, and providers of appliances, will be paid by methods adapted to their special characteristics.

Foundations, sponsored by medical or dental societies or other specified nonprofit organizations, are specifically recognized as a class of providers with which the Board may contract for services. Foundations would be required to have an enrolled population and to permit participation by all qualified physicians in the area. Foundations would be reimbursed by the same formula used for prepaid group practice plans.

In addition, drug addiction and alcoholic treatment centers are specifically included as eligible providers of services under the program.

Resources Development Fund—An essential feature of the program is the Resources Development Fund, which will come into operation 2 years before benefits begin. In the first year of this "tooling up" period, $200 million will be appropriated for the fund; in the second year, $400 million will be made available. Once the program benefits begin, up to 5 percent of the Trust Fund—about $2 billion a year—will be set aside for resources development. These funds will be used to support innovative health programs, particularly in areas like manpower, education, training, group practice development, and other means to improve the delivery of health care. The principal attribute of the Fund is that it can be used to channel far more money into areas like education and training than is possible under the existing system of congressional authorization and appropriation for ongoing programs.

Quality Control—The Health Security program includes various provisions designed to safeguard the quality of health care. The program will establish national standards more exacting than medicare for participating individual and institutional providers. Independent practitioners will be eligible to participate if they meet licensure and continuing education requirements. Specialty services will be covered if, upon referral, they are performed by qualified persons. Hospitals and other institutions will be eligible for participation if they meet national standards, and if they establish utilization review and affiliation arrangements.

In addition, the Health Security Board is authorized to require prior consultation with an appropriately qualified specialist before the performance of designated nonemergency surgery, in order to allow administrative monitoring of surgical procedures that are frequently abused.

Incentives—Financial, professional and other incentives are built into the program to move the health care delivery system toward organized arrangements for patient care, and to encourage preventive care and the early diagnosis of disease.

In the area of health manpower, the program will supplement existing Federal programs. It will provide incentives for comprehensive group practice organizations, encourage the efficient use of personnel in short supply, and stimulate the progressive broadening of health services. It will provide funds for education and training programs, especially for members of minority groups and those disadvantaged by poverty. Finally, it will provide special support for the location of increased health personnel in urban and rural poverty areas.

Relation to existing programs—Various Federal health programs will be superseded, in whole or in part, by the Health Security program. Since persons of age 65 or over will be covered by the program, medicare under the social security system will be terminated. Federal aid to the States for medicaid and other Federal programs will also be terminated, except to the extent that benefits under such programs are broader than under the Health Security program. However, the bill does not affect the current provisions for personal health services under the Veterans Administration, temporary disability, or workmen's compensation programs.

Cost of the program and Federal revenue sharing—On the basis of data available for the fiscal year 1970, a total of $41 billion was expended for health care benefits that would have been covered by the Health Security program had the program been in effect for that year. In other words, if the Health Security program had been in effect in 1970, the cost of the program would have been $41 billion.

The $41 billion figure represents approximately 70 percent of the total actual expenditures for personal health care in the United States for that year. These expenditures consist of $30 billion in private health insurance payments and private out-of-pocket payments, $8 billion in payments by the Federal Government, and $3 billion in payments by State and local governments.

The cost of the health security program has been the source of enormous confusion and misunderstanding since the original version of the Health Security Act was introduced last year in the 91st Congress. The crucial point is that in no sense does the hypothetical $41 billion price tag for the Health Security program in 1970 represent new money. Rather, this is what Americans are already paying for personal health care under the existing system.

Thus, the Health Security program is not a new layer of Federal expenditures on top of existing public and private spending for health care. Instead, the Health Security program simply redistributes the health expenditures that are already being made. Although, of course, *Federal* expenditures in 1970 would have risen from $8 billion under the existing system to $41 billion if the Health Security program had been in effect, individuals and organizations throughout the Nation would have been relieved of $30 billion of *private* health insurance expenses and out-of-pocket payments for health care, and State and local governments would have been relieved of $3 billion, representing costs incurred largely in medicaid and other public assistance programs, and in city and county medical programs.

In a very real sense, therefore, the Health Security program is a direct form of Federal revenue sharing. It offers $3 billion in substantial and immediate Federal financial relief to State and local governments, thereby freeing scarce State and local funds for other urgently needed purposes.

Over the long run, by revitalizing the existing health care system and ending the excessive inflation in the cost of health care, the Health Security program will be far less expensive than the amount we will spend if we simply allow the present system to continue.

Even at the beginning, moreover, the Health Security program will provide more and better services without increasing the cost, since the initial savings achieved by the program will be sufficient to offset the cost of the increased services. In other words, from the day the Health Security program begins, we will guarantee our citizens better value for their health dollar, and achieve a substantial moderation of the current exorbitant inflation in health costs. Even in the first year of the Health Security program, the comprehensive health services provided will be available for the same cost we would have paid for the partial and inefficient services of the existing system.

In 1970, for example, spending for health exceeded $70 billion. For the first time in our history, expenditures for health rose above 7 percent of our gross national product. If we continue to do nothing, the annual cost will exceed $100 billion in only 3 years.

CONCLUSION

In sum, the Health Security Act we submit to the Senate and to the people of the United States differs from all previous proposals for health care or national health insurance. It is not just another financing mechanism. It is not just another design for pouring more purchasing power into our already overstrained and overburdened nonsystem for the delivery of health care. It is not just another proposal to generate more professional personnel or more hospitals and clinics, without the means to guarantee their effective use.

Ours is a proposal to give us a national system of health security. Under this program, the funds we make available will finance and budget the essential costs of good health care for generations ahead. At the same time, these funds will be building new capacity to bring adequate, efficient and reliable health care to all families and individuals in the Nation.

I invite all Members of the Senate to study this proposed legislation and to join with us in seeking early enactment of the Health Security program.

Mr. President, in order that the details of this legislation may be widely available to all, I ask unanimous consent that the bill may be printed at this point in the RECORD, together with a section-by-section analysis of the bill.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 3) to create a national system of health security, introduced by Mr. KENNEDY, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Health Security Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the health of the Nation's people is the foundation of their wellbeing and of our Nation's strength, productivity, and wealth;

(2) adequate health care for all of our people must now be recognized as a right; and

(3) a national system of Health Security is the means to implement that right.

(b) The purpose of this Act is—

(1) to create a national system of health security benefits which, through national health insurance, will make comprehensive health services available to all residents of the United States, and

(2) through the operation of the system, to effect modifications in the organization and methods of delivery of health services which will increase the availability and continuity of care, will enhance its quality, will emphasize the maintenance of health as well as the treatment of illness and, by improving the efficiency and the utilization of services and by strengthening professional and financial controls, will restrain the mounting cost of care while providing fair and reasonable compensation to those who furnish it.

INITIATION OF HEALTH SECURITY PROGRAM

SEC. 3. Health Security taxes will become effective on January 1, and health services will become available on July 1, of the second calendar year after the year in which this Act is enacted. Except for the benefit and related fiscal provisions, title I of this Act is effective upon enactment. Certain federally financed or supported health programs will be terminated or curtailed when health benefits under this Act become available. Effective dates of the several provisions of this Act are set forth in sections 142, 204, 214, 301, 302, and 303.

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Declaration of purpose.
Sec. 3. Initiation of health security program.

TITLE I—HEALTH SECURITY BENEFITS

PART A—ELIGIBILITY FOR BENEFITS

Sec. 11. Basic eligibility.
Sec. 12. Agreements for eligibility of other persons.

PART B—NATURE AND SCOPE OF BENEFITS: COVERED SERVICES

Sec. 21. Entitlement to have payment made for benefits.
Sec. 22. Physician services.
Sec. 23. Dental services.
Sec. 24. Institutional services.
Sec. 25. Drugs.
Sec. 26. Devices, appliances, and equipment.
Sec. 27. Other professional and supporting services.
Sec. 28. Exclusions from covered services.

PART C—PARTICIPATING PROVIDERS OF SERVICES

Sec. 41. In general; agreements with the board.
Sec. 42. Professional practitioners.
Sec. 43. General hospitals.
Sec. 44. Psychiatric hospitals.

Sec. 45. Skilled nursing homes.
Sec. 46. Home health service agencies.
Sec. 47. Comprehensive health service organizations.
Sec. 48. Professional foundations.
Sec. 49. Other health service organizations.
Sec. 50. Other providers.
Sec. 51. Utilization review.
Sec. 52. Transfer and affiliation agreements.
Sec. 53. Newly constructed facilities.
Sec. 54. Consideration of professional association standards.
Sec. 55. Exclusion: Federal providers of services.
Sec. 56. Restrictive State laws inoperative.

PART D—TRUST FUND; ALLOCATION OF FUNDS FOR SERVICES

Sec. 61. Health Security Trust Fund.
Sec. 62. Annual determination of fund availability.
Sec. 63. Health services account, health resources development account, and administration account.
Sec. 64. Regional allocations from health services account.
Sec. 65. Division of regional funds by classes of services.
Sec. 66. Funds for health service areas.
Sec. 67. Modification of fund allotments.

PART E—PAYMENT TO PROVIDERS OF SERVICES

Sec. 81. In general.
Sec. 82. Methods and amount of payment to professional practitioners.
Sec. 83. Payment to general hospitals.
Sec. 84. Payment to psychiatric hospitals.
Sec. 85. Payment to skilled nursing homes and to home health service agencies.
Sec. 86. Payment for drugs.
Sec. 87. Payment to comprehensive health service organizations.
Sec. 88. Payment to other providers.
Sec. 89. Methods and time of payment.

PART F—PLANNING; FUNDS TO IMPROVE SERVICES AND TO ALLEVIATE SHORTAGES OF FACILITIES AND PERSONNEL

Sec. 101. Purpose of part F; availability of funds.
Sec. 102. Planning.
Sec. 103. General policies and priorities.
Sec. 104. Organizations for the care of ambulatory patients.
Sec. 105. Recruitment, education, and training of personnel.
Sec. 106. Special improvement grants.
Sec. 107. Loans under part F.
Sec. 108. Relation of parts E and F.

PART G—ADMINISTRATION

Sec. 121. Establishment of the Health Security Board.
Sec. 122. Duties of the secretary and the Board.
Sec. 123. Executive Director; delegation of authority.
Sec. 124. Regions and health service areas.
Sec. 125. National Health Security Advisory Council.
Sec. 126. Regional and local advisory councils.
Sec. 127. Professional and technical advisory committees.
Sec. 128. Participation by State Agencies.
Sec. 129. Technical assistance to skilled nursing homes and home health agencies.
Sec. 130. Dissemination of information; studies and evaluations; systems development.
Sec. 131. Experiments and demonstrations.
Sec. 132. Determinations; suspension or termination of participation.
Sec. 133. Hearings: Judicial review.
Sec. 134. Directions by the Board for the better organization and coordination of services.
Sec. 135. Levels of compensation.

PART H—MISCELLANEOUS PROVISIONS

Sec. 141. Definitions.
Sec. 142. Effective dates of title I.
Sec. 143. Existing employer-employee health benefit plans unaffected.

TITLE II—HEALTH SECURITY TAXES

PART A—PAYROLL TAXES

Sec. 201. Rates and coverage.
Sec. 202. Conforming and technical amendments.
Sec. 203. Employer payment of employee tax obligations.
Sec. 204. Effective dates of Part A.

PART B—TAX ON NON-WAGE INCOME

Sec. 211. Imposition of tax.
Sec. 212. Tax on unearned income.
Sec. 213. Conforming and technical amendments.
Sec. 214. Effective dates of part B.

TITLE III—REPEAL OR AMENDMENT OF OTHER ACTS

Sec. 301. Repeal of medicare and Federal employee health benefit statutes.
Sec. 302. Medicaid statute.
Sec. 303. Vocational Rehabilitation Act; maternal and child health and crippled children's services.

TITLE IV—STUDIES RELATED TO HEALTH SECURITY

Sec. 401. Study of the provision of health security benefits to United States citizens in other countries.
Sec. 402. Study of long-term care needs.
Sec. 403. Study of coordination with other Federal health benefit programs.
Sec. 404. Study of malpractice liability.
Sec. 405. Appropriation of funds for authorized studies.

TITLE I—HEALTH SECURITY BENEFITS

PART A—ELIGIBILITY FOR BENEFITS

BASIC ELIGIBILITY

SEC. 11. Every resident of the United States and every nonresident citizen thereof is eligible, while within the United States, to receive health services under this Act; except that an alien employee (as defined in regulations) of a foreign government, of an instrumentality of a foreign government exempt from the tax imposed by section 3111(b) of the Internal Revenue Code of 1954, or of an international organization (as defined in the International Organizations Immunity Act) is eligible only in accordance with an agreement under section 12. An alien admitted as a permanent resident and living within the United States, or an alien admitted for employment and employed within the United States, is for the purposes of this title a resident of the United States.

AGREEMENTS FOR ELIGIBILITY OF OTHER PERSONS

SEC. 12. The Health Security Board (hereafter referred to as the "Board"), with the approval of the Secretary of Health, Education, and Welfare and the Secretary of State, is authorized to enter into agreements with foreign governments, international organizations, or other entities to extend the benefits of this title to persons within the United States not otherwise eligible therefor, in consideration of payment to the United States of the estimated cost of furnishing the benefits to such persons, or of an undertaking to furnish in a foreign country similar benefits to citizens of the United States, or of a combination of payment and such an undertaking.

PART B—NATURE AND SCOPE OF BENEFITS; COVERED SERVICES

ENTITLEMENT TO HAVE PAYMENT MADE FOR SERVICES

SEC. 21. Every eligible person is entitled to have payment made by the Board for any covered service furnished within the United States by a participating provider if the service is necessary or appropriate for the maintenance of health or for the diagnosis or treatment of, or rehabilitation following, injury, disability, or disease. Covered services are the services described in this part (subject to the exclusions stated in section 28); participating providers are providers described in part C.

PHYSICIAN SERVICES

SEC. 22. (a) Professional services of physicians, furnished in their offices or elsewhere, are covered services except to the extent otherwise provided in this section and section 28. Covered physicians' services include services and supplies of kinds which are commonly furnished in a physician's office, without separate charge, as an incident to his professional services.

(b) Covered physicians' services consist of (1) primary medical services, which are the services (as defined in regulations, but including preventive services) ordinarily furnished by physicians, whether general practitioners or specialists, engaged (as determined in accordance with standards for such practice prescribed in regulations) in general or family practice for adults or for children or for both, and (2) specialized services. Major surgery and other specialized services designated in regulations are covered services only if they are furnished by an appropriately qualified specialist and, to the extent specified in regulations, on referral by a physician engaged in general or family practice, or if they are emergency services.

(c) Psychiatric (mental health) service to an outpatient is a covered service (1) only if it constitutes an active preventive, diagnostic, therapeutic, or rehabilitative service with respect to emotional or mental disorders, and (2) only (A) if the service is furnished by a comprehensive health service organization, by a hospital, or by a community mental health center or other mental health clinic which furnishes comprehensive mental health services, or (B) if the service is furnished to a patient of a day care service approved by the Board for this purpose, or (C) to the extent of twenty consultations during a benefit period (as defined in regulations), if the service is furnished otherwise than in accordance with clause (A) or (B). In any community in which the available psychiatric services furnished otherwise than in accordance with clause (A) or (B) are found by the Board to be insufficient to meet the needs of the community, the Board may limit the coverage of such services by prescribing referral or other nonfinancial conditions in order to give priority of access to the services to those persons most in need of them.

DENTAL SERVICES

SEC. 23(a) Professional services (described in subsection (c)) of a dentist, furnished in his office or elsewhere, are (subject to the provisions of section 28) covered services if they are furnished to a person who, at the time when the services are furnished, is entitled to such services in accordance with subsection (b). Covered services include services, materials, and supplies which are commonly furnished in a dentist's office, without separate charge, as an incident to his professional services.

(b) Persons who on the effective date of health benefits are less than 15 years of age are entitled to covered dental services, and will remain so entitled throughout their lives. On July 1 of each of the five years immediately succeeding the year in which the effective date occurs, the following persons will become (and thereafter remain) entitled to such services: on July 1 of the first succeeding year, persons who are then less than 17 years of age; on July 1 of the second succeeding year, persons who are then less than 19 years of age; on July 1 of the third

succeeding year, persons who are then less than 21 years of age; on July 1 of the fourth succeeding year, persons who are then less than 23 years of age; and on July 1 of the fifth succeeding year, persons who are then less than 25 years of age.

(c) Covered dental services are preventive services (including personal dental health education), diagnostic services, therapeutic services (exclusive of orthodontic services other than for handicapping malocclusion), and services required for rehabilitation following injury, disability, or disease.

(d) It is the intention of the Congress that the coverage of dental services under this title be extended to persons more than 15 years of age on the effective date, as rapidly as the availability of funds and of facilities and personnel makes possible, and the Board, in its annual reports to the Congress on the administration of this title, shall review the operation of this section and recommend extension of the entitlement specified in this section as rapidly as the Board deems feasible. Not later than seven years after the effective date, the Board shall submit its recommendation with respect to the scope and conditions of availability of covered dental services to all persons not already entitled thereto.

INSTITUTIONAL SERVICES

SEC. 24. (a) Inpatient and outpatient services of a psychiatric or other hospital, skilled nursing home services, and the services of home health service agencies, which are ordinarily furnished by the institution to patients for the purposes stated in section 21, are covered services except to the extent otherwise provided in this section and section 28. Covered services include services furnished generally to the patients served by an institution, including pathology and radiology services and all other necessary services, whether they are furnished by the institution or by others under arrangement with the institution. To the extent provided in regulations, inpatient services of a Christian Science Sanatorium are covered services.

(b) Covered services do not include personal comfort items or, unless required for medical reasons, the additional cost of accommodations more expensive than semiprivate accommodations; and do not include domiciliary or custodial care, or institutional care of a person while he is not receiving active medical treatment.

(c) Covered services do not include care in a skilled nursing home for more than one hundred and twenty days during a benefit period (as defined in regulations); except that the Board may, on such conditions as it finds appropriate to assure effective control of utilization, extend the duration of covered services, either for a stated number of days in a benefit period or indefinitely—

(1) in all skilled nursing homes for which consolidated budgets with hospitals have been approved under section 83(f), or

(2) in all participating skilled nursing homes having in effect affiliation agreements under section 52(b), if the Board finds that adequate funds and resources are available therefor and that such action will not lead to excessive utilization of nursing home services.

(d) Covered services do not include institutional care of a person as a psychiatric patient while the patient is not receiving active treatment for an emotional or mental disorder; and do not include care of a person as a psychiatric patient for more than forty-five consecutive inpatient days in either a psychiatric or another hospital during a benefit period (as defined in regulations).

(e) Covered services do not include institutional care of an inpatient unless a physician has certified to the medical necessity of the patient's admission to the institution, and do not include such care (during a continuous stay in the institution) after such period (if any) as may be specified in regulations unless a physician has certified to the continued medical necessity of such care. Regulations may specify the classes of cases in which certification of continued necessity is required, may specify different periods for different classes of cases, and may permit retroactive certification under such circumstances and to such extent as the Board deems appropriate.

(f) Covered services do not include the services of a psychiatric or other hospital or a skilled nursing home, during a benefit period (as defined in regulations), after the third day following receipt by the institution and the patient of notice of a finding by a utilization review committee pursuant to section 51(e) that further stay in the hospital or further stay in the nursing home, as the case may be, is not medically necessary.

DRUGS

SEC. 25. (a) The Board, with the approval of the Secretary, shall establish and disseminate (and review, and if necessary revise, at least annually) (1) a list of drugs for use in participating institutions and comprehensive health service organizations, and (2) a list (for use outside such institutions and organizations) of diseases and conditions for the treatment of which drugs may be furnished as a covered service, and a specification of the drugs that may be so furnished for each disease or condition listed. Subject to the provisions of subsections (b) and (c) and of section 28, the furnishing of a drug to an eligible person is a covered service if it is furnished by or on prescription of a participating physician or dentist, or by or on prescription of a physician or dentist acting on behalf of a participating institutional or other provider.

(b) The list of drugs referred to in subsection (a)(1) shall be designed to provide physicians and dentists with an armamentarium necessary and sufficient for rational drug therapy incident to comprehensive medical services or incident to covered dental services. The furnishing of a drug on this list is a covered service if it is furnished to a person who is enrolled in a participating comprehensive health service organization, or is administered within a participating hospital to an inpatient or an outpatient, or is administered to an inpatient of a participating skilled nursing home operated by a participating hospital or having in effect an affiliation agreement in accordance with section 52(b).

(c) The list of diseases and conditions referred to in subsection (a)(2) shall include those chronic diseases and conditions for which drug therapy, because of its duration and cost, commonly imposes substantial financial hardship; and may include other diseases and conditions for which the Board finds costly drug therapy so be commonly required and effective. To assure proper utilization of drugs for specific diseases or conditions, the Board may require that the physician or dentist furnishing or prescribing a listed drug be a specialist qualified to diagnose and treat that disease or condition. The furnishing of a drug (although not to a person or under circumstances described in subsection (b)) is a covered service if (1) the physician or dentist furnishing or prescribing it identifies the disease or condition for which it is furnished or prescribed, and the disease or condition is one appearing on the Board's list, (2) the physician or dentist meets specialist qualifications, if any, required by the Board, and (3) the drug is specified on the Board's list as one available for treatment of the disease or condition identified by the physician or dentist.

(d) The Board shall not list a drug under this section unless (1) the Secretary has found that it is safe and efficacious for the purposes for which it is recommended and (on the list established under subsection (c)) for the treatment of each disease or condition for which it is specified on the list, and (2) the Board finds that it is available at a reasonable cost (considering, among other factors, the existence or absence of competition in the production, distribution, and sale of the drug). Drugs shall be listed by their established names (as defined in section 502(e) of the Federal Food, Drug, and Cosmetic Act) and also, to the extent the Board deems appropriate, by trade names.

(e) In reviewing and revising lists established under this section the Board shall take into consideration (1) current information about the safety and efficacy of listed drugs, and about their cost, (2) the results of review of drug utilization under this title, (3) experience bearing on the determination of what diseases and conditions meet the criteria stated in subsection (c), and (4) such other factors as the Board deems pertinent. Drugs shall be added to or eliminated from the lists as the Board finds best calculated to effectuate the purposes of this section.

DEVICES, APPLIANCES, AND EQUIPMENT

SEC. 26. (a) The Board, with the approval of the Secretary, shall establish and disseminate (and review, and if necessary revise, at least annually) lists of the therapeutic devices, appliances, and equipment (including eyeglasses, hearing aids, and prosthetic appliances), or classes thereof, which it finds are important for the maintenance or restoration of health or of employability or self-management. The Board shall take into consideration the efficacy, reliability, and cost of each item listed, and shall attach to any item such conditions as it deems appropriate with respect to the circumstances under which or the frequency with which the item may be prescribed. In establishing and revising lists under this section the Board shall seek to avoid a rate of expenditure for the furnishing of devices, appliances, and equipment in excess of 2 per centum of the rate of expenditure for all covered services.

(b) The furnishing of a device, appliance, or equipment prescribed by a participating physician or dentist, or by a physician or dentist on behalf of a participating institutional or other provider, is (subject to the provisions of section 28) a covered service if the item appears on a current list of essential items and the prescription falls within any conditions attached to the prescribing of that item on the list. The furnishing of any other device, appliance, or equipment so prescribed is also a covered service if, in accordance with regulations, the furnishing of it has been approved in advance by the Board. Regulations under this section may list items or classes of items which, because of lack of efficacy or reliability or because of cost, the Board has determined may not be furnished as covered services.

OTHER PROFESSIONAL AND SUPPORTING SERVICES

SEC. 27. (a) To the extent provided in regulations (but subject to the provisions of section 28) the following are covered services:

(1) the professional service of optometrists;

(2) the professional services of podiatrists;

(3) the diagnostic services of independent pathology laboratories, and diagnostic and therapeutic radiology furnished by independent radiology services;

(4) the care of a patient in a mental health day care service (A) for not more than sixty full days (or its equivalent) during or following a benefit period (as defined in regulations), when furnished by a hospital or a service affiliated with a hospital, or (B) if furnished by a comprehensive health service organization or by a community mental health center or other mental health center which furnishes comprehensive mental health services; and

(5) ambulance and other emergency transportation services, and such nonemergency transportation services as the Board finds essential to overcome special difficulty of access to covered services.

(b) Supporting services (such as psychological, physio-therapy, nutrition, social work, or health education services) are covered services when they are a part of institutional services or when, with the approval of the board, they are furnished by a comprehensive health service organization meeting the requirements of section 47(a), or by an organization, agency, or center with which the Board has entered into an agreement pursuant to section 49(a) (1), (2), or (3).

EXCLUSIONS FROM COVERED SERVICES

SEC. 28. (a) Health services furnished or paid for under a workmen's compensation law of the United States or a State, or legally required to be so furnished or paid for, are not covered services. Such services, if furnished by a participating provider, shall nevertheless be treated as covered services in accordance with this part unless and until a determination has been made pursuant to the workmen's compensation law that the services are covered by that law, and any resulting overpayment under this title shall, when payment is made under the workmen's compensation law, be recouped in the same manner as other overpayments.

(b) Health services furnished in a primary or secondary school are covered services only to such extent and on such conditions as may be specified in regulations.

(c) Surgery performed solely for cosmetic purposes (as defined in regulations), and hospital or other services incident thereto, are not covered services.

(d) The furnishing of a drug otherwise than in accordance with section 25 is not a covered service. The furnishing of a device, appliance, or equipment otherwise than in accordance with section 26 is not a covered service unless it is furnished, in accordance with section 22(a) or section 23(a), as an incident to professional services.

(e) The Board may by regulation exclude from covered services medical or surgical procedures (and services incident thereto) which it finds are essentially experimental in character and which, because of cost or because of shortage of qualified personnel or facilities, it finds cannot practicably be furnished on a nationwide basis.

(f) Except as provided in regulations, services are not covered services if (1) they are furnished by another provider to a person enrolled in a participating comprehensive health service organization, a participating professional foundation, or an organization described in section 49(a)(5), and are within the range of services which the organization or foundation has undertaken to furnish, or (2) they are primary physicians' services or covered dental services and are furnished by another provider to a person on the list of a physician or a dentist who has elected to be paid by the capitation method.

(g) The services of a professional practitioner are not covered services if they are furnished in a hospital which is not a participating provider, or are furnished to a psychiatric inpatient of an institution at a time when the institutional services to the patient are, by reason of section 24(d), not covered services.

(h) The Board may by regulation exclude from covered services specified surgical procedures, when not required by life-threatening or other acute emergencies, which have not been preceded by consultation with, and recommendation of surgery by, such appropriately qualified specialists as may be required by the regulations. Hospital and other services incident to surgery excluded by regulations under this subsection are not covered services.

PART C—PARTICIPATING PROVIDERS OF SERVICES

IN GENERAL: AGREEMENTS WITH THE BOARD

SEC. 41. (a) A person, corporation, or other entity furnishing any covered service is a participating provider if he or it (1) meets such qualifications and conditions as are established by or pursuant to this part for providers of that service, (2) furnishes the service as an independent provider and not (as employee or otherwise) on behalf of another provider entitled under part E to payment for the service, and (3) has filed with the Board an agreement (A) that services to eligible persons will be furnished without discrimination on the ground of race, color, or national origin, (B) that no charge will be made for any covered service other than for payment authorized by this title, and (C) that the provider will furnish such information as may be reasonably required by the Board for utilization review by professional peers, for the making of payments under this title, and for statistical or other studies of the operation of the title, and will permit such examination of records as may be necessary for verification of information on which payments are based. Participation of a provider may, however, be suspended or terminated pursuant to section 132 or section 134.

(b) With respect to the performance of a surgical procedure specified in regulations under section 28(h) (including an emergency case) the Board may, for the purposes of subsection (a)(3)(C) of this section, require the furnishing of a pathology report on tissue removed and a clinical abstract or discharge report of the case.

PROFESSIONAL PRACTITIONERS

SEC. 42. (a) Subject to the provisions of subsections (c) and (d), a physician, dentist, optometrist, or podiatrist, legally authorized on the effective date of health security benefits to practice his profession in a State, is a qualified provider of covered services within the State. A practitioner first so authorized by a State after the effective date is a qualified provider if, in addition, he meets national standards established by the Board (taking into consideration the criteria applied by any recognized national testing organization) for the practitioner's profession. A practitioner who is a qualified provider in one State, if he meets the national standards, is also in any other State (in accordance with the provisions of section 56(a)(1)) a qualified provider of services which (1) are covered services to persons entitled thereto under this title, and (2) are of a kind which such other State authorizes to be furnished by practitioners of his profession.

(b) For the purposes of this title—

(1) A doctor of osteopathy legally authorized to practice medicine and surgery in a State is a physician.

(2) A dentist qualified in accordance with subsection (a) is a physician when performing oral surgery or other procedures which, in accordance with generally accepted professional standards, may be performed by either a physician or a dentist.

(c) Not later than two years after the effective date, the Board shall establish for physicians, dentists, optometrists, and podiatrists such requirements of continuing education (taking into consideration standards approved by appropriate professional organizations) as it finds reasonable and necessary to maintain and enhance the quality of professional services to eligible persons. A professional practitioner who fails to meet a requirement established under this subsection shall, if the deficiency persists after notice and a reasonable opportunity to correct it, cease to be a qualified provider. A hospital or other provider on whose behalf a physician, dentist, optometrist, or podiatrist furnishes covered services shall (after like notice and opportunity for correction) cease to be a qualified provider if the practitioner fails to meet such a requirement.

(d) A physician qualified in accordance with subsection (a) is not qualified to perform major surgery as a covered service, or to furnish as covered services other specialized services designated in regulations, unless he holds a certificate from the appropriate national specialty board or possesses the qualifications requisite to such certification; except that a physician may be found qualified to furnish any specialized services as covered services if (1) prior to the effective date he has engaged in furnishing such services as a specialist or as a substantial part of his medical practice, (2) he meets standards established by the Board, and (3) where appropriate, a finding that he is so qualified is recommended by a participating hospital in which he has engaged substantially in furnishing such services.

HOSPITALS (OTHER THAN PSYCHIATRIC HOSPITALS)

SEC. 43. Subject to the provisions of section 53, a hospital (other than a psychiatric hospital) is a qualified provider if it is an institution which—

(a) is primarily engaged in providing to inpatients (other than mentally ill persons) diagnostic, therapeutic, and rehabilitation services, furnished by or under the supervision of physicians, for medical diagnosis, treatment, care, and rehabilitation of injured, disabled, or sick persons;

(b) maintains adequate clinical records on all patients;

(c) has bylaws in effect with respect to its staff of physicians, and has filed with the Board an agreement that in granting or maintaining medical staff privileges it will not discriminate on any ground unrelated to professional qualification;

(d) has a requirement that every patient must be under the care of a physician;

(e) provides twenty-four-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

(f) has a pharmacy and drug therapeutics committee which establishes policies for the selection, acquisition, and utilization of drugs;

(g) has in effect a hospital utilization review plan which meets the requirements of section 51;

(h) meets all applicable requirements of the law of the State in which it is situated; and

(i) meets the requirements of section 42(c) and such other requirements as the Board finds necessary in the interest of the quality of the care and the safety of patients in the institution.

PSYCHIATRIC HOSPITALS

SEC. 44. Subject to the provisions of section 53, a hospital which is primarily engaged in furnishing psychiatric services to inpatients who are mentally ill is a qualified provider if it (or a distinct part of it) is an institution—

(a) in which diagnostic, therapeutic, and rehabilitative services with respect to mental illness are furnished by or under the supervision of physicians;

(b) which satisfies the requirements of subsections (b) through (i) of section 43;

(c) which, on the basis of staffing and other factors it deems pertinent, the Board finds is qualified to furnish active treatment;

(d) which maintains such records as the Board finds necessary to determine the degree and intensity of the treatment furnished; and

(e) which is accredited by the Joint Commission on the Accreditation of Hospitals.

SKILLED NURSING HOMES

SEC. 45. Subject to the provisions of sections 52 and 53, a skilled nursing home is a qualified provider if it (or a distinct part of it) is an institution which—

(a) is primarily engaged in providing to inpatients (other than mentally ill persons) skilled nursing care and related services for patients who require medical and nursing services;

(b) has written policies, which are developed (and reviewed from time to time) with the advice of a group of professional personnel, including one or more physicians and one or more registered professional nurses, to govern the services it provides;

(c) has a physician, a registered professional nurse, or a medical staff responsible for the execution of such policies;

(d) unless it is operated by a participating hospital, operates under the supervision of an administrator licensed by the State in which the institution is situated;

(e) has a requirement that the health care of every patient be under the supervision of a physician, and provides for having a physician available to furnish necessary medical care in case of emergency;

(f) maintains adequate clinical records on all patients;

(g) provides twenty-four-hour nursing service sufficient to meet nursing needs in accordance with the policies developed as provided in subsection (b), and has at least one registered professional nurse employed full time;

(h) provides appropriate methods and procedures for the dispensing and administering of drugs;

(i) has in effect a utilization review plan which meets the requirements of section 51;

(j) meets all applicable requirements of the law of the State in which it is situated and, unless the Board finds that such law provides equivalent protection, meets the provisions of the Life Safety Code of the National Fire Protection Association (other than any provision of the Code authorizing waiver of its requirements) applicable to nursing homes; and

(k) meets any applicable requirements of section 42(c) and such other requirements, including requirements relating to the physical facilities, as the Board may find necessary in the interest of the quality of care and the safety of patients in the institution.

HOME HEALTH SERVICE AGENCIES

SEC. 46. Subject to the provisions of section 52, a home health service agency is a qualified provider if it is a public agency or a nonprofit private organization, or a subdivision of such an agency or organization, which—

(a) is primarily engaged in furnishing, on an intermittent and visiting basis in patients' homes, skilled nursing and other therapeutic services to patients (other than mentally ill persons) who are under the care of physicians;

(b) has written policies developed (and reviewed from time to time) by a group of professional personnel associated with the agency or organization, including one or more physicians and one or more registered professional nurses, to govern the services which it furnishes, and provides for supervision of such services by a physician or registered professional nurse;

(c) maintains adequate clinical records on all patients;

(d) meets all applicable requirements of the law of the State in which it furnishes services;

(e) has written policies and procedures, which provide for a systematic evaluation of its total program at appropriate intervals in order to assure the appropriate utilization of services; and

(f) meets any applicable requirements of section 42(c) and such other requirements as the Board may find necessary in the interest of the quality of care and the safety of patients of the agency or organization.

COMPREHENSIVE HEALTH SERVICE ORGANIZATION

SEC. 47(a). A comprehensive health service organization is a qualified provider of covered services if—

(1) the organization furnishes health services to an identified population, living in or near a specified service area and enrolled in the organization, through arrangements which embody prepaid group practice (as defined in regulations) or other definitive arrangements which the Board finds will so far as practicable provide to enrollees the benefits of prepaid group practice;

(2) the furnishing of services is assured through a contract between the Board and a nonprofit provider of all the services to be furnished by the organization, or through a contract between the Board and a nonprofit provider of some of the services and subcontracts or other arrangements between such provider and providers (profitmaking or nonprofit) of the other services;

(3) the organization furnishes, as a minimum, all covered services described in part B (including such supporting services as the Board may have approved under section 27(b), other than institutional services, mental health services, or dental services: and with the approval of the Board it may furnish covered services which it is not required by this subsection to furnish, and may furnish health services not covered by this title;

(4) the organization furnishes services in such manner as to provide continuity of care and (when services are furnished by different providers) ready referral of patients to such services and at such times as may be medically appropriate, and to the maximum extent feasible makes all services readily accessible to enrollees who live in the specified service area;

(5) all eligible persons living in or near the specified service area are eligible to enroll in the organization, except that (A) the number of enrollees may be limited to avoid overtaxing the resources of the organization, and (B) such restrictions upon enrollment may be imposed as are approved by the Board as necessary to prevent undue adverse selection;

(6) the organization provides for periodic consultation with representatives of its enrollees regarding the policies and operation of the organization;

(7) the organization encourages health education of its enrollees and the development and use of preventive health services, and provides that a committee or committees of physicians associated with the organization promulgate medical standards, oversee the professional aspects of the delivery of care, perform the functions of a pharmacy and drug therapeutics committee, and monitor and review the utilization and quality of all health services (including drugs);

(8) the organization, to the extent practicable and consistent with good medical practice, employs allied health personnel and subprofessional and lay persons in the furnishing of services;

(9) premiums or other charges by the organization for any services not paid for under this title are reasonable;

(10) the organization undertakes, to the extent required by regulations with respect to services of the kinds which it has undertaken to furnish, to arrange for reciprocal out-of-area services by other comprehensive health service organizations, or to pay for health services furnished to its enrollees by other participating providers, in emergencies, within or outside the specified service area of the organization; and

(11) the organization meets the requirements of section 42(c) and such other requirements as the Board finds necessary or appropriate in the interest of the quality of care and the safety of eligible persons, or for other reasons.

(b) A comprehensive health service organization, or with its approval a professional practitioner who furnishes services on its behalf, may furnish services to persons who are not enrolled in the organization. Payment for such services, if they are covered services to eligible persons, shall be made by one of the methods provided in part E for payment to independent practitioners, and shall be made to the organization unless the organization requests that it be made to the practitioner who furnishes the services.

PROFESSIONAL FOUNDATIONS

SEC. 48. A professional foundation which is sponsored by a city, county, or State medical or dental society, and is approved by the Board for this purpose, is a qualified provider of such services as may be specified in an agreement with the Board, if the foundation—

(a) is a nonprofit organization, the general policies of which are developed (and reviewed from time to time) by the sponsoring society, or by a group of physicians or dentists (as the case may be) selected by the society or by its governing board;

(b) subject to any limitations which may be approved by the Board, undertakes, if sponsored by a medical society, to furnish all covered physician services (described in section 22), or if sponsored by a dental society, to furnish all covered dental services (described in section 23); at the option of the foundation but subject to approval by the Board, undertakes to furnish other covered services or services not covered by this title or both; and undertakes that the quality and utilization of all services will be reviewed regularly by a professional group composed in a manner approved by the Board;

(c) undertakes to furnish services to all eligible persons who (1) are residents of the area (city, county, or State) of the sponsoring society, (2) in the case of dental services, are entitled to such services under section 23, and (3) have, by enrolling in the foundation, chosen to receive from it all covered services of the kinds which it has undertaken to furnish; except that (A) the number of enrollees may be limited to avoid overtaxing the resources of the foundation, and (B) such restrictions upon enrollment may be imposed as are approved by the Board as necessary to prevent undue adverse selection;

(d) undertakes, without discrimination on any ground unrelated to professional qualifications, (1) to permit any physician or dentist (as the case may be) practicing in the area (city, county, or State), whether or not a member of the sponsoring society, to participate in furnishing, on behalf of the foundation, covered services of a kind which he is qualified to furnish and which the foundation has undertaken to furnish, and (2) to compensate, directly or through a fiscal agent, professional practitioners and other providers furnishing services on its behalf;

(e) undertakes, to the extent required by regulations with respect to services of the kind which the foundation has undertaken to furnish, to pay for health services furnished to its enrollees by other participating providers, in emergencies, within or without the area (city, county, or State) of the sponsoring society;

(f) undertakes that premiums or other charges by the foundation for any services not paid for under this title will be reasonable; and

(g) meets the requirements of section 42 (c) and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons, or necessary to improve the efficiency with which covered services are delivered, or necessary to assure the continuing education of nurses, medical technicians, and other paramedical personnel in the health sciences.

OTHER HEALTH SERVICE ORGANIZATIONS

SEC. 49. (a) Pursuant to an agreement with the Board in accordance with subsection (b), any of the following is a qualified provider of such services as are specified in the agreement—

(1) a public or other nonprofit agency or organization (including a hospital) which

furnishes health services not less comprehensive than those required by section 47 (a)(3), but does not meet all other requirements of section 47(a);

(2) a public or other nonprofit center (including a satellite center established by a hospital) which (A) furnishes as a minimum, the services of two or more physicians engaged in general or family practice, the services of nurses and supporting personnel, and basic laboratory services, which the Board finds sufficient for the primary medical care of a substantial population living in the vicinity of the center, and (B) has arrangements with other providers of services which the Board finds assure to the population served by the center, on a coordinated basis, all components of health services not less comprehensive than those required by section 47(a)(3);

(3) a public or other nonprofit mental health center or mental health day care service;

(4) a State or local public health agency furnishing preventive or diagnostic services, or a public agency furnishing covered health services in a primary or secondary school in accordance with section 28(b);

(5) a nonprofit health prepayment or insurance organization which (A) furnishes health services, not less comprehensive than those required by section 47(a)(3), to an identified population living in or near a specified service area and enrolled in the organization, and (B) meets requirements established by the Board as nearly equivalent as practicable to those set forth in section 48, other than the requirement of sponsorship by a medical or dental society; or

(6) a medical or dental group practice or clinic, a center for the treatment and rehabilitation of alcoholic or drug addicts, or another organization or agency furnishing health services to ambulatory patients.

(b) an agreement under this section shall be made on such terms and conditions as the Board deems proper, and shall include any applicable requirements of section 42(c) and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons, and in such cases as the Board finds appropriate may include other requirements referred to in section 48(g).

(c) An agreement under section 48 or this section shall not, except to the extent that it specifically so provides, preclude a professional practitioner who furnishes services on behalf of the provider from furnishing also, either on behalf of the provider or as an independent practitioner, services which are of a kind not within the scope of the agreement or are furnished to persons not within its scope. Unless the agreement provides that payment for covered services furnished to eligible persons shall be made to the provider who has entered into the agreement, payment shall be made to the practitioner by one of the methods provided in part E for payment to independent practitioners.

OTHER PROVIDERS

SEC. 50. (a) an independent pathology laboratory (as defined in regulations) is a qualified provider of diagnostic pathology services if it meets the requirements of section 42(c) and (whether or not it is engaged in transactions in interstate commerce) the requirements established by or pursuant to section 353 of the Public Health Service Act. An independent radiology service (as defined in regulations) is a qualified provider of diagnostic and therapeutic radiology services if it meets the requirements of section 42(c) and all applicable requirements of the law of the State in which the services are furnished, and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons.

(b) A provider of drugs, devices, appliances or equipment is a qualified provider if he meets all applicable requirements established by or pursuant to the Federal Food, Drug, and Cosmetic Act, all requirements of the law of the State in which the provider is situated, and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons.

(c) A provider of ambulance or other covered transportation services is a qualified provider if he meets all applicable requirements of the law of the State in which the services are furnished, and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons.

(d) A Christian Science Sanatorium is a qualified provider of services specified in regulations prescribed under Section 24(a) if it is operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

UTILIZATION REVIEW

SEC. 51. A utilization review plan of a psychiatric or other hospital or a skilled nursing home shall be considered sufficient if it provides—

(a) for the periodic review on a sample or other basis (and the maintenance of adequate records of such review) of admissions to the institution, the duration of stays, and the professional services (including drugs) furnished, (1) with respect to the medical necessity of the services, and (2) for the purpose of promoting the most efficient use of available health facilities and services; and provides for periodic reports, to the institution and the medical staff (and, when requested, to the Board), of statistical summaries of the review;

(b) in the case of a psychiatric or other hospital, for such review to be made either (1) by a staff committee of the hospital composed of two or more physicians (consulting, with respect to drug utilization, with the pharmacy and drug therapeutics committee), with or without participation of other professional personnel, or (2) by a group outside the hospital which is similarly composed and which, if practicable, is established by the local medical society and hospitals in the locality, or is established in such other manner as may be approved by the Board; but clause (1) of this subsection shall be inapplicable to any hospital where, because of its small size or for such other reason as may be specified in regulations, it is impracticable for the hospital to have a properly functioning staff committee for the purposes of this section;

(c) in the case of a skilled nursing home, for such review to be made by a committee, composed and established as provided in subsection (b), or by a committee so composed which is established by the State or local public health agency pursuant to a contract with the Board, or by the Board; except that if a consolidated budget has been approved for the nursing home and a hospital, under section 83(f), the review shall be made by the utilization review committee of the hospital;

(d) for such review, in each case of inpatient hospital services or skilled nursing home services furnished to a patient during a continuous period of extended duration, as of such days of such period (which may differ for different classes of cases) as may be specified in regulations, with such review to be made as promptly as possible after each day so specified, and in no event later than one week following such day; and

(e) for prompt notification to the institution, the patient, and his attending physician of any finding (made after opportunity for consultation afforded to such attending physician) by the physician members of such committee or group that any admission, further stay, or furnishing of particular services in the institution is not medically necessary.

TRANSFER AND AFFILIATION AGREEMENTS

SEC. 52. (a) A skilled nursing home is a qualified provider only if it has in effect (or there is in effect a finding under subsection (c) temporarily dispensing with) a transfer agreement with at least one participating hospital, providing for the transfer of patients and of medical and other information between the institutions as medically appropriate.

(b) After two years following the effective date of health benefits, a skilled nursing home or a home health service agency will be a qualified provider only if it has in effect (or there is in effect a finding under subsection (c) temporarily dispensing with) an affiliation agreement with a participating hospital or a participating comprehensive health service organization, under which the medical staff of the hospital or organization (or a committee thereof) will furnish, or will assume responsibility for, the professional services in the skilled nursing home, or the professional services furnished by the home health agency, as the case may be.

(c) The requirement of a transfer agreement under subsection (a), or of an affiliation agreement under subsection (b), shall not be applicable in any case if there is in effect a finding by the Board that the lack of a suitable hospital or organization within a reasonable distance makes such an agreement impracticable, and that the services of the skilled nursing home or the home health agency are essential to the furnishing of adequate services to eligible persons. Such a finding shall be reviewed periodically, and shall be revoked whenever the Board finds it practicable to do so.

NEWLY CONSTRUCTED FACILITIES

SEC. 53. A psychiatric or other hospital or a skilled nursing home the construction or substantial enlargement of which (whether or not in replacement of another institution) was undertaken (as defined in regulations) after December 31 of the year in which this title is enacted is not a participating provider unless the construction or enlargement has been found by a State Agency designated by the Governor of the State for this purpose, or has been found by the Board, to be needed for the furnishing of adequate services to persons residing in the area to be served by the institution.

CONSIDERATION OF PROFESSIONAL ASSOCIATION STANDARDS

SEC. 54. In establishing requirements under this part to assure the quality of care and the safety of eligible persons, the Board—

(a) shall take into consideration standards or criteria established or recommended by any appropriate professional or other association or organization; and

(b) may require the revision of a provider's staffing patterns, or its standards for the selection or retention of professional or other personnel, which fail to meet standards or criteria established or recommended by such an association or organization.

EXCLUSION: FEDERAL PROVIDERS OF SERVICES

SEC. 55. No institution of the Department of Defense, no institution of the Veterans' Administration, no institution of the Department of Health, Education, and Welfare engaged in the provision of services to merchant seamen or to Indians or Alaskan natives, and no employee of any of the foregoing acting as employee, is a participating provider. The Board shall, however, reimburse the proper appropriation for any covered services furnished by any such institution or employee to an eligible person who is not, under any Act other than this Act, eligible to receive the service from the institution or employee. The Board shall also reimburse the proper appropriation for any covered services furnished to eligible persons pursuant to section 329 of the Public Health Service Act (added by Public Law

91-623), such reimbursement to be in lieu of payments required by section 329(b).

SEC. 56. (a) In the furnishing of covered services to eligible persons (any law of a State or political subdivision to the contrary notwithstanding)—

(1) A physician, dentist, optometrist, or podiatrist who is legally authorized by a State to practice his profession and who meets national standards established by the Board pursuant to section 42(a) is hereby authorized to furnish in any other State, either as an independent participating provider or on behalf of an institutional or other participating provider, the services which such other State authorizes to be furnished by practitioners of his profession.

(2) A professional nurse, or a practitioner of another health profession or occupation designated in regulations, who meets national standards established by the Board for his profession or occupation is hereby authorized to furnish in any State, on behalf of participating providers of services, the services which that State authorizes or permits to be furnished by practitioners of his profession or occupation. National standards applicable to professional nursing, or to any other profession or occupation the practice of which is subject in all States to licensure or similar authorization, shall contain a requirement of licensure or authorization by at least one State.

(3) In a participating public or other nonprofit hospital or a participating comprehensive health service organization, a practitioner of any health profession other than medicine or dentistry or of any nonprofessional health occupation who meets national standards established by the Board for his profession or occupation, and meets any additional qualifications established by the Board for the performance of particular acts or procedures, is hereby authorized to perform, under the supervision and responsibility of a physician or dentist, such of the acts which might lawfully be performed by the physician or dentist as are specified in regulations.

(4) A participating public or other nonprofit hospital or a participating comprehensive health service organization is hereby authorized (whether or not the arrangement may be deemed to constitute corporate practice of a profession) to employ physicians, dentists, or other professional practitioners, or to obtain and compensate their services in any other manner, and the practitioners are authorized to serve such a hospital or organization as employees or in any other manner; but only if the employment or other arrangement is not of a kind which the Board finds is likely to cause lay interference with professional acts or professional judgments.

(b) If the Board finds that a proposed corporation will meet the requirements of section 47 for participation as a comprehensive health service organization (or as the principal contractor for such an organization), but that it cannot be incorporated in the State in which it proposes to furnish services because the State law requires that a medical society approve the incorporation of such an organization, or requires that physicians constitute all or a majority of its governing board, or requires that all physicians in the locality be permitted to participate in the services of the organization, or makes any other requirement which the Board finds incompatible with the purposes of this title, the Board may issue a certificate of incorporation to the organization, and it shall thereupon become a body corporate. The powers of the corporation shall be limited to the furnishing of services under this title, and the doing of things reasonably necessary or incident thereto. So far as the Board finds to be compatible with the purposes of this title, the certificate of incorporation shall accord with, and the corporation shall be subject to, provisions of the State law which are applicable to nonprofit corporations generally.

PART D—TRUST FUND; ALLOCATION OF FUNDS FOR SERVICES

HEALTH SECURITY TRUST FUND

SEC. 61. (a) Section 1817 of the Social Security Act (creating the Federal Hospital Insurance Trust Fund and appropriating to the fund the proceeds of the hospital insurance payroll taxes and the hospital insurance self-employment tax) is amended—

(1) by striking out the section heading, and the name of the trust fund appearing in subsection (a), and in each case inserting in lieu thereof: "Health Security Trust Fund";

(2) by striking out paragraph (2) of subsection (a) (appropriating to the trust fund the proceeds of the self-employment tax for hospital insurance) and inserting in lieu thereof:

"(2) the taxes imposed by section 1401(b) of the Internal Revenue Code of 1954 with respect to self-employment income, and by section 1403 of the Code with respect to unearned income, reported to the Secretary of the Treasury or his delegate on tax returns under subtitle F of such Code."

(3) by striking out subsections (g), (h), and (i) and inserting in lieu thereof:

"(g) On the effective date of benefits under title I of the Health Security Act, there shall be transferred to the Trust Fund all of the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund. The Health Security Trust Fund shall remain subject to the liabilities of the Federal Hospital Insurance Trust Fund existing immediately prior to such effective date.

"(h) In addition to the sums appropriated by subsection (a), there are authorized to be appropriated to the Trust Fund from time to time, out of any moneys in the Treasury not otherwise appropriated, a Government contribution equal to 100 percent of the sums appropriated by subsection (a). There shall be deposited in the Trust Fund all recoveries of overpayments, and all receipts under loans or other agreements entered into, under title I of the Health Security Act.

"(i) The Managing Trustee shall pay from time to time from the Trust Fund such amounts as the Health Security Board certifies are necessary to make payments provided for by title I of the Health Security Act, and the payments with respect to administrative expenses in accordance with section 201(g)."

(b) Section 201(g) of the Social Security Act (providing for annual authorization by the Congress of payment, from the respective trust funds, of the cost of administering the several national systems of social insurance) is amended—

(1) by striking out in paragraph (1)(A) "the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund" and inserting in lieu thereof: "the Health Security Trust Fund";

(2) by striking out the words "title XVIII" wherever they appear in the subsection and inserting in lieu thereof: "title I of the Health Security Act".

ANNUAL DETERMINATION OF FUND AVAILABILITY

SEC. 62. (a) For each fiscal year the Board shall, not later than March 1 next preceding the beginning of the fiscal year, fix the maximum amount which may (except as provided in subsection (c)) be obligated during the fiscal year for expenditure from the Trust Fund. The amount so fixed—

(1) shall not exceed 200 percent of the expected net receipts during the fiscal year (as estimated by the Secretary of the Treasury) from the taxes imposed by sections 1401(b), 1403, 3101(b) and 3111(b) of the Internal Revenue Code of 1954, and

(2) for any fiscal year except the fiscal year beginning on the effective date of health benefits, shall not exceed the aggregate obligations, as estimated by the Board, incurred and to be incurred by the Trust Fund during the fiscal year current at the time when the determination is made, adjusted to reflect (A) any estimated change expected in the prices of goods and services which enter into the cost of living, (B) the expected change in the number of eligible persons, (C) any expected change (to the extent that the Board finds it not otherwise adequately reflected) in the number of participating professional providers, or in the number or capacity for the provision of services of institutional or other participating providers, and (D) any change in the cost of administration of this Act indicated in the President's budget estimates pursuant to section 201(g) of the Social Security Act.

(b) In fixing the amount to be available for obligation during a fiscal year, pursuant to subsection (a)—

(1) if and to the extent that (A) the Board estimates that the amount in the Trust Fund at the beginning of the fiscal year will be less than one-quarter of the obligations incurred and to be incurred during the fiscal year current at the time when the determination is made, and (B) the Board finds that restriction of the amount to be available for obligation will not materially impair the adequacy or quality of services to eligible persons, the amount fixed under subsection (a) shall be less than the maximum stated in paragraph (1) of that subsection; and

(2) if and to the extent that the Board finds that improvement in the organization and delivery of services or in the control of their utilization has lessened their aggregate cost (or has lessened an increase in their aggregate cost), the amount fixed under subsection (a) shall be less than the maximum stated in paragraph (2) of that subsection.

(c) The amount to be available for obligation during a fiscal year, fixed pursuant to subsection (a), may be modified before or during the fiscal year if the Secretary of the Treasury finds that the tax receipts referred to in subsection (a)(1) will differ from the estimate by 1 percent or more, or if the Board finds that any of the factors of expected change referred to in subsection (a)(2), or action on the budget estimate for the cost of administration, will differ from the estimate by 5 percent or more; or if an epidemic, disaster, or other occurrence increases the need for health services to an extent which the Board finds requires the expenditure of additional funds. If the amount fixed pursuant to subsection (a) is increased, the Board, through the Secretary, shall promptly report its action to the Congress with a statement of the reasons therefor.

HEALTH SERVICES ACCOUNT, HEALTH RESOURCES DEVELOPMENT ACCOUNT, ADMINISTRATION ACCOUNT, AND GENERAL ACCOUNT

SEC. 63. (a) There shall be established in the Trust Fund a Health Services Account, a Health Resources Development Account, an Administration Account, and a General Account (consisting of all moneys in the Trust Fund which have not been transferred to another account).

(b) For each fiscal year there shall from time to time be transferred from the General Account to the Health Resources Development Account the following percentage of the amount to be available for obligation during that year (as determined pursuant to section 62(a) and (b)): for the fiscal year beginning on the effective date of health benefits, and for the next succeeding fiscal year, 2 percent; for each of the next two succeeding fiscal years, 3 percent; for each of the next two succeeding fiscal years, 4

percent; and for each fiscal year thereafter, 5 percent. Funds in the Health Resources Development Account shall be used exclusively for the purposes of part F, and shall remain available for such uses until expended.

(c) The remainder of the amount to be available for obligation during a fiscal year, after deducting the amount of the President's budget estimates for the cost of administering this Act, shall from time to time be transferred from the General Account to the Health Services Account. Funds in the Health Services Account shall be used exclusively for making payments for covered services in accordance with part E, and shall remain available for such payments until expended.

(d) As amounts available for a fiscal year (or for portions of the year) for the administration of this Act are determined by the Congress, the amount available for the administration of this title shall be transferred from the General Account to the Administration Account. From time to time any necessary adjustments shall be made in the amount transferred to the Health Services Account and in allocations previously made from that account.

REGIONAL ALLOCATIONS FROM HEALTH SERVICES ACCOUNT

SEC. 64. (a) For each fiscal year the Board shall, not later than March 1 next preceding the beginning of the fiscal year, make allocations to the regions of the Department from the funds to be available for the fiscal year in the Health Services Account. The allocation to each region shall be equal to the estimated aggregate expenditures in the region for services, described in part B as covered services, in the most recent twelve-month period for which reliable data are available, adjusted to reflect the factors of change referred to in clauses (A), (B), and (C), of section 62(a)(2), and further adjusted in accordance with subsections (b) and (c) of this section.

(b) It shall be the objective of the Board to reduce gradually, and ultimately to eliminate substantially, existing differences among the regions of the Department in the average per capita cost of health services, except as such differences reflect estimates of differences in the prices of goods and services which enter into the cost of living for people in the several regions. To this end the Board shall modify the allocations for each fiscal year determined under subsection (a) in order (1) to reduce, or to lessen any increase in, the cost of covered services in regions in which the average per capita cost is higher (to an extent greater than the difference in the estimated weighted average cost of goods and services) than the national average per capita cost, to such extent as the Board finds practicable without impairing materially the adequacy or quality of services to eligible persons, and (2) to stimulate, to such extent as the Board finds practicable and desirable, increases in the availability and utilization of covered services in regions in which the average per capita cost is lower (to an extent greater than the difference in the estimated weighted average cost of goods and services) than the national average per capita cost. In modifying allocations to the regions, the Board shall take account of regional differences in the composition of population, in the prevalence and incidence of morbidity indicating need for covered services, in the available and needed resources in personnel or facilities for provision of covered services, in the costs of providing covered services, and in such other factors as the Board may deem pertinent, to the extent that such regional differences are not reflected in allocations under subsection (a) and have not already been taken into account, under this subsection, in modifying those allocations.

(c) The Board shall withhold from allocation to the regions a reserve for contingencies, in an amount not more than 5 percent of the funds to be available for the fiscal year in the Health Services Account. If the remaining amount to be available for the fiscal year in the account is less than the sum of the regional allocations determined pursuant to subsections (a) and (b), the allocations shall be reduced proportionately.

(d) Allocations under this section may be modified before or during a fiscal year if the amount to be available for obligation is modified pursuant to section 62(c). The contingency reserve shall be available to increase one or more regional allocations, as the Board may find necessary. From the contingency reserve, or from additional funds in the General Account made available for obligation, one or more allocations may also be increased if an epidemic, disaster, or other occurrence increases the need for health services to an extent which the Board finds requires the expenditure of additional funds.

DIVISION OF REGIONAL FUNDS BY CLASSES OF SERVICES

SEC. 65. (a) For each fiscal year the Board shall, not later than April 1 next preceding the beginning of the fiscal year, divide the allocation to each region into funds to be available, respectively, to pay the cost within the region of the following classes of services: (1) institutional services, (2) physician services, (3) dental services, (4) the furnishing of drugs, (5) the furnishing of devices, appliances, and equipment, and (6) other professional and miscellaneous services.

(b) The content, for purposes of the division of funds, of each class of services shall be defined in regulations. Within the funds to be available for miscellaneous services, the regulations shall establish subfunds, respectively, for the making of incentive payments not otherwise provided for, for supporting services described in section 27(b), for payments to optometrists, for payments to podiatrists, for payments to independent pathology laboratories, for payments to independent radiology services, and for such other purposes as the Board may determine.

(c) The amounts assigned to the several funds and subfunds in each region shall be determined in accordance with regulations, which shall take into account, in addition to the factors considered in making the regional allocations, trends in utilization of the several services and, to the extent the Board finds it practicable, the creation of incentives for the improved utilization thereof.

FUNDS FOR HEALTH SERVICE AREAS

SEC. 66. (a) For each fiscal year the Board shall, not later than April 1 next preceding the beginning of the fiscal year, allot among the health service areas established in each region under section 124(a), each of the funds established for the region pursuant to section 65 for a class of services. If an interstate health service area lies partly in each of two or more regions, appropriate allotments of funds from each region shall be made to it.

(b) The amount allotted to each health service area from each regional fund shall be equal to the aggregate expenditures in the area for services of the class for which the fund is to be available, as determined (or, if necessary, estimated) by the Board for such twelve-month period as may be specified in regulations; modified to take account of the factors considered in making regional allocations and in dividing such allocations by classes of services (including modifications designed to further the objective of equalization within each region, in the manner set forth in section 64(b) with respect to interregional equalization).

(c) Payment for services, in accordance with part E, shall be made to participating providers in each health service area by such officer of the Board as it may designate for the purpose. There shall be established for each area such accounts as the Board may find convenient for making payment to providers of more than one class of services (such as an account for payment to hospitals, or an account for payment to comprehensive health service organizations), in which shall be deposited the appropriate portions of the funds for the several classes of services to be furnished by such providers.

MODIFICATION OF FUND ALLOTMENTS

SEC. 67. Before or during a fiscal year the division of funds by classes of services pursuant to section 65, or the allotment of funds to health service areas pursuant to section 66, may be modified if the regional allocations are modified, or if the Board finds that modification is required by events occurring or information acquired after the division and allotment were made.

PART E—PAYMENT TO PROVIDERS OF SERVICES IN GENERAL

SEC. 81. Payment shall be made to participating providers, in accordance with this part, for covered services furnished to eligible persons (or, in the case of dental services, furnished to persons entitled thereto under section 23). Payments shall be made from the amounts allocated from the Health Services Account in the Trust Fund, in accordance with part D, for the respective areas and purposes.

METHODS AND AMOUNT OF PAYMENT TO PROFESSIONAL PRACTITIONERS

SEC. 82. (a) Every independent professional practitioner shall be entitled, at his election, to be paid by the fee-for-service method, consisting of the payment of a fee for each separate covered service.

(b) Every physician engaged as an independent practitioner in the general or family practice of medicine (as determined in accordance with regulations under sec. 22(b)(1)), and every dentist engaged as an independent practitioner in the furnishing of covered dental services, shall be entitled, at his election, to be paid by the capitation method if he had filed with the Board an agreement (1) to furnish all necessary and appropriate primary medical services (as defined in such regulations) or covered dental services, as the case may be, to persons on a list of persons who have chosen to receive all such services from the practitioner, (2) to maintain arrangements for referral of patients to specialists, institutions, and other providers of covered services, and (3) to maintain such records and make such reports of services furnished as may be required by regulations for purposes of medical audit. A practitioner electing the capitation method is entitled to be paid by the fee-for-service method for services furnished to eligible persons who are not on his list, but not (except as provided in regulations) for specialized services furnished to persons who are on his list.

(c) When the Board deems it necessary in order to assure the availability of services or for other reasons, the Board (1) may pay an independent practitioner a full-time or part-time stipend in lieu of or as a supplement to the foregoing methods of compensation, and it may reimburse a practitioner for special costs of continuing professional education and of maintaining linkages with other providers of services (such as costs of communication and of attendance at meetings or consultations), and (2) may pay for specialized medical services (including services referred to in section 42(b)(2)) a stated amount per session or per case or may utilize a combination of the methods authorized by this section.

(d) The capitation method of payment for a specified kind and scope of covered services consists of the payment, to a provider of such services, of an annual capitation amount (determined for a health service area) for each person resident in that

area who has chosen to receive all such services from the provider.

(e) The amounts allotted for a fiscal year pursuant to part D for each health service area for physician services, for dental services, for optometrist services, and for podiatrist services, respectively, shall each be used (1) to provide for payments for professional services (made either directly to practitioners or as reimbursement to hospitals or other providers for the compensation of practitioners) to be made by the Board on a budget or stipend basis or any basis other than capitation, fee-for-service, or per case, and (2) from the remainder, to make available (for each kind of professional services) an equal per capita amount for each person resident in the area who is entitled to such services. In any area in which the Board finds that a substantial volume of services is furnished to nonresidents, it may reduce the per capita amount to such extent as it finds necessary to effect an equitable distribution of funds.

(f) The per capita amount shall constitute the annual capitation amount for purposes of payment to any organization, professional foundation, or other provider furnishing all covered services (described in part B) of the kind for which the allotment is available. Lesser capitation amounts shall be fixed, on the basis of the relative cost of the services, for primary medical services, and, as may be required, for any scope of services (less than comprehensive) which is furnished by any institutional or other provider. If the Board finds that the population served by a provider requires on the average, because of age distribution or other factor, a volume of services significantly greater or smaller than the average requirement of the population of the local health service area, the Board may, after consultation with the provider, make an appropriate adjustment in the capitation amount payable to him. The aggregate of capitation payments under this subsection to any organization, professional foundation, or other provider may be used by it for the compensation of professional practitioners furnishing services on its behalf, by whatever method (including salary, capitation, fee-for-service, or any other method) may be agreed upon between the provider and the practitioners.

(g) For the compensation of professional practitioners who are to be paid by the Board (directly or through a delegation under this subsection) on a fee-for-service or per case basis, there shall be available—

(1) the per capita amount determined under subsection (e), multiplied by the number of residents of the health service area for whom no capitation payment (for services of the kind for which the allotment is available) is to be made under subsection (f),

(2) increased to reflect any excess resulting from a lowering of the per capita amount under subsection (e) on account of services furnished to nonresidents, or from the fixing of lesser capitation amounts under subsection (f) for services less than comprehensive, and

(3) increased or reduced to reflect adjustments under subsection (f), on the ground of age distribution or other factor, in capitation amounts payable to other providers.

The amount of payments under this subsection shall be determined in accordance with relative value scales prescribed by the Board after consultation with representatives of the respective professions in the region, State, or area, and in accordance with unit values prescribed by the Board from time to time. The Board may, on such terms as it deems appropriate, delegate to a professional society or to an agency designated by representatives of a profession in the region, State, or area the payment of fees and per session amounts under this subsection.

(h) The Board may, on an experimental or demonstration basis, enter into an agreement with a statewide or local professional society or other organization representative of independent professional practitioners to substitute another method of compensation for those set forth in this section (either for all such practitioners, for all who have elected the fee-for-service method of payment, or for all who have elected another method), if the Board is satisfied that the substitute method will not increase the cost of services and will not encourage overutilization or underutilization of covered services. The Board shall review from time to time the operation of such an agreement, and shall, after reasonable notice, terminate it if the Board finds it to have led to increased cost or to overutilization or underutilization of covered services.

PAYMENT TO HOSPITALS (OTHER THAN PSYCHIATRIC HOSPITALS)

SEC. 83. (a) A participating hospital (other than a psychiatric hospital) shall be paid its approved operating costs, determined in accordance with regulations, in the furnishing of covered services to eligible persons, as such approved costs for a fiscal year are set forth in a prospective budget approved by the Board. Regulations under this section shall specify the method or methods to be used, and the items to be included, in determining costs, and shall prescribe a nationally uniform system of cost accounting.

(b) The costs recognized in each hospital budget shall be those, determined in accordance with subsection (a), of furnishing the covered services ordinarily furnished by the hospital to inpatients or outpatients, and of performing any other function ordinarily performed by the hospital and ordinarily financed from payments by or on behalf of patients, except as the scope of services or of other functions may be modified by agreement of the Board and the hospital or by direction of the Board pursuant to section 134. The budget shall recognize any increase or decrease of cost resulting from a modification of the scope of services or of other functions, or resulting from compliance with any other direction issued pursuant to section 134.

(c) The costs recognized in the budget shall include the cost of reasonable compensation to (and other costs incident to the services of) pathologists, radiologists, and other physicians and other professional or nonprofessional personnel whose services are held out as generally available to patients of the hospital or to classes of its patients, whatever the method of compensation of such physicians and other personnel, and whether or not they are employees of the hospital.

(d) The Board shall review, through such of its officers or employees or through such boards, and in such manner, as may be provided in regulations, proposed budgets prepared and submitted to it by hospitals, and may provide for participation in such review by representatives of the hospitals in the region or health service area in which the hospital is situated. Each officer of the Board charged with final action on hospital budgets shall receive and consider written justifications of budget proposals, and may provide oral hearings thereon.

(e) A hospital budget approved under this section for a fiscal year may, in such manner as is provided in regulations, be amended before, during, or after the fiscal year if there is a substantial change in any of the factors relevant to budget approval.

(f) If a hospital (other than a psychiatric hospital) operates or has an affiliation agreement (described in section 52(b)) with a participating skilled nursing home, and also operates or has such an agreement with a participating home health service agency, the Board may, on request of the institution or institutions and in accordance with regulations designed to reflect the cost of a combined operation, approve a consolidated budget and make all payments thereunder to the hospital.

PAYMENT TO PSYCHIATRIC HOSPITALS

SEC. 84. A participating psychiatric hospital which is primarily engaged in furnishing covered services shall be paid in the same manner as other hospitals. Any other participating psychiatric hospital shall be paid an amount determined in accordance with regulations for each patient day of covered services to an eligible person. Such regulations shall take into account, with respect to any distinct part of the hospital which meets the requirements of section 44, the factors to be considered in the approval of the budgets of hospitals other than psychiatric hospitals, but with such adjustments as are neecssary to provide equitable compensation to the psychiatric hospital.

PAYMENT TO SKILLED NURSING HOMES AND TO HOME HEALTH SERVICE AGENCIES

SEC. 85 (a) A participating skilled nursing home or home health service agency shall be paid in the same manner as a hospital (other than a psychiatric hospital), except as provided in subsection (b) of this section, its approved operating costs in the furnishing to eligible persons of skilled nursing home services or home health services, as the case may be.

(b) Regulations under this section shall, for skilled nursing homes and for home health service agencies, respectively, specify the method or methods to be used, and the items to be inculded, in determining costs; may, to the extent the Board deems desirable, specify nationally uniform systems of cost accounting; and, taking into account the prevailing practices of such homes or such agencies, may specify services which will be recognized in budgets and services which will not be so recognized.

PAYMENT FOR DRUGS

SEC. 86. (a) For each drug appearing on either of the lists established pursuant to section 25, the Board shall from time to time determine a product price or prices which shall constitute the maximum to be recognized under this title as the cost of the drug to a provider thereof. Product prices shall be so fixed as to encourage the acquisition of drugs in substantial quantities, and differing product prices for a single drug may be established only to reflect regional differences in cost or other factors not related to the quantity purchased.

(b) Payment for a drug furnished by an independent pharmacy shall consist of its cost to the pharmacy (not in excess of the applicable product price) plus a dispensing fee. The Board, after consultation with representatives of the pharmaceutical profession, shall establish (and from time to time review and revise) schedules of dispensing fees, designed to afford reasonable compensation to independent pharmacies after taking into account variations in their cost of operation resulting from regional differences, differences in the volume of drugs dispensed, differences in services provided, and other factors which the Board finds relevant.

PAYMENT TO COMPREHENSIVE HEALTH SERVICE ORGANIZATIONS AND PROFESSIONAL FOUNDATIONS

SEC. 87. (a) Payment to a comprehensive health service organization or to a professional foundation for covered services to its eligible enrollees, other than for hospital or skilled nursing home services, shall consist of basic capitation payments plus additional payments (if any) determined in accordance with subsection (d).

(b) The basic capitation payment shall consist of a basic capitation amount multiplied by the number of eligible persons en-

rolled in the organization or foundation. The basic capitation amount shall be the sum of the appropriate capitation amount or amounts for professional services (determined under section 82(f)) and a capitation amount fixed by the Board, on the basis of the average reasonable and necessary cost per enrollee, for each other service or class of services (exclusive of hospital and skilled nursing home services) to be furnished by the organization or foundation in accordance with section 47(a)(3) or 48(b).

(c) If the organization or foundation furnishes hospital or skilled nursing home services through one or more institutions operated by it, payment for these services shall (subject to the provisions of subsection (e)) be made in accordance with section 83, 84, or 85. If with the approval of the Board the organization or foundation furnishes such services to enrollees through arrangements with other providers to which the organization or foundation undertakes to make payment for the services, the Board may reimburse the organization or foundation for such payments on the basis of patient-days of service utilized by eligible persons enrolled in the organization or foundation.

(d) If it appears to the satisfaction of the Board (1) that the average utilization of hospital and skilled nursing home services by eligible persons enrolled in the organization or foundation (whether or not such services are furnished by the organization or foundation, either directly or through other providers) has, during a fiscal year, been less than the average utilization of such services under comparable circumstances by comparable population groups not enrolled either in comprehensive health service organizations or in professional foundations, and (2) that the services of the organization or foundation have been of high quality and adequate to the needs of its enrollees, the Board shall (subject to the provisions of subsection (e)) make an additional payment to the organization or foundation equal to 75 percent of the amount which the Board finds has been saved by such lesser utilization of hospital and skilled nursing home services.

(e) In lieu of payments under subsections (c) and (d), the Board may pay the comprehensive health service organization or the foundation on a capitation basis for hospital services, skilled nursing home services, or both. The capitation amount for such services shall be their average reasonable and necessary cost per enrollee; except that, if the conditions stated in subsection (d) are met, the capitation amount shall be determined by the Board on the basis of the average cost of such services under comparable circumstances to comparable population groups not enrolled in comprehensive health service organizations or in professional foundations, reduced by such amount as the Board finds (on the basis of past experience of the organization or foundation) is calculated to yield to the trust fund 25 per centum of the saving referred to in subsection (d).

(f) The amount of any additional payment under subsection (d), or the excess of aggregate payments under subsection (e) over the cost of furnishing hospital services, skilled nursing home services, or both, to eligible persons enrolled in the organization or foundation, may be used by the organization or foundation for any of its purposes, including the application of such amounts to the cost of services not covered by this title.

PAYMENT TO OTHER PROVIDERS

SEC. 88. (a) An agency, organization, or other entity with which the Board has entered into an agreement under section 49(a) shall be paid by such method (other than the fee-for-service method) as, in accordance with regulations, may be set forth in the agreement.

(b) An independent pathology laboratory or an independent radiology service shall be paid on the basis of a budget approved by the Board, or on such other basis as may be specified in regulations.

(c) Payment for devices, appliances, and equipment, payment for ambulance or other transportation services, and payment for the services of a Christian Science sanatorium shall be made on such basis as may be specified in regulations.

METHODS AND TIME OF PAYMENT

SEC. 89. The Board shall periodically determine the amount which should be paid under this part to each participating provider of services, and the provider shall be paid, from the Health Services Account in the Trust Fund, at such time or times as the Board finds appropriate (but not less often than monthly) and prior to audit or settlement by the General Accounting Office, the amounts so determined, with adjustments on account of underpayments or overpayments previously made (including appropriate retrospective adjustments following amendment of approved institutional budgets). Payment may be made in advance in such cases and to such extent as the Board finds necessary to supply providers with working funds, on such terms as it finds sufficient to protect the interests of the United States.

PART F—PLANNING: FUNDS TO IMPROVE SERVICES AND ALLEVIATE SHORTAGES OF FACILITIES AND PERSONNEL

PURPOSE OF PART F—AVAILABILITY OF FUNDS

SEC. 101. (a) The purpose of this part is—

(1) prior to the effective date of health security benefits, to inaugurate a program of strengthening the Nation's resources of health personnel and facilities and its system of delivery of health services, in order to enable the providers of health services better to meet the demands on them when benefits under this title become available, and to that end (A) to expand and intensify the health planning process throughout the United States, with primary emphasis on preparation of the health delivery system to meet the demands of the Health Security program under this title, and (B) to provide financial and other assistance (i) in alleviating shortages and maldistributions of health personnel and facilities in order to increase the supply of services, and (ii) in improving the organization of health services in order to increase their accessibility and effective delivery; and

(2) after the effective date, to reinforce the operation of the Health Security program under this title as a mechanism for the continuing improvement of the supply and ties and the organization of health services, distribution of health personnel and facili- and to that end (A) to coordinate the health planning process throughout the United States with a view to the continuing development of plans for maximizing capabilities for the effective delivery of covered services, and (B) to assist in meeting those costs of improvement of personnel, facilities, and organization that are not met either through the normal operation of the Health Security program under this title or from other sources of public or private assistance.

(b) For the purposes of subsection (a)(1), there are hereby authorized to be appropriated $200,000,000 for the fiscal year beginning on July 1 of the calendar year in which this title is enacted, and $400,000,000 for the next succeeding fiscal year. Funds appropriated under this subsection shall remain available until expended.

(c) For the purposes of subsection (a)(2), the Board is authorized to make expenditures from the Health Resources Development Account in the Trust Fund, established pursuant to section 63.

PLANNING

SEC. 102. (a) In consultation with State comprehensive health planning agencies approved under section 314(a) of the Public Health Service Act, and with regional medical programs and other health planning agencies, the Secretary shall promote and support, and as necessary shall conduct within the Department of Health, Education, and Welfare, a continuous process of health service planning for the purpose of improving the supply and distribution of health personnel and facilities and the organization of health services. Except for planning with respect to the national supply of professional health personnel, the planning shall proceed primarily on a State-by-State basis but without excluding more particularized planning for portions of States, for metropolitan or interstate areas, or with respect to health facilities, health manpower development, or other particular aspects of health care. If a State comprehensive health planning agency does not undertake and carry out the responsibility for utilizing and coordinating all health planning activities within the State (including coordination with planning for interstate areas), and for coordinating health planning with planning in related fields, the Secretary shall assume the responsibility for co-ordinating such planning activities within the States.

(b) Prior to the effective date of health benefits, the planning process shall give first consideration to identification of the most acute shortages and maldistributions of health personnel and facilities and the most serious deficiencies in the organization for delivery of covered services, and to means for the speedy alleviation of these shortcomings. Thereafter, it shall be directed to the continuing development of plans for maximizing capabilities for the effective delivery of covered services.

(c)(1) Section 314(a) of the Public Health Service Act (authorizing grants for comprehensive State health planning) is amended—

(A) by striking out "June 30, 1973" in the first sentence of paragraph (1) and inserting "June 30, 1978" in lieu thereof, and by striking out "and" after "June 30, 1972," in the second sentence of the paragraph and inserting before the period at the end of the paragraph: "and for each of the five succeeding fiscal years, so much as may be necessary"; and

(B) by redesignating paragraphs (D) through (K) of subsection (a)(2) as paragraphs (E) through (L), respectively, and by inserting immediately after paragraph (C) a new paragraph:

"(D) provide that the State agency will place emphasis on the achievement, in consultation with the Secretary, of the purposes set forth in section 102 of the Health Security Act, and will utilize and coordinate all local or particularized health planning activities within the State (including coordination with planning for interstate areas), and coordinate health planning with planning in related fields;"

(2) Paragraph (1)(A) of section 314(b) of the Public Health Service Act (authorizing project grants for areawide health planning) is amended—

(A) by striking out "June 30, 1973" in the first sentence and inserting "June 30, 1978" in lieu thereof;

(B) by inserting immediately before the last sentence, "In approving grants under this subsection the Secretary shall take into consideration the extent to which the agency or organization will supplement or otherwise contribute to the effectiveness of the planning conducted by the State agency pursuant to paragraph (D) of subsection (a)(2);" and

(C) by striking out "and" after "June 30, 1972," in the last sentence, and inserting be-

fore the period at the end of the paragraph: "and for each of the succeeding five fiscal years, so much as may be necessary".

GENERAL POLICIES AND PRIORITIES

SEC. 103. (a) In providing assistance under this part, the Board shall give priority to improving and expanding the available resources for, and assuring the accessibility of, services to ambulatory patients which are furnished as part of coordinated systems of comprehensive care. To this end the Board shall encourage and assist (1) the development or expansion of comprehensive health service organizations meeting the requirements of section 47(a), (2) the development or expansion of agencies, organizations and centers described in section 49(a) (1) or (2) to furnish services to persons in urban or rural areas who lack ready access to such services, (3) the recruitment and training of professional personnel to staff such organizations, agencies, and centers, (4) the recruitment and training of subprofessional and nonprofessional personnel (including the development and testing of new kinds of health personnel) to assist in the furnishing of such services, to engage in education for personal health maintenance, and to furnish liaison between such organizations, agencies, or centers and the people they serve, and (5) the strengthening of coordination and linkages among institutional services, among noninstitutional services, and between services of the two kinds, in order to improve the continuity of care and the assurance that patients will be referred to such services and at such times as may be medically appropriate, and (6) the strengthening of coordination and cooperation between hospital medical staffs and hospital administrators.

(b) In administering financial assistance under this part the Board shall be guided so far as possible by findings and recommendations of appropriate health planning agencies.

(c) Funds available to carry out this part shall not be used to replace other Federal financial assistance, or to supplement the appropriations for such other assistance except to meet specific needs of the Health Security program under this title (such as the training of physicians or medical students for the general or family practice of medicine). In administering other programs of Federal financial assistance the Secretary and other officers of the Executive Branch, on recommendation of the Board, shall to the extent possible utilize those programs to further the objectives of this part. To this end the Board, on such terms as it finds appropriate, may lend to an applicant or grantee not more than 90 per centum of the non-Federal funds required as a condition of assistance under any such program, and may pay all or part of the interest in excess of 3 percent per annum on any loan made, guaranteed, or insured under any such program.

ORGANIZATIONS FOR THE CARE OF AMBULATORY PATIENTS

SEC. 104. (a) The Board is authorized to assist, in accordance with this section, the establishment, expansion, and operation of (1) comprehensive health service organizations which meet or will meet the requirements of section 47(a), and (2) public or other nonprofit agencies, organizations, and centers described in section 49(a)(1) and (2), which furnish or will furnish care to ambulatory patients.

(b) The Board is authorized to make grants (1) to any public or nonprofit agency or organization (whether or not it is a provider of health services), for not more than 90 percent of the cost (excluding costs of construction) of planning, developing, and establishing an organization or agency described in subsection (a) of this section; or (2) to an existing organization or agency described in subsection (a), for not more than 80 percent of the cost (excluding costs of construction) of planning and developing an enlargement of the scope of its services or an expansion of its resources to enable it to serve more enrollees or a larger clientele. In addition to grants under this subsection, or in lieu of such grants, the Board is authorized to provide technical assistance for the foregoing purposes.

(c) The Board is authorized to make loans to organizations and agencies described in subsection (a) of this section to assist in meeting the cost of construction (or otherwise acquiring, or improving or equipping) facilities which the Board finds will be essential to the effective and economical delivery, or to the ready accessibility, of covered services to eligible persons. No loan to a newly established agency or organization shall exceed 90 percent and no loan to any other agency or organization shall exceed 80 percent of such cost, or of the non-Federal share if other Federal financial assistance in meeting such cost is available.

(d) The Board is authorized to contract with an organization or agency which is described in subsection (a) of this section and which has been either newly established or substantially enlarged, to pay all or a part of any operating deficits, for not more than five years in the case of an organization described in subsection (a)(1), and until not later than the effective date of health security benefits in the case of an agency or organization described in subsection (a)(2). Any such contract shall condition payments upon the contractor's making all reasonable effort to avoid or minimize operating deficits and (if such deficits exist) making reasonable progress toward becoming self-supporting.

RECRUITMENT, EDUCATION, AND TRAINING OF PERSONNEL

SEC. 105. (a) In consultation with State comprehensive health planning agencies, and with Regional Medical Programs, the Board shall promptly establish (and from time to time review and, if necessary, revise) schedules of priority for the recruitment, education, and training of personnel to meet the most urgent needs of the Health Security program. The schedules may differ for different parts of the United States.

(b) The Board is authorized to provide, to physicians and medical students, training for the general or family practice of medicine and training in any other medical specialty in which the Board finds that there is, for the purposes of this title, a critical shortage of qualified practitioners.

(c) The Board shall provide education or training for those classes of health personnel (professional, subprofessional, or nonprofessional) for whom it finds the greatest need, if other Federal financial assistance is not available for such education or training; and if other assistance is available but the Board deems it inadequate to meet the increased need attributable to the Health Security program, it may, with the approval of the Secretary, provide such education or training pending action by the Congress on a recommendation promptly made by the Secretary to increase the authorization of appropriations (or, if the authorization is deemed adequate, to increase the appropriations) for such other assistance.

(d) The training of personnel authorized by this section includes the development of new kinds of health personnel to assist in the furnishing of comprehensive health services, and also includes the training of persons to provide education for personal health maintenance, to provide liaison between the residents of an area and health organizations and personnel serving them, and to act as consumer representatives and as members of advisory bodies in relation to the operation of this title in the areas in which they reside. The Board may make grants to public or other nonprofit health agencies, institutions, or organizations (1) to pay a part or all of the cost of testing the utility of new kinds of health personnel, and (2) until the effective date of health security benefits, to pay a part of the cost of employing persons trained under this subsection who cannot otherwise readily find employment utilizing the skills imparted by such training.

(e) Education and training under this section shall be provided by the Board through contracts with appropirate educational institutions or such other institutions, agencies, or organizations as it finds qualified for this purpose. The Board may provide directly, or through the contractor, for the payment of stipends to students or trainees in amounts not exceeding the stipends payable under comparable Federal education or training programs.

(f) The Board shall undertake to recruit and train professional practitioners who will agree to practice, in urban or rural areas of acute shortage, in comprehensive health service organizations referred to in section 47 (a) or in agencies, organizations, or centers referred to in section 48 (a)(1) or (2). A practitioner who agrees to engage in such practice for at least five years and who enters upon practice in the area before the effective date of health benefits, may until that date be paid a stipend to supplement his professional earnings, and in an appropriate case the Board may make a commitment to compensate the practitioner after that date in accordance with section 82(c).

(g) The Board shall undertake to recruit physicians to serve hospitals as their medical directors and to train such physicians (among other matters) in advising on and managing the development and implementation of medical policies and procedures and their coordination with planning and operational functions of the hospital, with its financing, and with its program of utilization review.

(h) In administering this section the Board shall seek to encourage the education and training, for the health professions and other health occupations, of persons disadvantaged by poverty, inadequate education, or membership in ethnic minorities. To this end the Board may, through contracts in accordance with subsection (e), provide to such persons remedial or supplementary education preparatory to or concurrent with education or training for the health professions or occupations, and may (directly or through such contracts) provide to such persons stipends adequate to enable them to avail themselves of such education or training.

SPECIAL IMPROVEMENT GRANTS

SEC. 106. (a) The Board is authorized to make grants to public or other nonprofit health agencies, institutions, and organizations to pay part or all of the cost of establishing improved coordination and linkages among institutional services, among noninstitutional services, and between services of the two kinds.

(b) The Board is authorized to make grants to organizations, agencies, and centers described in section 104(a) to pay part or all of the cost of installation of improved utilization review, budget, statistical, or records and information retrieval systems, including the acquisition of equipment therefor, or to pay part or all of the cost of acquisition and installation of diagnostic or therapeutic equipment.

LOANS UNDER PART F

SEC. 107. (a) Loans authorized under this part shall be repayable in not more than twenty years, shall bear interest at the rate of 3 per centum per annum, and (subject to the provisions of subsection (b)) shall be made on such other terms and conditions as the Board deems appropriate. Amounts paid as interest on any such loan or as repayment of principal shall, if the loan was made

from funds appropriated pursuant to section 101(b), be covered into the Treasury as miscellaneous receipts, and if the loan was made from funds in the Health Resources Development Account, be deposited in the Trust Fund to the credit of that account.

(b) No loan for the construction or improvement of a facility shall be made under this part unless the borrower undertakes that all laborers and mechanics employed by contractors or subcontractors in the performance of construction or improvement on the project will be paid wages not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix 133z–15) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

RELATIONS OF PARTS E AND F

SEC. 108. Payments under this part pursuant to any grant or loan to, or any contract with, a participating provider of services shall be made in addition to, and not in substitution for, payments to which the provider is entitled under part E.

PART G—ADMINISTRATION

ESTABLISHMENT OF THE HEALTH SECURITY BOARD

SEC. 121. (a) There is hereby established in the Department of Health, Education, and Welfare a Health Security Board to be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. During his term of membership on the Board, no member shall engage in any other business, vocation, or employment. Not more than three members of the Board shall be members of the same political party.

(b) Each member of the Board shall hold office for a term of five years, except that (1) a member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of office of the members first appointed shall expire, as designated by the President at the time of their appointment, at the end of one, two, three, four, and five years, respectively, after the date of enactment of this Act. A member who has served for two consecutive five-year terms shall not be eligible for reappointment until two years after he has ceased to serve.

(c) The President shall designate one of the members of the Board to serve, at the will of the President, as Chairman of the Board.

DUTIES OF THE SECRETARY AND THE BOARD

SEC. 122. (a) The Secretary of Health, Education, and Welfare, and the Board under the supervision and direction of the Secretary, shall perform the duties imposed upon them, respectively, by this title. Regulations authorized by this title shall be issued by the Board with the approval of the Secretary, in accordance with the provisions of section 553 of title 5, United States Code (relating to the publication of, and opportunity to comment on, proposed regulations).

(b) The Board shall have the duty of continuous study of the operation of this Act and of the most effective methods of providing comprehensive personal health services to all persons within the United States and to United States citizens elsewhere, and of making, with the approval of the Secretary, recommendations on legislation and matters of administrative policy with respect thereto. The Board shall make, through the Secretary, an annual report to the Congress on the administration of the functions with which it is charged. The report shall include, for periods prior to the effective date of health benefits, an evaluation by the Board of progress in preparing for the initiation of benefits under this title, and for periods thereafter, an evaluation of the operation of the title, of the adequacy and quality of services furnished under it, and of the costs of the services and the effectiveness of measures to restrain the costs.

(c) In performing his functions with respect to health manpower, education and training, health research, environmental health, disability insurance, vocational rehabilitation, the regulation of food and drugs, and all other matters pertaining to health, as well as in supervising and directing the administration of this title by the Board, the Secretary shall direct all activities of the Department toward mutually complementary contributions to the health of the people. He shall include in his annual report to the Congress a report on his discharge of this responsibility.

(d) The Secretary shall make available to the Board all information available to him, from sources within the Department or from other sources, pertaining to the functions of the Board.

(e) The Civil Service Commission, in consultation with the Board, shall to the greatest extent practicable facilitate recruitment, for employment by the Board in the competitive service, of qualified persons experienced in the administration or operation of private health insurance and health prepayment plans, or experienced in other fields pertinent to the administration of this title.

EXECUTIVE DIRECTOR: DELEGATION OF AUTHORITY

SEC. 123. (a) There is hereby established the position of Executive Director of the Health Security Board. The Executive Director shall be appointed by the Board with the approval of the Secretary, and shall serve as secretary to the Board and perform such duties in the administration of this title as the Board may assign to him.

(b) The Board is authorized to delegate to the Executive Director or to any other officer or employee of the Board or, with the approval of the Secretary (and subject to reimbursement of identifiable costs), to any other officer or employee of the Department, any of its functions or duties under this title other than (1) the issuance of regulations, or (2) the determination of the availability of funds and their allocation, under sections 62, 63, or 64.

REGIONS AND HEALTH SERVICE AREAS

SEC. 124. (a) This title shall be administered by the Board through the regions of the Department (as they may be established from time to time) and, within each region, through such health service areas as the Board may establish. Each health service area shall consist of a State or a part of a State, except as the Board finds that patterns of the organization of health services and of the flow of patients make an interstate area a more practical unit of administration.

(b) The Board shall establish in each local health service area a local health security office and such branch offices as the Board may find necessary. The local offices and branch offices, in addition to such informational and other administrative duties as the Board may assign them, shall have the function of receiving and investigating complaints by eligible persons and by providers of services concerning the administration of this title and of taking or recommending appropriate corrective action.

NATIONAL HEALTH SECURITY ADVISORY COUNCIL

SEC. 125. (a) There is hereby established a National Health Security Advisory Council, which shall consist of the Chairman of the Board, who shall serve as Chairman of the Council, and twenty members, not otherwise in the employ of the United States, appointed by the Secretary on recommendation of the Board, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall include persons who are representative of providers of health services, and of persons (who shall constitute a majority of the Council) who are representative of consumers of such services. Each appointed member shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and five at the end of the fourth year after the date of enactment of this Act. Members of the Council who are representative of providers of health care shall be persons who are outstanding in fields related to medical, hospital, or other health activities, or who are representative of organizations or associations of professional health personnel; members who are representative of consumers of such care shall be persons, not engaged in and having no financial interest in the furnishing of health services, who are familiar with the needs of various segments of the population for personal health services and are experienced in dealing with problems associated with the furnishing of such services.

(b) The Advisory Council is authorized to appoint such professional or technical committees, from its own members or from other persons or both, as may be useful in carrying out its functions. The Council, its members, and its committees shall be provided with such secretarial, clerical, or other assistance as may be authorized by the Board for carrying out their respective functions. The Council shall meet as frequently as the Board deems necessary, but not less than four times each year. Upon request by seven or more members it shall be the duty of the Chairman to call a meeting of the Council.

(c) It shall be the function of the Advisory Council (1) to advise the Board on matters of general policy in the administration of this title, in the formulation of regulations, and in the performance of the Board's functions under part D, and (2) to study the operation of this title and the utilization of health services under it, with a view to recommending any changes in the administration of the title or in its provisions which may appear desirable. The Council shall make an annual report to the Board on the performance of its functions, including any recommendations it may have with respect thereto, and the Board, through the Secretary, shall promptly transmit the report to the Congress, together with a report by the Board on any administrative recommendations of the Council which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(d) Appointed members of the Advisory Council and members of technical or professional committees, while serving on business of the Council (inclusive of travel time), shall receive compensation at rates fixed by the Board, but not exceeding $100 per day; and shall be entitled to receive actual and necessary traveling expenses and per diem in lieu of subsistence while so serving away from their places of residence.

REGIONAL AND LOCAL ADVISORY COUNCILS

SEC. 126. (a) The Board shall appoint for each of the regions of the Department and for each health service area a regional or local advisory council, consisting of the regional or local representative of the Board as chairman and (in such numbers as the Board may determine) representatives of providers

of health services and representatives (who shall constitute a majority of the members of each council) of consumers of such services. It shall be the function of each such council to advise the regional or local representative of the Board, as the case may be, on all matters directly relating to the administration of this title in the region or area, including methods and procedures followed in the handling of complaints.

(b) The provisions of section 125(d) shall be applicable to the members of councils appointed under this section.

PROFESSIONAL AND TECHNICAL ADVISORY COMMITTEES

SEC. 127. (a) The Board shall appoint such standing professional and technical committees as it deems necessary to advise it on the administration of this title with respect to the several classes of covered services described in part B. Each such committee shall consist of experts (in such number as the Board may determine) drawn from the health professions, from medical schools or other health educational institutions, from providers of services, or from other sources, whom the Board deems best qualified to advise it with respect to the professional and technical aspects of the furnishing and utilization of, the payment for, and the evaluation of, a class of covered services designated by the Board, and with respect to the relationship of that class of services to other covered services.

(b) The Board is authorized to appoint such temporary professional and technical committees as it deems necessary to advise it on special problems not encompassed in the assignments of standing committees appointed under subsection (a), or to supplement the advice of standing committees.

(c) Committees appointed under this section shall report from time to time to the Board, and copies of their reports shall be transmitted by the Board to the National Advisory Council.

(d) The provisions of section 125(d) shall be applicable to the members of committees appointed under this section.

PARTICIPATION BY STATE AGENCIES

SEC. 128. (a) The Board shall (in addition to the consultation with State planning agencies required by section 102) consult from time to time with State health agencies or other appropriate State agencies in preparing for and in administering health security benefits, with a view to coordinating the administration of this title with State and local activities in the fields of environmental health, licensure and inspection, education for the health professions and other health careers, and other fields relating to health. Insofar as practicable, the Board shall conduct such consultation through the regional offices of the Department.

(b) The Board shall make an agreement with any State which is able and willing to do so under which the State health agency or other appropriate State agency will be utilized by the Board in determining whether providers of services meet or continue to meet the qualifications and conditions established by or pursuant to part C. Such an agreement shall fix the frequency of inspection of the several classes of providers, other than professional practitioners, and shall establish the qualifications required of persons making the inspections. Determinations by State agencies based upon inspections made in accordance wtih such agreements, and determinations with respect to professional practitioners, may be given by the Board the same effect as determinations by the Board.

(c) An agreement under subsection (b) may provide that a State agency, either directly or through local public agencies, will undertake activities specified in the agreement, directed to the health education of the residents of the State, the maintenance and improvement of the quality of covered services furnished in the State, the maintenance of effective utilization review, or the better coordination of services of different kinds.

(d) The Board shall pay to a State, in advance or otherwise as specified in the agreement, the reasonable cost of services and activities pursuant to an agreement under subsection (b) or (c); and may pay a part or all of the cost of training (or may train) State personnel to enable them to meet the qualifications established by the Board for inspectors.

TECHNICAL ASSISTANCE TO SKILLED NURSING HOMES AND HOME HEALTH SERVICE AGENCIES

SEC. 129. The Board is authorized, either directly or through agreements with State agencies under Section 128, to provide technical assistance to skilled nursing homes and home health service agencies to supplement, in regard to social services, dietetics, and other matters, the skills of the groups referred to in section 45(b) and 46(b).

DISSEMINATION OF INFORMATION; STUDIES AND EVALUATIONS; SYSTEMS DEVELOPMENT

SEC. 130. (a) The Board shall disseminate, to providers of services and to the public, information concerning the provisions of this title, the persons eligible to receive the benefits of the title, and the nature, scope, and availability of covered services; and to providers of services, information concerning the conditions of participation, methods and amounts of compensation to providers, and other matters relating to their participation. With the approval of the Secretary, the Board may furnish to all professional practitioners information concerning the safety and efficacy of drugs appearing on either of the lists established under section 25, the indications for their use, and contraindications.

(b) The Board shall make, on a continuing basis after the effective date of health security benefits, a study and evaluation of the operations of this title in all its aspects, including study and evaluation of the adequacy and quality of services furnished under the title, analysis of the cost of each kind of services, and evaluation of the effectiveness of measures to restrain the costs.

(c) The Board is authorized, either directly or by contract—

(1) to make statistical and other studies, on a nationwide, regional, State, or local basis, of any aspect of the operation of this title, including studies of the effect of the title upon the health of the people of the United States and the effect of comprehensive health services upon the health of persons receiving such services;

(2) to develop and test methods of providing, through payment for services or otherwise, additional incentives for adherence by providers to standards of adequacy and quality; methods of peer review and peer control of the utilization of drugs, of laboratory services, and of other services not subject to utilization review under section 51; and methods of peer review of the quality of services;

(3) to develop and test, for use by the Board, records and information retrieval systems and budget systems for health services administration, and develop and test model systems for use by providers of services;

(4) to develop and test, for use by providers of services, records and information retrieval systems useful in the furnishing of health services, and equipment (such as equipment for the monitoring of patients' functions, or for multiphasic screening) useful in the furnishing of preventive or diagnostic services;

(5) to develop, in collaboration with the pharmaceutical profession, and test, improved administrative practices or improved methods for the reimbursement of independent pharmacies for the cost of furnishing drugs as a covered service; and

(6) to make such other studies as it may consider necessary or promising for the evaluation, or for the improvement, of the operation of this title.

EXPERIMENTS AND DEMONSTRATIONS

SEC. 131. The Board is authorized, pursuant to agreement with providers of services, to undertake experiments for the purpose of developing and testing alternative methods of compensating providers (in lieu of the methods otherwise prescribed by this title) which offer promise, through financial incentives or otherwise, of improving the coordination of services, improving their quality or their accessibility, or decreasing their cost; and to undertake demonstrations of the results of such experiments. Any such experiment or demonstration with respect to independent professional practitioners shall be undertaken only in the manner specified in section 82(h).

DETERMINATIONS; SUSPENSION OR TERMINATION OF PARTICIPATION

SEC. 132. (a) Determinations of entitlement to benefits under this title, determinations of who are participating providers of services, determinations whether services are covered services, and determinations of amounts to be paid by the Board to participating providers, shall be made by the Board in accordance with regulations. A provider or other person aggrieved by a determination under this subsection shall, in such cases and on such conditions as are specified in regulations, be entitled to an administrative appeal from it.

(b) If the Board finds that a participating provider of services no longer meets the qualifications established by or pursuant to part C for services of the kinds furnished by him, or for some classes of such services, or that he has intentionally violated the provisions of this title or of regulations, or that he has failed substantially to carry out the agreement filed by him pursuant to section 41(c), the Board may issue an order suspending or terminating (absolutely or on such conditions as the Board finds appropriate) the participation of the provider, or suspending or terminating it with respect to particular classes of services.

(c) If the Board has reason to believe that a participating professional practitioner, or a professional practitioner furnishing covered services on behalf of an institutional or other participating provider, has in a substantial number of cases—

(1) furnished professional services, or caused the furnishing of institutional or other services, which were not medically necessary but for which payment was claimed under this title;

(2) furnished to eligible persons covered services which were not of a quality meeting professionally recognized standards of care; or

(3) neglected to furnish necessary services to eligible persons who were his patients, under circumstances such that the neglect constituted a breach of his professional obligation;

or has reason to believe that a participating provider other than a professional practitioner has in a substantial number of cases—

(4) furnished services, for which payment was claimed under this title, known to the provider not to have been medically necessary; or

(5) furnished to eligible persons covered services which were not of a quality meeting professionally recognized standards of care; the Board shall submit the evidence in its possession either to an appropriate professional organization or to a committee constituted by the Board after consultation with such an organization (which committee may, when the Board deems it proper, include nonprofessional persons). The Board shall re-

quest the organization or committee, with or without further investigation, to recommend what action, if any, should be taken by the Board. Taking into consideration any recommendation so made to it, the Board may issue an order suspending or terminating (absolutely or on such conditions as the Board finds appropriate) the participation of the practitioner or other provider or, in the case of a practitioner furnishing services on behalf of another provider, requiring the other provider, as a condition of continued participation, to suspend or discontinue (absolutely or on conditions) the furnishing of covered services by the practitioner.

(d) The Board shall, either in advance or by way of reimbursement, pay to an organization or committee making a recommendation under subsection (c) its reasonable cost incurred in so doing.

(e) No determination under subsection (a) that a person, previously determined to be eligible for benefits, is not eligible therefor, and (unless the Board finds that eligible persons are endangered) no order under subsection (b) or (c), shall be effective until after the person or provider has been afforded a hearing under section 133 or an opportunity therefor.

HEARINGS: JUDICIAL REVIEW

SEC. 133. (a) A provider of services or other person who is dissatisfied with a determination made or an order issued under section 132 shall, upon request therefor filed in accordance with regulations, be entitled to a hearing before a hearing officer or a hearing panel of the Board. The hearing shall be held as promptly as possible and at a place convenient to the provider or other person requesting the hearing. For the purpose of reviewing the determinations of hearing officers or panels, the Board shall establish a national appeals tribunal and may establish regional or other intermediate appeals tribunals, and shall by regulation prescribe the jurisdiction of such tribunal or tribunals. Decisions of hearing officers or hearing panels shall, subject to appeals under this subsection, constitute final decisions of the Board.

(b) In any case in which the Board finds (on the basis of the request for hearing and the records of the Board) that a substantial issue of professional practice or conduct, in a health profession specified for this purpose in regulations, will be involved in the hearing, the hearing shall be held either before a person who is qualified in an appropriate health profession or before a panel which includes a person or persons so qualified, and an appeal in such a case shall be heard before an appellate tribunal (or a panel thereof) which includes a person or persons so qualified. In any case in which a single person qualified as a health professional, or a panel composed entirely of persons so qualified, conducts a hearing or hears an appeal, the Board shall assign an attorney to assist in the conduct of the hearing or the appeal and to advise upon the decision of issues of law.

(c)(1) Any provider of services or other person, after any final decision of the Board made after a hearing to which he was a party irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Board may allow. Such action shall be brought in the district court of the United States, for the judicial district in which the plaintiff resides or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia. As part of its answer the Board shall file a certified copy of the transcript of the record, including the evidence upon which the findings and decisions complained of are based.

(2) The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Board, with or without remanding the cause for a rehearing. The findings of the Board as to any fact, if supported by substantial evidence, shall be conclusive.

(3) Where a claim has been denied by the Board, or a decision is rendered which is adverse to a provider or other person who was a party to the hearing before the Board, because of failure of the claimant or such provider or other person to submit proof in conformity with any regulation prescribed by the Board, the court shall review only the question of conformity with the regulation and the validity of the regulation. The court shall not review a finding by the Board under subsection (b), or a refusal to find, that a substantial issue of professional practice or conduct will be involved in a hearing.

(4) The court shall, on motion of the Board made before it files its answer, remand the case to the Board for further action by the Board, and may, at any time on good cause shown, order additional evidence to be taken before the Board. The Board shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm its findings of fact or its decision, or both, and shall file with the court any such additional and modified findings of fact and decision and a transcript of the additional record and testimony. Such additional or modified findings of fact and decision shall be reviewable only to the same extent as the original findings of fact and decision.

(5) The judgment of the court shall be final except that it shall be subject to review in the same manner as judgments in other civil actions.

DIRECTIONS BY THE BOARD FOR THE BETTER ORGANIZATION AND COORDINATION OF SERVICES

SEC. 134.(a) The Board is authorized, in accordance with this section, to issue to any participating provider of services (other than an individual professional provider) a direction that the provider shall—

(1) discontinue (for purposes of payment under part E) one or more services which the provider is currently furnishing;

(2) initiate one or more covered services which the provider is not currently furnishing;

(3) initiate the furnishing of one or more covered services at a place where the provider is not currently furnishing the services; or

(4) enter into arrangements with one or more other providers of services (A) for the transfer of patients and medical records as may be medically appropriate, (B) for making available to one provider the professional and technical skills of another, or (C) for such other coordination or linkage of covered services as the Board finds will best serve the purposes of this title.

A direction under this subsection shall specify a future date on which, if the direction has not been complied with, the provider to whom it is addressed shall cease to be a participating provider.

(b) If the Board finds (1) that the services furnished by a provider of services (other than an individual professional provider) are not necessary to the availability of adequate services under this title and that their continuance as covered services is unreasonably costly, or (2) that the services are furnished inefficiently and at unreasonable cost, that efforts at correction have proved unavailing, and that necessary services can be more efficiently furnished by other providers, the Board may issue a direction that on a specified future date the provider shall cease to be a participating provider.

(c) No direction shall be issued under this section except on the recommendation of, or after consultation with, the State health planning agency (referred to in section 102(a)) of the State in which the direction will be operative. No direction shall be issued under subsection (a) unless the Board finds that it can practicably be carried out by the provider to whom it is addressed.

(d) (1) No direction shall be issued under this section until the Board has published notice, in the service area of the provider or providers affected, describing in general terms the proposed action, giving a brief statement of the reasons therefor, and inviting written comment thereon. The notice shall be published in at least one newspaper circulating in the area, and the Board shall use such other means as it finds calculated to inform residents of the area of the proposed action.

(2) If objection to the proposal is made by any interested provider of services (other than an individual professional practitioner) or by an interested health planning agency or by a substantial number of interested professional practitioners or of residents of the area, the Board shall call a public hearing before a hearing officer or hearing panel meeting the requirements of section 133 (b). At the hearing the Board shall present evidence in support of the proposal, and any interested provider of services or health planning agency or any other interested person shall be entitled to participate in the hearing and to present evidence or argument or both. On the basis of evidence presented at the hearing the hearing officer or hearing panel shall make recommended findings of fact and a recommended determination either to issue the proposed direction, to modify and issue it, or to withdraw the proposal. The final determination shall be made by the Board or by a special panel designed by it for the purpose, and shall be subject to judicial review in accordance with section 133 (c).

DEPUTY SECRETARY OF HEALTH, EDUCATION, AND WELFARE; UNDER SECRETARY FOR HEALTH AND SCIENCE; SALARY LEVELS

SEC. 135. (a) There shall be in the Department of Health, Education, and Welfare in addition to the Assistant Secretaries now provided for by law, a Deputy Secretary of Health, Education, and Welfare and an Under Secretary for Health and Science each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions (related to health and science in the case of such Under Secretary) as the Secretary may prescribe. The provisions of the second sentence of section 2 of Reorganization Plan Numbered 1 of 1953 shall be applicable to such Deputy Secretary to the same extent as they are applicable to the Under Secretary of Health, Education, and Welfare and shall be applicable to the Under Secretary for Health and Science to the same extent as they are applicable to the Assistant Secretaries authorized by that section.

(b)(1) Section 5313, title 5, United States Code (relating to executive pay rates for positions at level II) is amended by inserting after clause (19) the following new clause:

"(20) Deputy Secretary of Health, Education, and Welfare."

(2) Section 5314, title 5, United States Code (relating to executive pay rates for positions at level III), is amended by striking out clause (7) and inserting in lieu thereof:

"(7) Under Secretary for Health and Science, Department of Health, Education, and Welfare,";

and by adding at the end thereof the following new clause:

"(54) Chairman, Health Security Board, Department of Health, Education, and Welfare."

(3) Section 5315, title 5, United States Code (relating to executive pay rates for positions at level IV), is amended by adding at the end thereof the following new clause:

"(94) Members (other than the Chairman), Health Security Board, Department of Health, Education, and Welfare."

(4) Section 5316, Title 5, U.S. Code (relating to executive pay rates for positions at level V) is amended by adding at the end thereof the following clause:

"(130) Executive Director, Health Security Board, Department of Health, Education, and Welfare."

(c)(1) The office of Under Secretary of Health, Education, and Welfare, created by section 2 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631), is hereby abolished.

(2) The President may authorize the person who immediately prior to the date of enactment of this Act occupies the office of Under Secretary of Health, Education, and Welfare to act as Deputy Secretary of Health, Education, and Welfare until that office is filled by appointment in the manner provided by subsection (a) of this section. While so acting, such person shall receive compensation at the rate now or hereafter provided by law for the Deputy Secretary of Health, Education, and Welfare.

PART H—MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 141. When used in this title—

(a) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) The term "United States" when used in a geographical sense means the States, as defined in subsection (a).

(c) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(d) The term "Department", except when the context otherwise requires, means the Department of Health, Education, and Welfare.

(e) The term "Board" means the Health Security Board established by section 121.

EFFECTIVE DATES OF TITLE I

SEC. 142. The effective date of health benefits under this title shall be July 1 of the second calendar year after the year in which this title is enacted, and no service or item furnished prior to that date shall constitute a covered service. Part D shall be effective with respect to fiscal years beginning on or after the effective date, except that action pursuant to section 201(g) and section 1817 (h) of the Social Security Act, as amended by section 61 of this Act, to make funds available on and after the effective date, is authorized to be taken by the Congress prior to that date. In all other respects this title is effective upon enactment.

EXISTING EMPLOYER-EMPLOYEE HEALTH BENEFIT PLANS UNAFFECTED

SEC. 143. (a) No provision of this Act, and no amendment of the Internal Revenue Code of 1954 made by this Act, shall affect or alter any contractual or other nonstatutory obligation of an employer to provide health services to his present and former employees and their dependents, or to any of such persons, or the amount of any obligation for payment (including any amount payable by an employer for insurance premiums or into a fund to provide for any such payment) toward all or any part of the cost of such services.

(b) If notwithstanding subsection (a) the availability, on or after the effective date, of benefits under this title shall result in a diminution in the cost to an employer of his aggregate obligations (including his liability for taxes imposed by section 3111(b) of the Internal Revenue Code of 1954, as well as any contractual or other undertaking to pay the taxes imposed on his employees by section 3101(b) of the Code) to provide or pay for health services to persons referred to in subsection (a), it is the sense of the Congress that, at least to the extent of such diminution in costs, and at least for the duration of any nonstatutory obligation to provide or pay for health services subsisting immediately prior to the effective date, equity and fair dealing require the employer to undertake an equivalent cost, either by paying without deduction from their remuneration part or all of the taxes imposed by section 3101(b) of the Code on his employees, or by increasing their remuneration, or by providing other benefits to them, or by a combination of these methods, as may be agreed between the employer and his employees or their representatives.

TITLE II—HEALTH SECURITY TAXES

PART A—PAYROLL TAXES

RATES AND COVERAGE

SEC. 201. (a) Section 3101(b) of the Internal Revenue Code of 1954 (imposing a hospital insurance tax on employees) is amended to read as follows:

"(b) HEALTH SECURITY TAX.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on the income of every individual a tax equal to 1 percent of the wages (as defined in section 3121(r)) received by him on or after the effective date of health security taxes (as defined in section 3121(u)) with respect to employment (as defined in section 3121(s))."

(b) Section 3111(b) of such Code (imposing a hospital insurance tax on employers) is amended to read as follows:

"(b) HEALTH SECURITY TAX.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 3.5 percent of the wages (as defined in section 3121(r)) paid by him on or after the effective date of health security taxes (as defined in section 3121(u)) with respect to employment (as defined in section 3121(s))."

(c) Section 3121 of such Code (containing definitions applicable to social security payroll taxes) is amended by adding at the end thereof the following subsections:

(r) WAGE BASE FOR PURPOSES OF HEALTH SECURITY TAXES.—For the purpose of section 3101(b), the term "wages" shall have the meaning set forth in subsection (a) of this section except that in applying paragraph (1) of that subsection the term "health security contribution base (as defined in subsection (t))" shall be substituted for the figure "$7,800" each place it appears therein. For the purpose of section 31111(b), "wages" shall have the meaning set forth in subsection (a) of this section except that paragraph (1) of that subsection shall not be applied.

"(s) EMPLOYMENT FOR PURPOSES OF HEALTH SECURITY TAXES.—For the purposes of sections 3101(b) and 3111(b), the term 'employment' shall have the meaning set forth in subsection (b) of this section except that—

"(1) the exclusions contained in the following paragraphs of subsection (b) shall not be applied: paragraph (1) (relating to foreign agricultural workers), paragraphs (5) and (6) (relating to employment by the United States or its instrumentalities) other than paragraph (6)(C)(i) (relating to the President, the Vice President, and Members of Congress) and paragraph (6)(C)(iii) through (v) (relating to certain minor employments), paragraph (8) (relating to employment by charitable and similar organizations), paragraph (9) (relating to employment covered by the railroad retirement system), and paragraph (17) (relating to employment by subversive organizations),

"(2) subsection (m) of this section (including services by members of the uniformed services in the term 'employment') shall not be applied, and

"(3) for the purposes of section 3101(b), the exclusion contained in paragraph (7) of subsection (b) of this section (relating to employment by States and their political subdivisions and instrumentalities) shall not be applied, other than paragraph (7)(C)(i) through (iv) (relating to certain minor employments by the District of Columbia).

"(t) HEALTH SECURITY CONTRIBUTION BASE.—

"(1) For each calendar year the term 'health security contribution base' means $15,000, unless for that year the Secretary has determined and published a contribution base pursuant to this subsection.

"(2) On or before November 1 of the second year after the calendar year in which occurs the effective date of health security taxes (as defined in subsection (u)), and at two-year intervals thereafter, the Secretary shall determine and publish in the Federal Register the health security contribution base for the first two calendar years following the year in which the determination is made.

"(3) The health security contribution base for a particular calendar year shall be whichever of the following is the larger:

"(A) the product of $15,000 and the ratio of (i) the average of the wages, taxable under section 3101(b), of all persons for whom such wages were reported to the Secretary for the first quarter of the calendar year in which a determination under paragraph (2) is made, to (ii) the average of the wages, taxable under that section, of all persons for whom wages were reported to the Secretary for the calendar quarter commencing on the effective date of health security taxes, but with such product (if it is not a multiple of $600) being rounded to the nearest multiple of $600 (or, if it is a multiple of $300 but not of $600, to the next higher multiple of $600); or

"(B) the health security contribution base for the calendar year immediately preceding such particular calendar year."

"(u) EFFECTIVE DATE OF HEALTH SECURITY TAXES.—The term 'effective date of health security taxes' means January 1 of the second calendar year after the year in which the Health Security Act is enacted."

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 202. (a) Section 3121(1) of the Internal Revenue Code of 1954 (relating to coverage of services performed in the employ of foreign subsidiaries of domestic corporations) is amended by striking out "sections 3101 and 3111" in paragraph (1)(A) and inserting in lieu thereof "sections 3101(a) and 3111(a)", and by inserting at the end of the subsection the following paragraph:

"(11) Notwithstanding the provision of any agreement entered into under this subsection, no domestic corporation shall be under any obligation to pay to the Secretary, with respect to services covered under the agreement and performed on or after the effective date of health security taxes (as defined in subsection (u) of this section) amounts equivalent to the taxes which would be imposed by sections 3101(b) and 3111(b) if such services constituted employment as defined in subsection (b)."

(b) Sections 3122 and 3125 of such Code are amended by striking out "section 3111" wherever it appears and inserting in lieu thereof "section 3111(a)".

(c)(1) Section 3201 (relating to tax on railroad employees) and section 3211 (relating to tax employee representatives) of such Code are each amended by striking out "plus the rate imposed by section 3101(b)".

(2) Section 3221(b) of such Code (relating to tax on railroad employers) is amended by striking out "plus the rate imposed by section 3111(b)".

(d)(1) Section 6413(c)(1)(D) of such Code is amended by inserting "(i)" immediately after "(D)", by striking out "section 3101" and inserting "section 3101(a)" in lieu thereof, and by inserting immediately before

the period at the end thereof: "; and (ii) during any calendar year beginning on or after the effective date of health security taxes (as defined in section 3121(u)) the wages received by him during such year exceed the health security contribution base (as defined in section 3121(t)) for that year, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101(b) and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to an amount of such wages received in such calendar year equal to the health security contribution base for such year."

(2) Section 6413(c)(2)(A) of such Code is amended by inserting immediately after "any calendar year after 1967," the following: "or (with respect to the tax imposed by section 3101(b)) the health security contribution base for any calendar year beginning on or after the effective date of health security taxes,".

(e) Section 218 of the Social Security Act (relating to agreements for the coverage of services performed in the employ of States and their political subdivisions and instrumentalities) is amended—

(1)(A) by striking out, in subsection (e)(1)(A), "sections 3101 and 3111" and "section 3121" and inserting in lieu thereof, "sections 3101(a) and 3111(a)" and "section 3121(b)", respectively;

(B) by striking out, in subsection (e)(2)(B), "section 3111" and inserting in lieu thereof, "section 3111 (a)"; and

(C) by adding at the end of subsection (e) the following paragraph:

"(3) Notwithstanding the provisions of any agreement entered into under this section, no State shall be under any obligation to pay to the Secretary of the Treasury, with respect to service covered under the agreement and performed on or after the effective date of health security taxes (as defined in section 3121(u) of the Internal Revenue Code of 1954), amounts equivalent to the taxes which would be imposed by sections 3101(b) and 3111(b) of such code if such service constituted employment as defined in section 3121 of such code."; and

(2) by striking out in subsection (h)(1), "and the Federal Hospital Insurance Trust Fund", and striking out in such subsection "subsection (a)(3) of section 201, subsection (b)(1) of such section, and subsection (a)(1) of section 1817, respectively" and inserting in lieu thereof "subsections (a)(3) and (b)(1) of section 201".

EXCLUSION FROM GROSS INCOME

SEC. 203. (a) Section 106 of the Internal Revenue Code of 1954 (excluding from gross income employer contributions to accident and health plans for their employees) is amended by inserting immediately before the period at the end thereof: ", and payments by the employer (without deduction from the remuneration of the employees) of the tax imposed upon his employees by section 3101(b)".

(b) The heading of section 106, and the line referring to that section in the table of contents in subtitle A, chapter 1, subchapter B, part III of such code, are each amended by adding at the end: "and employer payment of health security taxes".

EFFECTIVE DATES OF PART A

SEC. 204. The amendments made by section 201 of this Act, and the amendments made by subsections (b) and (d) of section 202, shall be effective only with respect to remuneration received, and remuneration paid, on or after the effective date of health security taxes (as defined by section 3121(u) of the Internal Revenue Code of 1954, added by section 201(c) of this Act), and section 3121(s) of such Code shall be applicable only with respect to remuneration for services performed on or after that date. The amendments made by subsections (a), (c), and (e) of section 202 shall be effective only with respect to remuneration for services performed on or after such effective date. The amendments made by section 203 shall apply to taxable years beginning on or after such effective date.

PART B—TAXES ON SELF-EMPLOYMENT INCOME AND UNEARNED INCOME

TAX ON SELF-EMPLOYMENT INCOME

SEC. 211. (a) Section 1401(b) of the Internal Revenue Code of 1954 (imposing a hospital insurance tax on self-employed individuals) is amended to read as follows:

"(b) HEALTH SECURITY TAX.—In addition to the tax imposed by the preceding subsection, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to 2.5 percent of the self-employment income for such taxable year."

(b) Section 1402(b) of such Code (defining self-employment income) is amended—

(1) by striking out "except that such term shall not include—" and inserting in lieu thereof "except that—", and by amending so much of clause (1) as precedes paragraph (A) to read as follows:

"(1) for the purposes of section 1401(a), such term shall not include that part of the net earnings from self-employment which is in excess of —";

(2) by striking out "or" at the end of clause (1) and inserting "and" in lieu thereof, and by striking out clause (2) and inserting in lieu thereof the following:

"(2) for the purposes of section 1401(b), such term shall not include that part of the net earnings from self-employment which is in excess of (A) the amount of the health security contribution base (as defined in section 3121(t)) for the calendar year in which the taxable year begins, minus (B) the amount of wages paid to such individual during the taxable year; and

"(3) for the purposes of both section 1401(a) and section 1401(b), such term shall not include any net earnings from self-employment if such net earnings for the taxable year are less than $400.";

(3) by striking out "For purposes of clause (1), the term 'wage' (A) includes" and inserting in lieu thereof: "For purposes of clause (1), the term 'wages' means wages as defined in section 3121(a), except that it includes"; and

(4) by changing the comma following the term "section 3121(b)" to a period and striking out the remainder of the sentence in which such term appears, and inserting immediately after that sentence the following sentence: "For purposes of clause (2), the term 'wages' means wages as defined in section 3121(r) with respect to section 3101(b)."

(c) Section 1402(d) of the Code is amended by striking out "and the term 'wages'" and inserting in lieu thereof, "and (except as otherwise provided in subsection (b) of this section) the term 'wages'".

TAX ON HEALTH SECURITY UNEARNED INCOME

SEC. 212. Section 1403 of the Internal Revenue Code of 1954 is redesignated as section 1404, and the following new section is inserted immediately after section 1402:

"SEC. 1403. TAX ON HEALTH SECURITY UNEARNED INCOME

"(a) IMPOSITION OF TAX.—In addition to other taxes, there shall be imposed for each taxable year beginning on or after the effective date of health security taxes (as defined in section 3121(u)), on the income of every individual residing in the United States whose health security unearned income (as defined in subsection (b) of this section) for the taxable year is $400 or more, a tax equal to 1 percent of the amount of such health security unearned income for such taxable year.

"(b) DEFINITION OF HEALTH SECURITY UNEARNED INCOME.—The term 'health security unearned income' means an amount determined by deducting from the adjusted gross income of an individual for the taxable year any part of such income (whether from wages or any other source) in excess of the amount of the health security contribution base (as defined in section 3121(t)) for the calendar year in which such taxable year begins, and deducting from the remainder any part of the adjusted gross income which—

"(1) consists of wages taxable under section 3101 (b), or

"(2) consists of self-employment income taxable under section 1404 (b), or

"(3) consists of remuneration for services performed in the employ of the United States as President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner of or to the Congress, or as a member of a uniformed service on active duty, or

"(4) consists of remuneration (not taxable under section 3101 (b)) for service performed by an alien in the employ of a foreign government, an instrumentality of a foreign government, or an international organization, or

"(5) consists of payments excluded by section 3121 (a) (6) from wages taxable under section 3101 (b)."

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 213. (a) The heading and table of contents of chapter 2 of subtitle A of the Internal Revenue Code of 1954 are amended to read as follows:

"Chapter 2—TAXES ON SELF-EMPLOYMENT INCOME AND HEALTH SECURITY UNEARNED INCOME

"Sec. 1401. Rates of tax on self-employment income.
"Sec. 1402. Definitions relating to self-employment income.
"Sec. 1403. Tax on health security unearned income.
"Sec. 1404. Miscellaneous provisions."

(b) Section 1401 of the Code, as amended by section 211 (a) of this Act, is further amended by striking out the heading of the section and inserting in lieu thereof,

"SEC. 1401. RATES OF TAX ON SELF-EMPLOYMENT INCOME."

(c) Section 1404 of the Code (as redesignated by section 212 of this Act) is amended by striking out "'Self-Employment Contributions Act of 1954'" and inserting in lieu thereof, "'Self-Employment and Health Security Contributions Act'".

(d) Section 6015 of the Code (relating to declarations of estimated income by individuals) is amended by striking out in subsection (c)(2) "the amount of the self-employment tax imposed by chapter 2" and inserting in lieu thereof "the amount of the taxes imposed by chapter 2".

(e) Section 6017 of the Code is amended—

(1) by striking out the heading of the section and inserting in lieu thereof,

"SEC. 6017. SELF-EMPLOYMENT AND HEALTH SECURITY TAX RETURNS.";

(2) by inserting, immediately after the first sentence of the section, the following sentence: "Every individual residing in the United States and having health security unearned income of $400 or more for the taxable year shall make a return with respect to the health security unearned income tax imposed by chapter 2."; and

(3) by striking out "the tax" in the sentence immediately following the insertion made by paragraph (2), and inserting in lieu thereof, "the taxes", and by inserting immediately before the period at the end of that sentence, ", or on the separate health security unearned income of each spouse, as the case may be".

EFFECTIVE DATES OF PART B

SEC. 214. The amendments made by section 211, 212, and section 213 (d) and (e) (other than section 213(e)(1)) shall be effective

with respect to taxable years beginning on or after the effective date of health security taxes (as defined by section 3121(u) of the Internal Revenue Code of 1954, added by section 201(c) of this Act.) The amendments made by section 213(a), (b), (c) and (e)(1) shall be effective on such effective date.

TITLE III—REPEAL OR AMENDMENT OF OTHER ACTS, REPEAL OF MEDICARE AND FEDERAL EMPLOYEE HEALTH BENEFIT STATUTES

SEC. 301. (a) Effective on the effective date of health security benefits (set forth in section 142)—

(1) Title XVIII of the Social Security Act, except section 1817 thereof, is repealed.

(2) The Act of September 28, 1959 (5 U.S.C., ch. 89) and Public Law 86–724 are repealed.

(b) Subsection (a) shall not affect any right or obligation arising out of any matter occurring before the effective date of health security benefits or any administrative or judicial proceeding (whether or not initiated before that date for the adjudication or enforcement of any such right or obligation.

MEDICAID STATUTE

SEC. 302. After the effective date of health security benefits no State (as defined in section 1101(a)(1) of the Social Security Act) shall be required, as a condition of approval of its State plan under title XIX of that Act, to furnish any service which constitutes a covered service under title I of this Act, and any amount expended for the furnishing of any such service to a person eligible for services under title I of this Act shall be disregarded in determining the amount of any payment to a State under such title XIX. The Secretary of Health, Education, and Welfare shall by regulation prescribe the minimum scope of services required (in lieu of the requirements of section 1902(a)(13) of the Social Security Act) as a condition of approval, after the effective date of health security benefits, of a State plan under such title XIX. Such minimum scope of services shall, to the extent the Secretary finds practicable, be designed to supplement the benefits available under title I of this Act, with respect to the duration of skilled nursing home services during a benefit period and with respect to the furnishing of dental services and of drugs (appearing on the list established under section 25(b) of this Act) to persons not entitled to such services, or not entitled to such drugs, under title I of this Act.

VOCATIONAL REHABILITATION ACT; MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES

SEC. 303. Funds made available under the Vocational Rehabilitation Act or under title V of the Social Security Act shall not be used, after the effective date of health security benefits, to pay for personal health services available under title I of this Act; but they may, in accordance with regulations of the Secretary of Health, Education, and Welfare, be used (a) to pay for institutional services which are either more extensive or more intensive than the services recognized in institutional budgets approved under title I of this Act, or (b) to pay for special medical or other procedures peculiar to vocational rehabilitation, or peculiar to the correction or amelioration of defects or chronic conditions of crippled children, as the case may be.

TITLE IV—STUDIES RELATED TO HEALTH SECURITY

STUDY OF THE PROVISION OF HEALTH SECURITY BENEFITS TO UNITED STATES CITIZENS IN OTHER COUNTRIES

SEC. 401. The Secretary of Health, Education, and Welfare in consultation with the Secretary of State and the Secretary of the Treasury, shall study (a) the practicability and the means of making prepaid health services (or prepaid indemnification for the cost of health services) available, more widely than can be done under section 12 of this Act, to citizens of the United States who are resident in other countries or are temporarily visiting such countries, by supplementing the authority for reciprocal arrangements under section 12 with authority for payments from the Health Security Trust Fund, and (b) means of equitably financing such services (or indemnification) through the extension of health security taxes; and not later than five years after the enactment of this Act shall report to the Congress his findings and recommendations.

STUDY OF NEED FOR LONG-TERM CARE

SEC. 402. (a) The Congress finds that—

(1) there exists a serious shortage of appropriate services and facilities for the long-term care of persons who, because of age or chronic illness or other cause, are unable to live in their own homes without assistance, but who do not need services as extensive as those of hospitals or skilled nursing homes;

(2) the shortage is due in substantial part to the inadequacy of assistance from public sources in meeting developmental costs, capital costs, or operating costs of facilities providing such care, and to the inability of such persons to pay the cost of the services they need;

(3) public programs for assistance to such persons are divided among medical facilities construction programs, housing programs, public assistance programs, programs specifically for the aged, and other programs, each addressed to a facet of the problem but without sufficient coordination with respect to the differing kinds and levels of care required by different persons or the relative need for services and facilities of the several kinds; and

(4) the shortage of appropriate services and facilities results both in severe hardship to many of the elderly and the disabled and their families, and in much improper and wasteful use of hospitals and skilled nursing homes.

(b) The Secretary of Health, Education, and Welfare shall conduct a study of (1) the need for additional social, homemaker and other services to enable persons referred to in subsection (a) to live in their own homes, (2) the most effective method of providing such services by public agencies and encouraging their provision by private agencies, and (3) the most equitable and appropriate means of financing such services.

(c) The Secretary of Health, Education, and Welfare and the Secretary of Housing and Urban Development shall conduct a joint study of the extent of the need for additional facilities of various kinds for the care of persons referred to in subsection (a), and of the most appropriate and equitable means of meeting both the capital cost and the operating cost of such additional facilities.

(d) Not later than two years after the enactment of this Act, the Secretaries shall transmit to the Congress reports of their studies under subsections (b) and (c), together with recommendations of legislation to meet the needs for services and facilities, including the coordination of existing programs and any expansion of such programs or the initiation of any new programs which may be deemed appropriate.

STUDY OF COORDINATION WITH OTHER FEDERAL HEALTH BENEFIT PROGRAMS

SEC. 403. (a) The Secretary of Health, Education, and Welfare shall conduct studies of the most satisfactory means of coordinating the program for the health care of merchant seamen, the program for the health care of Indians and Alaskan natives, or both, with the system of health security benefits created by this Act; the Administrator of Veterans' Affairs and the Secretary shall conduct a joint study of the most satisfactory means of coordinating with that system some or all of the programs for the health care of veterans. Reports of these studies, and legislative recommendations to achieve improved coordination, shall be submitted to the Congress not later than three years after the enactment of this Act.

(b) In conducting the studies required by this section, the Secretary and the Administrator, as appropriate, shall consult with representatives of the respective beneficiary groups, and shall include in their reports to the Congress summaries of the views of such representatives.

STUDY OF MALPRACTICE LIABILITY

SEC. 404. (a) The Congress finds that—

(1) with the increasing complexity and sophistication of diagnostic and therapeutic health care procedures, determination whether a patient has been injured by malpractice or other fault has become increasingly difficult and the existing method of making this determination through the judicial process has become increasingly costly, inefficient, and unsatisfactory;

(2) the cost of insurance against malpractice liability has become a substantial element in the cost of health services, and there is growing evidence that the risk of such liability, together with the limited availability of insurance, may be inhibiting the proper and desirable use of certain diagnostic or therapeutic procedures as well as the effective use of health manpower and health care facilities; and

(3) the risk of harm arising out of medical treatment can be reduced but cannot be eliminated from the delivery of health services, and it is essential to develop more precise, efficient, and equitable methods of determining whether harm to patients has been caused by negligence or other factors and of determining and paying fair compensation to persons entitled thereto.

(b) The Secretary of Health, Education, and Welfare shall conduct a comprehensive study of all relevant aspects of the malpractice problem with particular emphasis on the methods used for compensating patients for harm suffered as a result of malpractice or other causes arising out of or in the course of the provision of health services to them. The study shall include, but shall not be limited to—

(1) the collection of information (A) concerning the existing methods of determining liability and paying compensation for harm caused by malpractice or other fault, including information bearing on the costs and effectiveness of those methods, the reasonableness and timeliness of such payments, and the significance of the cost of liability insurance and the cost of processing malpractice claims to conclusion as an element in the cost of health care; and (B) concerning the cost, availability, and adequacy of liability insurance as a means of providing funds for such compensation and protecting providers of health services against undue financial risks;

(2) an examination of the feasibility, costs, and desirability (A) of substitute or alternative methods of determining entitlement to, and the amount of, compensation for harm suffered, in lieu of determination of these issues through the judicial process; (B) of substituting other tests of entitlement to such compensation, in lieu of tests based on negligence or fault on the part of providers of services; and (C) of establishing statutory criteria to govern the determination of the amount of such compensation;

(3) an examination of the relationship of malpractice claims and litigation to the delivery of health services, including an analysis of the professional and economic impact of actual or threatened claims on health care diagnostic and therapeutic practices, the use of health manpower, and the use of health care facilities; and

(4) an examination of existing methods and potential alternative methods of meeting the cost of such compensation, while affording reasonable protection to the providers of health services.

(c) The Secretary shall make to the Congress an interim report of his studies under this section not later than one year after the enactment of this Act, and a final report, and such recommendations of legislation as he deems appropriate, not later than two years after such enactment.

GENERAL PROVISIONS

SEC. 405. (a) There are hereby authorized to be appropriated such sums as may be necessary for the conduct of the studies authorized by this title.

(b) In conducting such studies the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Administrator of Veterans' Affairs are each authorized (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to appoint such consultants (and fix their compensation at not more than $100 a day), and to create such advisory committees, as they may find useful; and (2) to enter into contracts with public or private agencies or organizations for the collection of information, the conduct of research, or other purposes relating to the respective studies.

The material furnished by Mr. KENNEDY is as follows:

SECTION-BY-SECTION ANALYSIS OF THE HEALTH SECURITY ACT

TITLE I

Part A—Eligibility for benefits

(Sections 11–12.) Every resident of the U.S. (and every non-resident citizen when in the U.S.) will be eligible for covered services. Reciprocal and "buy-in" agreements will permit the coverage of groups of non-resident aliens, and in some cases benefits to U.S. residents when visiting in other countries.

Part B—Nature and scope of benefits: Covered services

(Section 21.) Every eligible person is entitled to have payments made by the Board for covered services provided within the United States by a participating provider.

(Section 22.) All necessary professional services of physicians, wherever furnished, are covered, including preventive care, with two important restrictions:

(1) Major surgery, and other specialist services designated in regulations, are covered only when performed by a qualified specialist—except in emergency situations—and generally only on referral from a primary physician. This is intended to protect the public from inadequately trained practitioners and to restore the primary or family practitioner to the role of the manager of health services.

(2) Psychiatric services to an ambulatory patient are covered only for active preventive, diagnostic, therapeutic or rehabilitative service with respect to mental illness. If the patient seeks care in the organized setting of a comprehensive health service organization, or a hospital out-patient clinic, or other comprehensive mental health clinic, there is no limit on the number of consultations. In these kinds of organized settings, peer review and budgetary controls can be expected to curtail unnecessary utilization. If the patient is consulting a solo practitioner, there is a limit of 20 consultations per benefit period. In communities where psychiatric services are in especially short supply the Board may prescribe referral or other non-financial conditions to give persons most in need of services a priority of access to solo practitioners.

(Section 23.) Comprehensive dental services (exclusive of most orthodontia) are covered for children under age 15, with the covered age group increasing by two years each year until all those under age 25 are covered. This benefit is limited initially because, even with full use of dental auxiliaries, there is insufficient manpower to provide dental benefits for the entire population. Persons once covered for dental services remain covered throughout their lives, and it is the declared intention to extend dental benefits to persons initially excluded, as rapidly as this becomes feasible.

(Section 24.) Inpatient and outpatient hospital services and services of a home health agency are covered without arbitrary limitation. Pathology and radiology services are specifically included as parts of institutional services, thus reversing the practice of Medicare. Domiciliary or custodial care is specifically excluded in any institution, thus necessitating the two important restrictions on payments for institutional care:

(1) Payment for skilled nursing home care is limited to 120 days per benefit period except that this limit may be increased when the nursing home is owned or managed by a hospital and payment for care is made through the hospital's budget. It is not practical to assume that the majority of nursing homes and extended care facilities in the country will be able to implement effective utilization review and control plans in the first years of Health Security. The demand for essentially domiciliary or custodial care in nursing homes is so overwhelming that an initial arbitrary limit on days of coverage is necessary. Extension of the benefit is authorized when this becomes feasible.

(2) Many state hospitals do not provide optimal active treatment to their psychiatric patients but rather maintain them in a maintenance or custodial setting. If Health Security provided unlimited coverage for patients in these hospitals, it might tend to freeze the level of care instead of stimulating these institutions to upgrade their medical-care performance. Therefore the psychiatric hospital benefit is limited to 45 consecutive days of *active treatment* during a benefit period.

(Section 25.) The bill provides coverage for two categories of drug use: prescribed medicines administered to inpatients or outpatients within participating hospitals, or to enrollees of comprehensive health service organizations, and drugs necessary for the treatment of specified chronic illnesses or conditions requiring long or expensive drug therapy. This will provide coverage of most drug costs for individuals who require costly drug therapy.

The bill requires the Board and the Secretary of HEW to establish two lists of approved drugs, taking into account the safety, efficacy and cost of each drug. There will be a broad list of approved medicines available for use in institutions and by comprehensive health service organizations and a more restricted list which is available for use outside such organized settings. The restricted list shall stipulate which drugs on it shall be available for treatment of each of the specified chronic diseases. No such restrictions shall be placed upon drug therapy within an institutional setting.

Use of the restricted list will meet the most costly needs for drug therapy while restraining unnecessary utilization. The benefit is more liberal where adequate control mechanisms exist.

(Section 26.) The appliances benefit is similar in concept and operation to the drug benefit, subject to a limitation on aggregate cost. The Board shall prepare lists of approved devices, appliances or equipment which it finds are important for the maintenance or restoration of health, employability or self-management (taking into consideration the reliability and cost of each item). The Board will also specify the circumstances or the frequency with which the item may be prescribed at the cost of the Health Security program.

(Section 27.) The professional services of optometrists and podiatrists are covered, subject to regulations, as are diagnostic or therapeutic services. The care of a psychiatric patient in a mental health day care service is covered for up to 60 days (day care benefits are unlimited if furnished by a comprehensive health service organization or by a community mental health center). Ambulance and other emergency transportation services are covered, as well as non-emergency services where (as in some sparsely settled areas) transportation is essential to overcome special difficulty of access to covered services.

Supporting services such as psychological, physiotherapy, nutrition, social work and health education are covered if they are part of institutional services or are furnished by a comprehensive health service organization. This establishes the important principle that these and other supporting services should be provided as part of a coordinated program of health maintenance and care. Psychologists, physical therapists, social workers, etc. will not be permitted to establish independent practices and bill the program on a fee-for-service basis. This is intended to assure that whenever services of this nature are provided they are under appropriate medical supervision and are germane to the over-all care of the patient.

(Section 28.) Health services furnished or paid for under a workmen's compensation law are not covered. Reimbursement for loss of earnings is so closely interlocked with the health services aspects of workmen's compensation that absorption of the health services portion of workmen's compensation by Health Security could have the effect of delaying findings of eligibility for income payments.

School health services are covered only to the extent provided in regulations.

The Board may exclude from coverage medical or surgical procedures which are essentially experimental in nature. The Board may exclude coverage of specified non-emergency surgical procedures unless an appropriately qualified specialist has been consulted and has recommended surgery. Individuals who enroll in a comprehensive health service organization or enroll themselves with a primary practitioner accepting capitation payments are not entitled to seek covered services from other providers of services (except as specified in regulations). Surgery primarily for cosmetic purposes is excluded from coverage.

The services of a professional practitioner are not covered if they are furnished in a hospital which is not a participating provider. This is intended to discourage physicians from admitting patients to hospitals which cannot or will not meet standards for participation in the program.

Part C—Participating providers of services

(Section 41.) Participating providers are required by subsection (a) to meet standards established in this title or by the Board. In addition, they must agree to provide services without discrimination, to make no charge to the patient for any covered service, and to furnish data necessary for utilization review by professional peers, statistical studies by the Board, and verification of information for payments.

Under subsection (b) the Board may, for those surgical procedures for which advance consultation is required under section 28, require pathology reports on tissue removed and clinical abstracts or discharge reports of the cases.

(Section 42(a).) Professional practitioners licensed when the program begins are eligible to practice in the State where they are licensed. All newly licensed applicants for participation must meet national standards es-

tablished by the Board in addition to those required by their State. While stopping short of creating a Federal licensure system for health professionals, this will guarantee minimum national standards. A state-licensed practitioner who meets national standards will be qualified to provide Health Security covered services in any other state. (See also Section 56(a)(1)).

(b) For purposes of this title a doctor of osteopathy is a physician, as is a dentist when performing procedures which, in generally accepted medical practice, may be performed by either a physician or a dentist.

(c) Participating professional providers shall be required to meet continuing education requirements established by the Board (in consultation with appropriate professional organizations).

(d) Major surgery and certain other specialty services shall be covered only when provided by a board certified or board eligible physician (except in emergency circumstances). Physicians who do not meet these standards but who are providing such services as a substantial part of their practice when the program begins may be found qualified if they meet standards established by the Board and, where appropriate, if recommended by a participating hospital.

(Section 43.) This section establishes conditions of participation for general hospitals similar to those required by Medicare. Two requirements not found in the Medicare program are: (1) that the hospital must not discriminate in granting staff privileges on any grounds unrelated to professional qualifications; (2) that the hospital establish a pharmacy and drug therapeutics committee for supervision of hospital drug therapy. Medicare allows any hospital accredited by the Joint Commission on the Accreditation of Hospitals (if it provides utilization review) to participate in the program, thus in effect delegating to the Commission the determination whether the standards are met. This title requires all participating hospitals to meet standards established by the Board.

(Section 44.) Psychiatric hospitals will be eligible to participate only if the Board finds that the hospital (or a distinct part of the hospital) is engaged in furnishing *active* diagnostic, therapeutic and rehabilitative services to mentally ill patients. Psychiatric hospitals are required to meet the same standards as those prescribed for general hospitals in Section 43, and such other conditions as the Board finds necessary to demonstrate that the institution is providing active treatment to its patients. These standards will exclude costs incurred by state mental institutions to the extent they serve domiciliary or custodial functions. In addition, psychiatric hospitals must be accredited by the Joint Commission on the Accreditation of Hospitals. (As in Medicare, accreditation is an *additional* requirement in the case of psychiatric hospitals, as further assurance that they meet the requirements of an active treatment program.)

(Sections 45 and 46.) Section 45 establishes conditions of participation for skilled nursing homes similar to those established for extended care facilities under Medicare. Important differences, however, are the requirement for affiliation with a participating hospital or comprehensive health service organization (see Section 52(b), and changes in the requirements for utilization review (see Section 51). Under section 46 participation by home health agencies will be limited to public agencies and non-profit private organizations—proprietary home health agencies are specifically excluded.

(Section 47.) Subsection (a) describes a comprehensive health service organization which undertakes to provide an enrolled population either with complete health care or, at the least, with complete Health Security services (other than institutional services, mental health or dental services) for the maintenance of health and the care of ambulatory patients. The bill, in its aim to improve the methods of delivery of health services, places much emphasis on the development of new organizations of this kind and the enlargement of old ones.

The section is designed to accommodate forms of organization typical of existing prepaid group practice plans, but also to be flexible enough to permit experimentation with somewhat different forms. In some urban or rural areas, for example, it may be impracticable to bring all of the various services together in one place, and the section has been designed to encompass what has been described as "comprehensive group practice without walls"; the basic essential is the assumption of responsibility for a reasonably comprehensive range of services (including health maintenance) on a continuing and coordinated basis to a group of persons who have chosen to receive all or nearly all their health care from the organization.

Other requirements are spelled out in this section: The organization must furnish services through the prepaid group practice of medicine, or as near an approximation to prepaid group practice as is feasible. It must be a nonprofit organization, or if several providers share in the furnishing of services the prime contractor with the Board must be nonprofit. All persons living in or near a specified service area will be eligible to enroll, subject to the capacity of the organization to furnish care and subject to minimal underwriting protections. Services must be reasonably accessible to persons living within the specified service area. Periodic consultation with representatives of enrollees is required. Professional policies and their effectuation, including monitoring the quality of services and their utilization, are to be the responsibility of a committee or committees of physicians. Health education and the use of preventive services must be stressed, and lay persons are to be employed so far as is consistent with good medical practice. Charges for any services not covered by Health Security must be reasonable. Finally, the organization must agree to pay for services furnished by other providers in emergencies, either within the service area of the organization or elsewhere, but may meet this requirement to the extent feasible through reciprocal service arrangements with other organizations of like kind.

Subsection (b) makes clear that the organization, or professionals furnishing services for it, may also serve non-enrollees, with payment to be made to the organization, or, at its request, to such professionals.

(Section 48.) This section permits a foundation sponsored by a city, county, or State medical or dental society, by agreement with the Board, to participate as a provider of services. The foundation's general policies must be developed, and reviewed periodically, by the society or a committee selected by it, and it must establish a professional group to review the quality and utilization of services. Generally, the foundation must furnish all covered medical or dental services, and may furnish other covered or non-covered services if the Board approves; it must accept for enrollment any resident of the area it serves, subject to the same limitations as appear in section 47(a). It must permit any practitioner who meets its professional qualifications to participate in furnishing services, whether or not he is a member of the sponsoring society. The foundation must agree to pay for emergency services to its enrollees in or outside its area, and must make no more than reasonable charges for any services not covered by Health Security. Finally, it must meet requirements for continuing education and other requirements which the Board may specify.

(Section 49.) This section deals with several classes of health organizations that vary widely, even within a single class, in their structure and in the scope of the services which they offer. Because statutory specifications cannot well be tailored to so many variables, the section sets forth only a general statement of the kinds of organizations to which it relates and leaves participation of each organization to a case-by-case decision of the Board.

Subsection 49(a)(1) permits the participation of community health centers or the like which, though furnishing services as comprehensive as are required by section 47(a), do not serve an enrolled or otherwise predetermined population and may not meet some other requirements of section 47(a). Subsection (a)(2) authorizes the Board to deal separately with the primary care portion of a system of comprehensive care where it is necessary to rely on arrangements with other providers, rather than on a unified structure, to round out the other elements of the system. Where organizations meeting the extensive requirements of section 47(a) are not available, these two subsections will give the Board flexibility in furthering one of the bill's prime objectives, the development and broad availability of comprehensive services furnished on a coordinated basis.

Because of the extent to which mental health services are separated from other health care, subsection (a)(3) permits the Board to contract directly with public or other nonprofit mental health centers and mental health day care services.

If a State or local public health agency is providing preventive or diagnostic services, such as immunization or laboratory tests, the Board may under subsection (a)(4) contract with it for the continuance of these services. Subsection (a)(5) permits the Board to contract with nonprofit health prepayment or insurance organizations which provide substantially comprehensive services to ambulatory patients, on terms similar to those specified in section 48 for professional foundations.

In the field of private practice, physicians or dentists or other practitioners may group themselves in a clinic, nonprofit or proprietary, or in any number of other ways, and it may be more convenient both to them and to the Board to regard them as an entity than to deal with each practitioner separately. Subsection (a)(6) permits this. The Board will have wide discretion in contracting with such entities subject only to the limitation that, like other organizations described in section 49(a), the entity may not (under section 88(a)) be paid on a fee-for-service basis. Practitioners who elect that method of payment may of course pool their bills for submission to the Board, but there is no reason to contract with a unit for the payment of fees to it.

Subsection (d) sets forth the Board's authority to specify terms and conditions or agreements under this section. Subsection (c) makes clear that agreements with the Board under section 48 or 49 shall not (unless expressly so stipulated) preclude practitioners furnishing services under the agreements from furnishing other services as independent providers.

(Section 50.) This section specifies the broad and general conditions under which independent pathology laboratories, independent radiological services, providers of drugs, devices, appliances, equipment, or ambulance services may qualify as providers under Health Security. As under Medicare, a Christian Science Sanatorium qualifies if operated, or listed and certified, by the First Church of Christ, Scientist, Boston.

(Section 51.) The requirements of utilization review in hospitals and skilled nursing homes are in the main similar to those which Medicare has, since 1966, imposed with

respect to services to aged patients. In Health Security the requirements will of course apply to the entire patient population. As in Medicare, the review is designed to serve a dual purpose: identification of certain specific misuses of the institutional services with a view to their termination, and a focusing of continuing attention and concern of the medical staff on the necessity for efficient utilization of institutional resources. Section 51(a) strengthens the educational aspect of the process by requiring specifically that records of reviews be maintained and statistical summaries of them be reported periodically to the institution and its medical staff (and, on request, to the Board). As under Medicare, the review committee will consist of two or more physicians, with or without other professional participation; and in the case of hospitals, will normally be drawn from the medical staff unless for some reason an outside group is required. For skilled nursing homes, on the other hand, section 51(c) departs from Medicare by permitting as an alternative that the Committee be established by the State or local public health agency under contract with the Board, or failing that, by the Board. If the nursing home operates under a consolidated budget with a hospital, the review will be made by the hospital committee. Like Medicare, section 51(d) calls for review of specific long-stay cases as required by regulations, and section 51(e) for notice to the institution, the attending physician, and the patient when a decision adverse to further institutional services is made.

(Section 52.) Subsection (a) of Section 52 is also like Medicare in requiring a participating skilled nursing home to have in effect an agreement with at least one participating hospital for the transfer of patients and medical and other information as medically appropriate. Subsection (b) introduces a requirement, applicable two years after the effective date of health benefits to both skilled nursing homes and home health service agencies, of affiliation with a participating hospital or comprehensive health service organization. Unless the medical staff of the hospital or organization undertakes to furnish the professional services in the nursing home or the professional services of the home health service agency, that medical staff or a committee of it must assume responsibility for these services. Subsection (c) allows the Board to waive the application of either of these requirements to a skilled nursing home or a home health agency which the Board finds essential to the provision of adequate services, if (but only for as long as) lack of a suitable hospital or organization within a reasonable distance makes a transfer or an affiliation agreement impracticable.

(Section 53.) If the construction or substantial enlargement of a hospital or skilled nursing home has been undertaken after December 31, of the year of enactment, without prior approval by a planning agency designated by the governor of the state or the Board, section 53 precludes the institution from participating in the Health Security program. This should greatly strengthen state and local planning authorities.

(Section 54.) Subsection (a) requires the Board in fixing, for institutional and other providers, standards beyond those specified in the statute, to take into consideration criteria established or recommended by appropriate professional organizations. The Board is given authority under subsection (b) to require upgrading in staffing patterns and personnel standards of participating institutional providers that fall below standards recommended by such organizations.

(Section 55.) Institutions of the Department of Defense and the Veterans Administration, and institutions of the Department of Health, Education, and Welfare serving merchant seamen or Indians or Alaskan natives, are excluded by section 55 from serving as participating providers, as is also any employee of these institutions when he is acting as an employee. The Board will, however, provide reimbursement for any services furnished (in emergencies, for example) by these institutions or agencies to eligible persons who are not a part of their normal clientele. It will also provide reimbursement for services furnished by the Public Health Service under the recently enacted Emergency Health Personnel Act of 1970.

(Section 56.) This section overrides, for purposes of the Health Security program, State laws of several kinds which inhibit the utilization or the mobility of health personnel, cloud the legality of so-called "corporate practice" of health professions, or restrict the creation of group practice organizations. The authority of Congress to do this, in conjunction with a program of Federal expenditure to provide for the general welfare, flows from the Supremacy Clause of the Constitution and seems now to be clearly established. (*Ivanhoe Irrigation District v. McCracken*, 357 U.S. 275 (1958); *King* v. *Smith*, 392 U.S. 309 (1968)).

The first three paragraphs of subsection (a), while stopping short of creating a system of Federal licensure for health personnel, will greatly facilitate both the interstate mobility of State licensees and the effective use of ancillary personnel in the furnishing of health care. The dispensations contained in these paragraphs will be available to persons who meet national standards established by the Board.

Paragraph (1) permits a physician, dentist, optometrist, or podiatrist, licensed in one State and meeting the national standards, to furnish Health Security benefits in any other state, the scope of his permissible practice being governed by the law of the State in which he is practicing. This paragraph obviates the difficulty and cost which a practitioner may encounter, especially where reciprocity of licensure is not available, in taking up practice in a State in which he has not been licensed.

Paragraph (2) grants a similar authority to other health professional and nonprofessional personnel. For occupations such as pharmacy and professional nursing, which are subject to licensure in all States, a person can avail himself of this paragraph only if he is licensed in one State and meets the national standards; in other cases, where licensure is not universally required, compliance with national standards is sufficient. Here again, impediments to mobility created by existing licensure laws will be removed.

The restrictions which many professional practice acts impose on the use of lay assistants, and the legal uncertainties which often deter such use, discourage practices that can increase greatly, without sacrifice of safety, the volume of services which professionals can render. Accordingly, paragraph (3) of subsection (a) enables the Board to permit physicians and dentists, participating in public or nonpublic hospitals and comprehensive health service organizations, to use ancillary health personnel, acting under professional supervision and responsibility, to assist in furnishing Health Security benefits. Such assistants may do only things which the Board has specified, and may be used only in the context of an organized medical staff or medical group. Persons employed as assistants must not only meet national standards for their respective occupations, but must also satisfy special qualifications that the Board may set for particular acts or procedures.

In the interest of encouraging salaried practice and the integration of professional practitioners into well-structured organizations for the delivery of health services, paragraph (4) of subsection (a) does away with the "corporate practice" rule insofar as concerns participating public or other nonprofit hospitals and comprehensive health service organizations. These institutions may employ physicians or make other arrangements for their services, unless in the unlikely event that lay interference with professional acts or judgments should be threatened. No conflict of interest results from such arrangements; in the nonprofit setting loyalty to employer and loyalty to patient run parallel.

Some state laws place restrictions of one kind or another on the incorporation of group practice organizations. When these restrictions prevent the State incorporation of an organization meeting the strict requirements of the Health Security Act, section 56 (b) empowers the Secretary to incorporate it for purposes of the Act. Except for the special restrictions, State law will govern the corporation.

Part D—Trust fund; allocation of funds for services

(Section 61.) This section establishes the Health Security Trust Fund, to receive the net assets of existing (Medicare) funds taken over by the Health Security program, the yield of the Health Security taxes, and the Government's contribution from general revenues amounting to 100% of the yield from these taxes.

Accordingly, this section amends the Social Security Act to convert the present Hospital Insurance Trust Fund (Medicare, Title XVIII, Part A) into the Health Security Trust Fund, and to provide that the appropriations that would have gone into the former (increased by the new tax provisions) shall go into the latter. In addition, on the effective date of benefits the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund (Medicare, Title XVIII, Part B) will be transferred to the Health Security Trust Fund. Also, a Government contribution to the new Trust Fund is authorized to be appropriated, equal to 100% of the aggregate yield from the payroll taxes on employees and employers and the taxes on self-employment and unearned income, imposed for Health Security under Title II of this Act. The Fund will also receive recoveries of overpayments, and receipts from loans and other agreements. To implement the role of the Trust Fund, the Managing Trustee (the Secretary of the Treasury) will make payments from the Trust Fund provided for under Title I, as the Board certifies, and with respect to administrative expenses as authorized annually by the Congress.

(Section 62.) The Health Security program is intended to operate on a budget basis overall. Accordingly, subsection (a) requires the Board to determine for each fiscal year the maximum amount which may be available for obligation from the Trust Fund. The amount so determined in advance (by March 1 preceding each fiscal year) shall not exceed the smaller of two stated limitations. The first limit is fixed at 200% of the expected net receipts from all the Health Security taxes (i.e., the tax receipts augmented by 100% thereof, to be appropriated into the Fund from general revenues of the Government). The second limit, applicable to each fiscal year after the first year of benefit operation, (i.e., after a year's availability of covered services), is an amount equal to the estimated obligations of the current year (within which the estimate is being made), subject to certain adjustments. Such adjustments will reflect changes expected in: (A) the price of goods and services; (B) the number of eligible persons; (C) the number of participating professional providers, or the number or capacity of institutional or other participating providers so far as such changes are not readily adequately reflected; and (D) the expected cost of program administration.

In the interest of prudent fiscal management, subsection (b) requires the Board to restrict its estimate of the amount available

for obligation in the next fiscal year (in accordance with subsection (a)) if the Board estimates that the amount in the Trust Fund at the beginning of the next fiscal year will be less than one-quarter of the total obligations to be incurred for the current year, and that such restriction will not impair the adequacy or quality of the services to be provided. Also, the Board is required to reduce its alternative estimate of the maximum amount to be available if it finds that the aggregate cost to be expected has been reduced (or an expected increase has been lessened) through improvement in organization and delivery of service or through utilization control.

Subsection (c) provides against various other contingencies which may result in increase or decrease in the estimate of the maximum amount to be available for obligation in the next fiscal year. The amount may be modified before or during the fiscal year: if the Secretary of the Treasury finds that the expected Health Security tax receipts will differ by 1 percent or more from the estimate used under subsection (a); or if the Board finds that either its factors of expected change or the cost of administration is expected to differ from the estimate by 5 percent or more; or if an epidemic, disaster or other occurrence compels higher expenditure than had been expected. If, as a result, the maximum estimate has to be increased (rather than being decreased), the Board (through the Secretary) shall promptly report its action to the Congress with its reasons.

(Section 63.) Subsection (a) provides that three separate accounts shall be established in the Health Security Trust Fund—a Health Services Account, a Health Resources Development Account, and an Administration Account, as well as a residual General Account. Subsection (b) provides that in each of the first two years of program operation, 2% of the Trust Fund shall be set aside for the Health Resources Development Fund; and the allocation shall increase by 1% at two-year intervals to 5% within the next 6 years. The money in this account will be used exclusively for the planning and system improvement purposes described in part F.

(c) (d) After deducting the amount appropriated by the Congress into the Administration Account, the remainder of the monies shall be allocated to the Health Services Account, and shall be used exclusively for making payment for services in accordance with part E.

(Section 64.) This section provides for allocation of the Health Services account among the regions of the country. (a) The allocation to each region shall be based on the aggregate sum expended during the most recent 12-month period for covered services (with appropriate modification for estimated changes in the price of goods and services, the expected number of eligible beneficiaries, and the number of participating providers). (b) In allocating funds to the regions the Board shall seek to reduce, and over the years gradually eliminate, existing differences among the regions in the average per capita amount expended upon covered health services (except when these reflect differences in the price of goods and services). To accomplish this, the Board will curtail increases in allocations to high expenditure regions and stimulate an increase in the availability and utilization of services in regions in which the per capita cost is lower than the national average. (c) A contingency reserve of up to 5% may be withheld from allocation. If the remaining funds available are inadequate, allocations will be reduced pro rata. (d) Allocations may be modified before or during a fiscal year if the Board finds this is necessary.

(Section 65.) The Board will divide the allocation to each region into funds available to pay for: institutional services; physican services; dental services; furnishing of drugs; furnishing of devices, appliances and equipment; and other professional and supporting services, including subfunds for optometrists, podiatrists, independent pathology laboratories, independent radiology services, and other items. The percent allocated to each category of service may vary from region to region. In determining the allocation to these funds, it will be guided by the previous year's expenditures for each category of service but also take into account trends in the utilization of services and the desirability of stimulating improved utilization of resources. It will encourage a shift from heavy reliance on institutional care to better utilization of preventive and ambulatory services.

(Section 66.) These regional funds will be subdivided among the health service areas in each region, primarily upon the basis of the previous year's expenditure for each kind of service. Again, the Board will gradually attempt to achieve the equalization of services within each region by restraining the increase of expenditures in high cost areas and channeling funds into health service areas with a low level of expenditures.

(Section 67.) Before or during a fiscal year, the division of regional funds by classes of service or the allotments to health service areas may be modified if necessary or if indicated by newly acquired information.

Part E—Payment to providers of services

(Section 81.) Payments for covered services provided to eligible persons by participating providers will be made from the Health Services Account in the Trust Fund.

(Section 82.) This section delineates methods of paying professional practitioners. Every independent practitioner (physician, dentist, podiatrist, or optometrist) shall be entitled to be paid by the fee-for-service method (subsection (a)), the amounts paid being in accordance with relative value scales prescribed after consultation with the professions (subsection (g)). Each physician engaged in general or family practice of medicine in independent practice may elect to be paid by the capitation method if he agrees to furnish individuals enrolled on his list with all necessary and appropriate primary services, make arrangements for referral of patients to specialists or institutions when necessary, and maintain records required for medical audit; and independent dentist practitioners may elect the capitation method of payment similarly (subsection (b)).

These requirements in connection with capitation payments are intended to assure that the physician (or dentist) provides to his patients all professional services within the range of his undertaking and secures other needed services by referral. Through regular medical audits, the Board will monitor the level and quality of care provided.

When necessary to assure the availability of services in a given area, subsection (c) permits paying an independent practitioner a full-time or part-time stipend in lieu of or as a supplement to other methods of compensation. This method of payment will be used selectively by the Board, mainly to encourage the location of practitioners in remote or deprived areas. Practitioners may also be reimbursed for the special costs of continuing education required by the Board and for maintaining linkages wth other providers—for example, communication costs. Incentives operative under this provision will encourage physicians to improve the quality and continuity of patient care, even if the physician does not participate in a group practice. The Board may pay for specialized medical services on a per session, or per case basis, or may use a combination of methods authorized by this section.

Subsection (d) defines the capitation method of payment.

Subsection (e) of this section describes the method to be used in applying, as between practitioners electing the various methods of payment the monies available in each health service area for payment to each category of professional providers. From the amount allocated to each service area, the Board will earmark funds sufficient to pay practitioners receiving stipends and for the professional services component of institutional budgets, such as hospitals. The remainder of the money will be divided to compute the amount available per capita in the eligible population of the area for each category of service (i.e. physicians, dentists, podiatrists, optometrists). This per capita amount in each category will fix the capitation payments to organizations that undertake to provide the full range of services in that category to enrolled individuals. Lesser amounts will be fixed for more limited services. For example, if the per capita amounts available for physician, dental and optometric services are $65, $25, and $5 respectively, primary physicians accepting capitation payments will receive the percentage of that $65 which is allocated for primary services, a medical society sponsored foundation would receive the entire $65 for physician services, a dental society foundation would receive the $25 allocated for dental services, and organizations which undertake to provide all physician, dental and optometric services to enrolled individuals will receive $95 for each enrolled individual.

The budgeted per capita amount for each type of covered service (physician, dental, etc.) will be divided between the categories of providers of service according to the number of individuals who elect to receive care from those providers. For example, in a city of 100,000 people, 25,000 may enroll in a comprehensive health service organization. Using the figures cited in the example above, the Board will pay the comprehensive health service organization $1,625,000 ($65 x 25,000) for physicians' services. The other 75,000 individuals elect to receive their physician services from solo, fee-for-service practitioners. The Board will create a fund of $4,875,000 ($65 x 75,000) to pay all fee-for-service bills submitted by physicians in that community, in accordance with relative value scales and unit values fixed by the Board. The fund for fee payments will be augmented to the extent that some capitation payments have been lowered because they cover only primary services, and may be augmented further where a substantial volume of services is furnished, on a fee basis, to nonresidents of the area.

Subsection (h) authorizes the Board to experiment with other methods of reimbursement so long as the experimental method does not increase the cost of service or lead to overutilization or underutilization of services.

(Section 83.) Hospitals will be paid on the basis of a predetermined annual budget covering their approved costs. To facilitate review of these budgets, the Board will institute a national uniform accounting system. Subsection (b) stipulates that the costs recognized for purposes of the budget will be those incurred in furnishing the normal services of the institution except as changed by agreement, or by order of the Board under section 134. This will enable the Board, on the basis of State and local planning, to eliminate gradually any wasteful or duplicative services, and also to provide for an orderly expansion of hospital services where needed.

Physicians and other professional practitioners whose services are held out as available to patients generally (such as pathologists and radiologists) will be compensated through the institutional budget, whatever the method of compensation of such practitioners and whether or not they are employees of the hospital. This departs from the practice in Medicare which allowed independent billing by such physicians. The institution's budget may also be increased to

reflect the cost of owning or operating an affiliated skilled nursing home, or home health service agency. Hospital budgets will be reviewed by the Board, locally or regionally, which may permit participation by representatives of the hospitals in each region. Budgets may be modified before, during, or after the fiscal year if changes occur which make modification necessary.

(Section 84.) If an entire psychiatric hospital is found by the Board to be providing active treatment to its patients, and the institution is therefore primarily engaged in providing covered services to eligible beneficiaries, it will be paid on the same basis as a general hospital (on the basis of an approved annual budget). Otherwise the Board will negotiate a patient-day rate to be paid for each day of covered service provided to an eligible beneficiary.

(Section 85.) This section provides that skilled nursing homes and home health agencies will be paid in the same manner as a general hospital (on an approved annual budget basis). The Board may specify use of nationally uniform systems of accounting and may prescribe by regulation the items to be used in determining approved costs and the services which will be recognized in budgets.

(Section 86.) Reimbursement for drugs will be made to the dispensing agent on the basis of an official "product price" for each drug on the approved list plus a dispensing fee. The official product price will be set at a level which will encourage the pharmacy to purchase substantial quantities of the drug (this should result in significant reductions in the unit cost of each drug). The official price may be modified regionally to reflect differences in costs of acquiring drugs. The Board will establish dispensing fee schedules for reimbursing independent pharmacies. These schedules will take into account regional differences in costs of operation, differences in volume, level of services provided and other factors.

(Section 87.) A comprehensive health service organization or professional foundation will be paid for other than hospital or skilled nursing home services, on the basis of a fixed capitation rate multiplied by the number of eligible enrollees. The amount of the capitation rate will be determined by the per capita amounts available for the several professional services in the area, and a rate fixed by the Board as the average reasonable and necessary cost per enrollee for such other covered services as the organization or foundation undertakes to provide (exclusive of hospital and skilled nursing home services) such as physical therapy, nutrition, etc.

A comprehensive health service organization or foundation which undertakes to provide for hospital or skilled nursing home services for its enrollees may be paid on an approved annual budget basis or on a capitation basis. An organization or foundation which arranges for such services through other providers may be reimbursed on the basis of patient days of service utilized by enrollees. The organization or foundation will also be entitled to share in up to 75% of any savings which are achieved by lesser utilization of such institutional services. Entitlement to such savings is conditional upon a finding by the Board that the services of the organization or foundation have been of high quality and adequate to the needs of its enrollees, and that the average utilization of hospital or skilled nursing services by enrollees of the comprehensive health service organization or foundation is less than use of such services by comparable population groups under comparable circumstances. This money may be used by the comprehensive health service organization or professional foundation for any of its purposes, including the provision of services which are not covered under the Health Security Program.

(Section 88.) Subsection (a) provides that organizations or agencies with which the Board has entered into an agreement under section 49 (such as a neighborhood health center, a nonprofit mental health center, a nonprofit prepayment insurance agency, or local health agency furnishing preventive or diagnostic services) may be paid by any method agreed upon other than fee-for-service.

Subsection (b) provides that independent pathology or radiology services may be paid on the basis of an approved budget or such other methods as may be specified in regulations.

Subsection (c) leaves the method of payment for other types of supporting services to be specified in regulations.

(Section 89.) All participating providers will be paid from the Health Services Account in the Trust Fund at such time or times as the Board finds appropriate (but not less often than monthly). The Board may make advance payment to supply providers with working funds when it deems advisable.

Part F—Planning; funds to improve services and to alleviate shortages of facilities and personnel

(Section 101.) This section sets forth the general purposes of Part F and authorizes appropriations, and subsequently expenditures from the Trust Fund, for these purposes. The part envisages a substantial strengthening of the health planning process throughout the country with an eye, first, to the special needs for personnel, facilities, and organization which inauguration of the Health Security program will entail, and thereafter, to continuing improvement of the capabilities for effective delivery of health services. Beyond this, the part enables the Board, through selective financial assistance, to stimulate and assist in the development of comprehensive health services, the education and training of health personnel who are in especially short supply, and the betterment of the organization and efficiency of the health delivery system. For the two-year "tooling-up" period, appropriations of $200 and $400 million are authorized for financial assistance. Beginning with the effective date of health benefits, percentages of the Trust Fund expenditures will be earmarked for such assistance (section 63). From that date on, the leverage of these expanding funds will supplement and reinforce the incentives, which are built into the normal operation of the Health Security program, for improvement of the organization and methods of delivery of health services.

(Section 102.) This section directs the Secretary, in collaboration with State comprehensive health planning agencies, regional medical programs, and other planning agencies, to institute a continuous process of health service planning. Prior to the effective date of health benefits, the planning process must give first consideration to the most acute shortages and needs for delivery of covered services under this Act. Thereafter, planning shall be focused on maximizing continuing capability for delivery of these services.

This section places primarily on the State agencies the responsibility for coordinating the work of the many health planning agencies within the States, and for coordination with interstate agencies and with agencies planning in other fields related to health, but charges the Secretary with this function in any State that fails to meet the responsibility. The section amends the Public Health Service Act to increase the authorized appropriations for State and for local health planning to extend them to 1978, and to condition grants upon collaboration for these national purposes. Thus the section, strengthening State planning agencies, focuses in them a responsibility, visualized in the "partnership-for-health" legislation but in many States not yet an operating reality, for pulling together all health planning efforts within their territories. The task will not be easy, but it is one that is lent new urgency by the Health Security program. It belongs more properly to the States than to the national Government, but if any State proves unequal to the task it must and will be assumed by the Secretary.

(Section 103.) In administering part F, this section stipulates, the Board will give priority to improving comprehensive health services for ambulatory patients through the development or expansion of organizations furnishing such services, the recruitment and training of personnel, and the strengthening of coordination among providers of services. Financial assistance will be dispensed, so far as possible, in accordance with recommendations of the appropriate health planning agencies. Funds will not be used to replace other Federal financial assistance, and may supplement other assistance only to meet specific needs of the Health Security program. Other Federal assistance programs are to be administered when possible to further the objectives of part F, and the Board may provide loans or interest subsidies to help the beneficiaries of other programs to meet the requirements for non-Federal funds.

(Section 104.) Help of several kinds will be available under this section for the creation or the enlargement of organizations and agencies providing comprehensive care to ambulatory patients—either organizations to serve an enrolled population on a capitation basis, or agencies such as neighborhood health centers which need not require enrollment in advance. Grants may be made to any public or other nonprofit organization (which need not be a health organization) to help meet the cost, other than construction cost, of establishing such a health service organization, and to existing health service organizations to help meet the cost of expansion; the maximum grants being, in the former case 90 percent of the cost, in the latter 80 percent. The Board may also provide technical assistance for these purposes. Loans may be made for the cost of necessary construction, subject to the same 90 and 80 percent limitations on amount. Finally, start-up costs of operation of these organizations may be underwritten, for five years in the case of organizations which must build up an enrollment to assure operating income, and in other cases until the Health Security program begins payment for services in the first year of entitlement to benefits. The effect of these several provisions is to reduce sharply, if not eliminate, the financial obstacles which have heretofore impeded the growth of comprehensive group practice organizations.

(Section 105.) This section contains a series of provisions to assist in the recruitment, education, and training of health personnel. The Board will establish priorities to meet the most urgent needs of the Health Security system, but the priorities will be flexible both as beween different regions and from time to time. Professional practitioners will be recruited for service in shortage areas, both urban and rural, and in comprehensive health service organizations, and such practitioners may be given income guarantees. Other Federal assistance for health education and training will be availed of, but the Board may supplement the other assistance if the Board believes it inadequate to the needs, until Congress has had opportunity to review its adequacy. The training authorized includes the development of new kinds of health personnel to assist in furnishing comprehensive services, and the training of area residents to participate in personal health education and to serve liaison functions and serve as rep-

resentatives of the community in dealing with health organizations. Grants may be made to test the utility of such personnel, and to assist in their employment before the effective date of health benefits. Education and training are to be carried out through contracts with appropriate institutions and agencies, and suitable stipends to students and trainees are authorized. Physicians will be recruited and trained to serve as hospital medical directors. Finally, special assistance may be given, both to institutions and to students, to meet the additional costs of training persons disadvantaged by poverty, membership in minority groups, or other cause.

(Section 106.) This section authorizes special improvment grants: first, to any public or other nonprofit health agency or institution to establish improved coordination and linkages with other providers of services; and, second, to organizations providing comprehensive ambulatory care, to improve their utilization review, budget, statistical, or records and information retrieval systems, to acquire equipment needed for those purposes, or to acquire equipment useful for mass screening or for other diagnostic or therapeutic purposes.

(Section 107.) This section provides that loans under Part F are to bear 3 percent interest and to be repayable in not more than 20 years. Other terms and conditions are discretionary with the Board, except for required compliance with the Davis-Bacon Act and related laws. Repayment of loans made from general appropriations will go to the general fund of the Treasury; repayment of later loans will revert to the Health Resources Development Account in the Trust Fund.

(Section 108.) This section specifies that payments under Part F shall be in addition to, and not in lieu of, payments to providers under Part F.

Part G—Administration

This part of the bill creates an administrative structure within the Department of Health, Education and Welfare with exclusive responsibility for administration of the Health Security program. Program policy will be made by a five-member Board serving under the Secretary of HEW. The Board will be assisted by a National Health Security Advisory Council which will recommend policy and evaluate operation of the program, and an Executive Director who will serve as Secretary to the Board and chief administrative officer for the program. Administration of the program will be greatly decentralized among the HEW Regional Offices. Regional and local health services advisory councils will advise on all aspects of the program in their regions and local areas. The Board may also appoint such professional or technical committees as it may deem necessary.

(Section 405.) This section authorizes appropriations for the conduct of studies under this title and confers authority to employ consultants and to contract for services in making the studies.

(Section 121.) This section establishes a five-member full-time Health Security Board serving under the Secretary of Health, Education and Welfare. Board members will be appointed by the President with the advice and consent of the Senate, for five-year overlapping terms. Not more than three of the five appointees may be members of the same political party. A member who has served two consecutive terms will not be eligible for reappointment until two years after the expiration of his second term. One member of the Board shall serve as chairman at the pleasure of the President.

(Section 122.) This section charges the Secretary of HEW and the Board with responsibility for performing the duties imposed by this title. The Board shall issue regulations with the approval of the Secretary. It is required to engage in the continuous study of operation of the Health Security program; and, with the approval of the Secretary, to make recommendations on legislation and matters of administrative policy, and to report to the Congress annually on administration and operations of the program. The report will include an evaluation of adequacy and quality of services, costs of services and the effectiveness of measures to restrain the costs. The Secretary of HEW is instructed to coordinate the administration of other health-related programs under his jurisdiction with the administration of Health Security, and to include in his annual report to the Congress a report on his discharge of this responsibility.

The Civil Service Commission is instructed to make every effort to facilitate recruitment and employment, to work in the Health Security Administration, of persons experienced in private health insurance administration and other pertinent fields.

(Section 123.) This section creates the position of an Executive Director, appointed by the Board with the approval of the Secretary. The Executive Director will serve as secretary to the Board and shall perform such duties in administration of the program as the Board assigns to him. The Board is authorized to delegate to the Executive Director or other employees of HEW any of its functions or duties except the issuance of regulations and the determination of the availability of funds and their allocations to the regions.

(Section 124.) This section provides that the program will be administered through the regional offices of the Department of HEW. It also requires the establishment of local health service area offices and local offices.

The health service areas will in most instances be a State or a part of a State except where patterns in the organization of health services and the flow of patients indicate that an interstate area would provide a more practical administrative unit. One of the responsibilities of local offices will be to investigate complaints about the administration of the program.

(Section 125.) Subsection (a) establishes a National Health Security Advisory Council, with the Chairman of the Board serving as the Council's Chairman and 20 additional members not in the employ of the Federal Government. A majority of the appointed members will be consumers who are not engaged in providing and have no financial interest in the provision of health services. Members of the Council representing providers of care will be persons who are outstanding in fields related to medical, hospital or other health activities or who are representatives of organizations or professional associations. Members will be appointed to four-year over-lapping terms by the Secretary upon recommendation by the Board.

Subsection (b) authorizes the Advisory Council to appoint professional or technical committees to assist in its functions. The Board will make available to the Council all necessary secretarial and clerical assistance. The Council will meet as frequently as the Board deems necessary, or whenever requested by seven or more members, but not less than four times each year.

Subsection (c) provides that the Advisory Council will advise the Board on matters of general policy in the administration of the program, the formulation of regulations and the allocation of funds for services. The Council is charged with responsibility for studying the operation of the program and utilization of services under it, with a view to recommending changes in administration or in statutory provisions. They are to report annually to the Board on the performance of their functions. The Board, through the Secretary, will transmit the Council's report to the Congress together with a report by the Board on any administrative recommendations of the Council which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(Section 126.) To further provide for participation of the community, the Board will appoint an advisory council for each region and local area. Each such Council would have a composition parallel to that of the National Council; and each will have the function of advising the regional or local representative of the Board on all matters directly relating to the administration of the program.

(Section 127.) The Board is authorized to appoint standing committees to advise on the professional and technical aspects of administration with respect to services, payments, evaluations, etc. These committees will consist of experts drawn from the health professions, medical schools or other health educational institutions, providers of services, etc. The Board is also authorized to appoint temporary committees to advise on special problems. The committees will report to the Board, and copies of their reports are to be made available to the National Advisory Council.

(Section 128.) Subsection (a) requires the Board to consult with appropriate State health and planning agencies to assure the coordination of the Health Security program with State and local activities in the fields of environmental health, licensure and inspection, health education, etc.

Subsection (b) requires the Board, whenever possible, to contract with States to survey and certify providers (other than professional practitioners) for participation in the program. This is similar to Medicare except that the Board is given authority to establish the qualifications required of persons making the inspections.

Subsection (c) authorizes the Board to contract with State agencies to undertake health education activities, supervision of utilization review programs, and programs to improve the quality and coordination of available services in that State.

Subsection (d) requires the Board to reimburse States for the reasonable cost of performing such contract activities and authorizes the Board to pay all or part of the cost of training State inspectors to meet the qualifications established by the Board.

(Section 129.) The Board is authorized to provide technical assistance either directly or through contract with a State to skilled nursing homes and home health agencies to supplement the skills of their permanent staff in regard to social services, dietetics, etc.

(Section 130.) Subsection (a) charges the Board with responsibility for informing the public and providers about the administration and operation of the Health Security program. This will include informing the public about entitlement to eligibility, nature, scope, and availability of services. Providers would be informed of the conditions of participation, methods and amounts of compensation, and administrative policies. In support of the program's effort to improve drug therapy, the Board is authorized, with the approval of the Secretary, to furnish all professional practitioners with information concerning the safety and efficacy of drugs appearing on either of the approved lists (Section 25), indications for their use and contraindications. Information of this nature is not now always available to practitioners.

Subsection (b) requires the Board to make a continuing study and evaluation of the program, including adequacy, quality and costs of services. Subsection (c) authorizes the Board directly or by contract to make detailed statistical and other studies on a national, regional, or local basis of any aspect of the title, to develop and test incentive systems for improving quality of

care, methods of peer review of drug utilization and of other service performances, systems of information retrieval, budget programs, instrumentation for multiphasic screening or patient services, reimbursement systems for drugs, and other studies which it considers would improve the quality of services or administration of the program.

(Section 131.) This section authorizes the Board to enter into agreements with providers to experiment with alternative methods of reimbursement which offer promise of improving the coordination of services, their quality or accessibility.

(Section 132.) This section grants authority to the Board, in accordance with regulations, to make determinations of who are participating providers of service, determinations of eligibility, of whether services are covered, and the amount to be paid to providers. The Board is granted authority to terminate participation of a provider who is not in compliance with qualifying requirements, agreements or regulations. But unless the safety of eligible individuals is endangered, the provider shall be entitled to a hearing before the termination becomes effective.

(Section 133.) This section establishes procedures for appeals similar to those under the Social Security Act.

(Section 134.) This section has one of the bill's most important provisions with respect to achieving improvement in coordination, availability, and quality of services. It greatly strengthens state and local planning agencies and gives the Board authority to curtail inefficient administration of participating institutional providers.

The Board is authorized to issue a direction to any participating provider (other than an individual professional practitioner) that, as a condition of participation, the provider add or discontinue one or more covered services. For example, if two community hospitals are operating maternity wards at low occupancy rates, the Board may require that one hospital cease to provide such service. A provider may be required to provide services in a new location, enter into arrangements for the transfer of patients and medical records, or establish such other coordination or linkages of covered services as the Board finds appropriate.

In addition, if the Board finds that services furnished by a provider are not necessary to the availability of adequate services, under this title, that their continuance is unreasonably costly, or that the services are furnished inefficiently (and that efforts to correct such inefficiency have proved unavailing) the Board may terminate participation of the provider.

No direction shall be issued under this section except upon the recommendation of, or after consultation with, the appropriate state health planning agency. And no direction shall be issued under this section unless the Board finds that it can be practicably carried out by the provider to whom it is addressed. The Board is required to give due notice and to establish and observe appropriate procedures for hearings and appeals, and judicial review is provided.

(Section 135.) Subsection (a) creates the positions of Deputy Secretary of Health, Education, and Welfare and Under Secretary for Health and Science in the Dept. of Health, Education, and Welfare.

Subsection (b) fixes the levels of compensation in the Executive pay rates scale for the Deputy Secretary (level II), the Under Secretary for Health and Science (level III), the Health Security Board chairman (level III), Board Members (level IV), and the Exec. Director (level V).

Part H—Miscellaneous provisions

(Section 141.) This section contains definitions of certain terms used in the title.

(Section 142.) This section stipulates that the effective date for entitlement for benefits will be July 1, of the second calendar year following enactment.

(Section 143.) Subsection (a) provides that an employer will not be relieved, by the enactment of the Health Security Act, of any existing contractural or other non-statutory obligation to provide or pay for health services to his present or former employees and their families. Subsection (b) expresses the sense of Congress that if, nevertheless, inauguration of the Health Security Program lessens the cost of an employer's aggregate obligations for health services to such persons, the savings should, at least for the period of any contract subsisting on the effective date of benefits, be applied to the payment of the employees' health security taxes, to wage increases, or to other employee benefits.

TITLE II

Part A—Payroll taxes

(Section 201.) Effective on January 1 of the second year after enactment, subsections (a) and (b) convert the existing Medicare hospital insurance payroll taxes into Health Security taxes, and raise the rates to 1 percent on employees and 3.5 percent on employers. Subsection (c) raises the wage base for the employee tax from the present $7,800 to $15,000 with subsequent further increase if wage levels rise, eliminates the wage ceiling from the employer tax, and broadens the definitions of covered employment to include foreign agricultural workers, employees of the U.S. and its instrumentalities (other than members of the armed forces, and the President, Vice-President, and Members of Congress), employees of charitable and similar organizations, railroad employees, and (for the employee tax only) employees of States and their political subdivisions and instrumentalities. This subsection also provides the mechanism for increasing the wage base, by $600 intervals, in proportion to future increases in average wage levels.

(Section 202.) Section 202 makes a number of conforming and technical amendments. Chief among these are provisions for refund of excess taxes collected from an employee, who has held two or more jobs, on wages aggregating in a year more than the amount of the new wage base; exclusion of Health Security contributions from agreements with State governments for the social security coverage of State and municipal employees (since these employees will contribute to Health Security through payroll taxes); and exclusion of Health Security contributions from agreements for the coverage of United States citizens employed by foreign subsidiaries of United States corporations (since these employees will not benefit directly from Health Security in its present form).

(Section 203.) This section excludes from the gross income of employees, for income tax purposes, payment by their employers of part or all of the Health Security taxes on the employees.

(Section 204.) This section spells out the precise effective dates of the new payroll tax provisions.

Part B—Taxes on self-employment income and unearned income

(Section 211.) Effective at the beginning of the second calendar year after enactment, this section converts the existing Medicare self-employment tax into a Health Security self-employment tax, raises the rate to 2.5 percent, and raises the maximum taxable self-employment income from $7,800 to $15,000 (with the same upward adjustment as in the employee tax for subsequent rises in average wage levels).

(Section 212.) Effective on the same date, this section adds a new 1 percent Health Security tax on unearned income (unless such income is less than $400 a year), subject to the same maximum on taxable income as is applicable to the employee and self-employment taxes. Taxable unearned income is adjusted gross income up to the stated maximum, minus wages and self-employment income already taxed for Health Security purposes (excluding certain items of income specifically excluded from the other taxes).

(Section 213.) This section makes appropriate changes in nomenclature and in the requirements of tax returns, including reports of estimated tax liability under the new tax on unearned income.

(Section 214.) This section details the specific effective dates of the taxes imposed by this part.

TITLE III

(Section 301.) Subsection (a) repeals Medicare on the date benefits become effective but stipulates that this shall not affect any right or obligation incurred prior to that date.

(Section 302.) This section requires that after the effective date of benefits, no State shall be required to furnish any service covered under Healtn Security as a part of its State plan for participation under Medicaid, and that the Federal government will have no responsibility to reimburse any State for the cost of providing a service which is covered under Health Security. After the effective date of benefits, the Secretary of HEW shall prescribe by regulation the new minimum scope of services required as a condition of State participation under Title XIX. To the extent the Secretary finds practicable, the new minimum benefits will be designed to supplement Health Security—especially with respect to skilled nursing home services, dental services and the furnishing of drugs.

(Section 303.) This section provides that funds available under the Vocational Rehabilitation Act or the Maternal and Child Health title of the Social Security Act shall not be used to pay for personal health services after the effective date of benefits, except (to the extent prescribed in regulations by the Secretary of HEW) to pay for services which are more extensive than those covered under Health Security.

TITLE IV

(Section 401.) This section authorizes the Secretary of Health, Education, and Welfare in consultation with the Secretary of State and the Secretary of the Treasury to study the coverage of health services for U.S. residents in other countries.

(Section 402.) Subsection (a) sets forth Congressional findings concerning the shortage of appropriate services and facilities for the long-term care of the aged or chronically sick. It notes that the shortage is in large measure due to the inadequacy and fragmentation of public programs, and that the shortage of appropriate services results in a severe hardship to the elderly and disabled and causes much improper use of hospitals and skilled nursing homes. Subsection (b) directs the Secretary to make a comprehensive study of the need for additional social, homemaker and other services for persons described in subsection (a) and the most equitable and appropriate means of financing such services. The Secretary is required to report his findings together with recommendations of legislation to the Congress within two years of the enactment of this title.

(Section 403.) Subsection (a) directs the Secretary of HEW to study the feasibility and desirability of coordinating the federal health benefit programs for merchant seamen, and Indians and Alaskan natives with the health security benefit program. The Secretary and the Administrator of Veterans Affairs shall conduct a similar joint study of the desirability and feasibility of coordinating veterans health care programs with the health security benefits program. Reports to the Congress and any legislative recommendations arising from the studies are required within three years after the enactment of this title.

Subsection (b) requires the Secretary and Administrator to consult with representatives of the affected beneficiary groups and include a summary of their views in the reports to Congress.

With respect to the joint study to determine the most effective method of coordinating the Veterans Administration Health Program with the Health Security Program established under this bill, it is important to understand that there is no intention to require either the integration of the VA program into the Health Security Program, or even the consideration of such integration. Rather, the section recognizes that any national health security or health insurance program would be so pervasive as to require other federal health programs such as those of the Veterans Administration to be effectively coordinated with them. Through such coordination, needless duplication and expenditures should be avoided.

(Section 404.) Subsection (a) sets forth Congressional findings concerning medical malpractice, and the methods of determining liability and assessing damages, are unsatisfactory. It notes that the cost of malpractice insurance is a significant element in the mounting cost of health care, and points to increasing evidence that the cost, together with the limited availability of insurance, may tend to discourage desirable medical procedures and have a detrimental effect on the use of health services. It concludes that better mechanisms must be found to determine and award fair compensation in appropriate cases to patients who have been injured in the course of the receipt of health services.

Subsection (b) directs the Secretary to make a comprehensive study of the problem, including the most appropriate criterion of compensable injury, means of adjudication, and means of financing the payment of compensation. The Secretary is required to make to the Congress an interim report within one year, and a final report and recommendations for legislation within two years of enactment of this title.

Mr. SAXBE. Mr. President, I have long called for a massive overhaul of our national health machinery. That is primarily the reason I was pleased to cosponsor with several colleagues the Health Security Act of 1970. The bill has been reintroduced, again with my cosponsorship. I hope the proposal will be debated at length, not just in this body, but across the land.

Mr. President, a few months ago I prepared an article for the Bond Buyer magazine which details my views on health security and a better America. This as clearly as anything explains why I believe we must begin now to talk about the idea of health security for all Americans.

I ask unanimous consent to insert the article at this point in the RECORD.

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

HEALTH SECURITY AND A BETTER AMERICA

(By Senator WILLIAM B. SAXBE)

With a bow to an over-used phrase, I submit that a program of national health insurance for all Americans is an idea whose time has come.

That is why I, along with several other of my colleagues in the United States Senate, am sponsoring a legislative proposal to establish a program of comprehensive national health insurance to provide better health care for all of our people.

Before I go further, let me add this proviso: The bill (S. 4297, introduced Aug. 27, 1970) is not going to pass this year. It is not going to pass next year. Maybe it will never pass. But it's something we've got to start talking about. Because of the complex nature of the effort itself, it probably is wise that the actual legislation may be a time coming.

PULL IT TO PIECES

As "The Washington Star" pointed out in an editorial endorsing the idea on Sept. 27, ". . . the insurance bill . . . will not and should not be passed in this session. To place it in effect would be like installing a jumbo jet engine on a Ford Tri-Motor plane; it would pull the whole fragile health works to pieces. It is the only logical long-run objective, but preparations must be made. Crippling deficiencies of manpower, money and planning must be dealt with . . ."

This said, let me go on to explain why I think the program is needed as soon as feasible. Let me also tell you a little about this particular proposal.

I wish that the needed corrections in our health care systems could be done on the local level, or the State level, but I don't see this happening. We have to meet this problem on the Federal level. At the present time, adequate coverage for all of our people just does not exist. And inflation has created a situation where there are no savings available in all too many cases for long-term, serious illness.

Much of the burden rests on our older people, those who are hurt most by inflation. These people don't receive adequate care and they are not adequately covered. Medicare doesn't begin to cover all of their medical costs.

Columnist Sylvia Porter pointed up the problem quite clearly in a recent piece, when she told about a friend who was admitted to a major New York hospital, suffering a coronary heart attack. The friend remained in an intensive care unit for six weeks before moving to a private room with round-the-clock private nurses. He was finally released three months after entering the hospital and his bill was a mind-boggling $22,000.

MORE DOCTORS

As Miss Porter wrote: "Fortunately, this man had extensive health insurance. But what if he had been among the tens of millions who have only a bare minimum or no coverage at all?"

We can't significantly increase the number of doctors or the methods of treatment by merely putting more and more money into our present health programs. This bill provides for increasing the numbers of doctors. We need at least 40,000 more doctors, but that alone won't cure the ills of the nation. Just supplying 40,000 more practitioners won't drive physicians to the outposts where they are needed. We must spread doctors more efficiently and we must make sure that people who need specialized services get them. Many people who need a specialist go without one because they can't afford it. This bill recognizes the importance of the referral system which makes efficient use of the general practitioner and the specialist.

My only objection to the bill is the cost, but sometimes you have to pay the price for a good system. Estimates range anywhere from $37 billion to $77 billion a year by fiscal 1974, when this particular bill would become effective. But when you consider that the war in Vietnam has been costing us anywhere from $18 billion to $30 billion a year for the last six years, a similar expenditure for health care for all doesn't seem too much or too awesome.

In its purest sense, this bill would be financed by an increase in Social Security payroll taxes. The plan would provide coverage for all major health services except custodial care for the aged and disabled, and psychiatric and dental care. It would be financed 35 per cent by an employer-paid payroll tax; 25 per cent by a tax on workers' income up to $15,000 a year and the remaining 40 per cent would come from general Federal revenues.

EASY TO FORGET

It is easy to forget—in fact, millions don't know at all—that the United States is the only major industrial nation in the world that does not have a national health service or some kind of program of national health insurance. I believe that such a program, together with concomitant changes in the organization and delivery of health care in the United States, is our single most important issue of health policy today.

When the health security bill was introduced in the Senate, Sen. Edward Kennedy, D-Mass., detailed some of its major provisions. I think it would be helpful if I summarized those provisions at this point.

Several basic principles have served as guidelines for the proposal:

(1) Health security doesn't envisage a national health service, in which the Government would own the facilities, employ the personnel and manage the finances of the health system. Rather, the program proposes a working partnership between the public and the private sectors. The Government will, of course, assist with financing and administrative management, joined with private provision of personal health services through private practitioners, institutions, and other providers. The program itself would be carried out gradually, moving in an orderly, evolutionary way from where we stand today toward the goals we have set for the future.

BUDGETED BASIS

Comprehensive service covered by the health security program will be financed on a budgeted basis. Funds will be provided from a pool of national resources, with reasonable limitations, governed by such demands as the national economy warrants. In other words, safeguards would be provided against runaway expenditures.

(2) Benefits of the health security program will be available, with only minor exceptions, to all persons residing in the country. Target date for this particular bill is the middle of 1973. Eligibility will require neither an individual contribution history as in Social Security nor a means test as in Medicaid.

(3) Benefits of the program will embrace the entire range of services required for personal health. These include services for the prevention and early detection of disease, for the care and treatment of illness, and for medical rehabilitation.

(4) Providers of health services will be compensated directly by the health security program. Individuals will not be charged for covered services. Hospitals and other institutional providers will be paid on the basis of approved prospective budgets. Independent practitioners, including physicians, dentists, podiatrists and optometrists, may be paid by various methods which they elect: by fee-for-service, by capitation payments, or in some cases by retainers, stipends, or a combination of methods. Comprehensive health service organizations may be paid by capitation or by a combination of capitation and methods applicable to payments to hospitals and other institutional services. Other independent providers, such as pathology, laboratories, radiology services, pharmacies, and providers of appliances, will be paid by methods adapted to their special characteristics.

STATE LAW SUPERSEDED

(5) Financial and administrative arrangements are designed to move the medical care system toward organized programs of health services, with special emphasis on teams of professional, technical and supporting personnel. The resources development fund—containing up to 5 per cent of the total

amount in the trust fund—will be available to support the most rapid practicable development toward this goal of strengthening and improving America's health resources. Federal law will supersede State statutes which restrict or impede the development of group practice plans. So, the program will do its best to assure increased availability of covered health services. It will not be content with merely contributing further strains on our already overburdened resources.

(6) The health security program includes various provisions to safeguard the quality of health care. The program will establish national standards more exacting than Medicare for participating individual and institutional providers. Independent practitioners will be eligible to participate if they meet licensure and continuing education requirements, Specialty services will be covered if, upon referral, they are performed by qualified persons. Hospitals and other institutions will be eligible if they meet national standards.

(7) On the subject of health manpower, the health security program will supplement existing Federal programs. It will provide incentives for comprehensive group practice organizations. It will encourage the efficient use of personnel in short supply. It will stimulate the progressive broadening of health services. It will provide funds for education and training programs, especially for members of minority groups and those disadvantaged by poverty. Finally, it will provide special support for the location of needed health personnel in urban and rural poverty areas.

(8) Health security will supersede in whole or part various Federal health programs. Because all persons over 65 will be covered by the program, Medicare under the Social Security system will be ended. Federal aid to the States for Medicaid and other Federal programs will also be ended except to the extent that benefits under such programs are broader than under health security. However, the bill does not revise the current provisions for personal health service under the Veterans' Administration, temporary disability, or workmen's compensation programs.

FIVE-MEMBER BOARD

(9) Administering the health security program will be concerned primarily with the availability of services, the observance of high quality standards, and the containment of costs within reasonable bounds. Policy and regulations will be established by a five-member, full-time Health Security Board, appointed by the President with the advice and consent of the Senate. Members of the board will serve five-year terms and will be under the authority of the Secretary of Health, Education and Welfare.

So far as general policy, the formulation of regulations and the allocation of funds, a statutory National Advisory Council will assist the board. Members of the Council will include representatives of both providers and consumers of health care.

Administration of the program will be carried out through the 10 existing HEW regions as well as through the approximately 100 health sub-areas that now exist as natural medical marketplaces in the nation. Advisory councils on matters of administration will be established at each of these levels. Through its regulation, the board will guide the overall performance of the program. It will coordinate its activities with State and regional planning agencies, and it will account for its activities to Congress.

(10) A health security trust fund, similar to the Social Security trust fund, will finance the program. The fund will derive its income from three sources: 40 per cent from Federal general revenues; 35 per cent from a tax of 3.5 per cent on employers' payrolls and 25 per cent from a 2.1 per cent tax on individual income up to $15,000 a year.

It is important to note that employers may pay all or part of their employees' health security tax, and they would be expected to preserve obligations under existing collective-bargaining agreements.

The board each year will make an advance estimate of the total amount needed for expenditure from the trust fund to pay for services, for program development, and for administration. The board will allocate funds to the several regions, and these allocations will be subdivided among categories of services in the health sub-areas. Advance estimates, constituting the program budgets, will be subject to adjustments in accordance with guidelines in the act. The allocations to regions and to sub-areas will be guided initially by the available data on current levels of expenditures. Thereafter, they will be guided by the program's own experience in making expenditures and in assessing the need for equitable health care throughout the nation.

TWICE PRESENT TOTAL

(11) On the basis of data from fiscal 1969, the most recent year for which complete statistics are available, the health security program that we are talking about here would have paid for a total of $37 billion in personal health care services in the United States. Had the program been in existence in 1969, therefore, it would have paid approximately 70 per cent of the $53 billion in total personal health expenditures for that year, or about twice the percentage that existing forms of public and private health insurance now pay.

It is also important to stress that, overall, expenditures under the health security program will not create a new round of Federal health expenditures, layered on top of existing public and private expenditures for health care. Instead, the health security program is designed to achieve a rechanneling of expenditures already being made, so that existing funds may be allocated more efficiently.

In essence, health security expenditures will replace the large amount of wasteful and inefficient expenditures already being made by private citizens, by employers, by voluntary private agencies and by Federal, State and local governments. Only in this way can we begin to guarantee our citizens better value for their health dollar.

THE DIFFERENCES

In the end, I think the Health Security Act differs from previous proposals for national health insurance. As I and others have noted, it is not just another proposal for insurance. It is not just another design for pouring more purchasing power into our already over-strained and over-burdened system for delivery of medical care. It is not just another proposal to generate more professional personnel or more hospitals and clinics, without the means to guarantee their effective utilization.

This is a proposal to give us a national system of health security. Under this program, the funds we make available will finance and budget the essential costs of good medical care for the years ahead. At the same time, these funds will be building new capacity to bring adequate, efficient and reliable medical care to all families and individuals in the nation.

WORSE TODAY

In closing, I want to point up a few facts which I believe as well as any others illustrate the need for this program.

For example, the health of most Americans is worse today than it was 15 or 20 years ago compared with other industrial countries. Despite the high percentage of our earnings we pay for health care, the high competence of our doctors and the highest level of income in the world, this is true.

The Committee for National Health Insurance recently compiled statistics on infant deaths, maternal mortality, life expectancy and the mortality of men in their middle years with those of other industrialized countries, and found that the United States ranks:

Thirteenth among industrial countries in death of infants during the first year of life.

Seventh among industrial countries in the percentage of mothers who die in childbirth.

No better than 18th in the life expectancy of males and 11th for females.

Sixteenth among other industrial countries in the death rate of males in their middle years.

In all instances, the U.S. ranked better 15 or 20 years ago.

In a nutshell, these statistics point up quite clearly that something is indeed wrong with the delivery on massive scales of health care in our country.

And that is why I say that a bold, new, innovative program of national health insurance for all Americans is an idea whose time is at hand.

S. 4—INTRODUCTION OF A BILL TO AMEND THE TRADE EXPANSION ACT OF 1962

Mr. THURMOND. Mr. President, I send to the desk a bill on behalf of myself and Senator COTTON to amend the Trade Expansion Act of 1962. This bill is identical to the trade bill that was reported out of the Senate Committee on Finance December 11, 1970, in the 91st Congress.

The flood of cheap foreign goods in unreasonable quantities into the United States is literally destroying the textile-apparel industry—an industry vital to the well-being of our economy and one which is rated second only to steel as far as national defense is concerned. The fate of America's textile-apparel industry and its employees is now in the hands of the Congress.

Mr. President, throughout the history of this country the textile-apparel industry has been a major source of American jobs, greatly assisting in providing this country with a very high rate of employment. Today it directly employs one out of every eight manufacturing workers for a total of 2.5 million people and indirectly employs another 3 million. Because of the tremendous increase in foreign imports during the last few years, these jobs of American workers have been placed in serious jeopardy. Since 1965 imports have doubled, resulting in over 300,000 workers being laid off. This situation becomes more critical each year as exemplified by the fact that one-third of these job losses occurred between January and September of last year alone. The Department of Commerce estimates that a total of 125,000 textile-apparel workers lost their jobs during the year 1970. I should like to point out that a laid-off textile worker not only ceases to pay taxes but may be reluctantly forced to go on relief. Passage of the trade bill is the only way we are going to be able to stop this number from increasing and make it possible for those who have already lost their jobs to get back on a payroll.

The textile-apparel industry has plants in all of our 50 States, and they are important to large and small communities alike. In hundreds of small towns and villages throughout the Nation, textile-apparel plants are the only employers of

significant numbers of people. As a result, these towns and villages are largely dependent on these plants' payrolls for their survival. If a company is forced to reduce its work force, or worse, to close its doors, the community suffers a crippling catastrophe. If one plant with only several hundred workers reduces its work force, such an act in a town like Graniteville, S.C., or Biddleford, Maine, can play havoc, affecting the livelihood of hundreds of people in retailing, service organizations, banks, and others.

Mr. President, there seems to be a belief on the part of some individuals that trade restrictions are a resort to something that is an extreme measure. Nothing could be further from the truth. The United States is the only developed nation in the world which does not place significant import quota restrictions on imports from foreign nations. The United States has adopted this unique policy so that in years past economically struggling nations could find a ready market for their products. Today, many such nations are no longer struggling and this country should no longer feel a moral obligation to subsidize their economy. In my judgment, unless our domestic textile-apparel industry is given protection now, it will be completely dominated by foreign countries by the year 1975. I wish to point out, Mr. President, that last year the United States had over a $1.4 billion trade deficit with Japan alone. It appears, therefore, that it cost our country over a billion dollars last year alone to provide Japan with an opportunity to flood our market with cheap goods, help close down our textile plants, and throw thousands of individuals out of work.

In order to draw support for their position, opponents of the trade bill have often charged that passage of this bill would have an adverse effect upon the American consumer by raising prices. This charge is unfounded and not supported by logical reasoning. First of all, the proposed law would not stop imports. In fact, it would permit a very high level of imports from foreign countries and at the time restrict them to reasonable amounts. Therefore, our store will still have plenty of cheap foreign shirts, dresses, sweaters, and other types of apparel, not to mention American products at all price ranges.

In my judgment, failure to pass the trade bill will ultimately lead to an opposite result by actually leading to an increase in the prices of consumer goods in the textile-apparel area. If cheap foreign goods are allowed to continue to flood the American market, they will ultimately drive American competitors out of business, giving these foreign nations complete control of the American market. Once this happens, what is to prevent these foreign countries from raising the prices of their goods as high as they like?

To support this conclusion I cite you to the silk-textile situation which is particularly revealing. Two countries, Japan and Italy, control the world's raw silk production. There are no American competitors in this field. Since 1960 the wholesale price of silk-textiles has risen by 61 percent. Compare this to the price of all textile products which rose only an average of 1 percent during this same period. This is an example of what can and will happen when a few foreign countries are allowed to dominate any particular market. Foreign producers have no legal or moral obligations to the American consumer. Once a foreign country dominates any industry, the American public will inevitably suffer.

Mr. President, I would also like to point out that the textile-apparel industry is important to the growth of this country because it employs a large number of minorities. According to Government figures recently released, employment opportunities for Negroes are greater in the textile and apparel industries than in any other. The Bureau of Labor statistics reported that during the first half of 1970 Negro employment in the textile industry increased 21 percent. This is a significant increase, especially since it came at a time when overall employment in textiles and apparels was declining.

The November 2, 1970, issue of Newsweek stated:

> New industries are proud of their record in cracking the barrier of segregation.

This same magazine quoted Donald F. McCullough, president of the American Textile Manufacturers' Institute, as saying:

> Textiles have moved faster in pushing minority employment than any other major U.S. industry.

Statistical data bears out Mr. McCullough's claim. Since 1960, Negro employment in the textile industry has advanced four times faster than the national average for all manufacturing. Industry officials throughout the country predict that this trend will continue and point to the fact that many companies are now building plants in areas of heavy Negro population. However, unless protection is given to the textile industry, this trend will stop. Not only are many Negroes now being laid off, but future plans to expand existing facilities and build new plants which would provide more opportunities for hiring blacks are now being discontinued for economic reasons.

Mr. President, I would also like to address myself to what I have labeled "the retaliation myth." Opponents of import control legislation claim that foreign countries affected by this legislation would retaliate against American exporters. In my judgment, this claim is without foundation.

This myth has received a large following among supporters of the opponents of this bill and seems to be the chief objection to import quota restrictions. Primarily, threats and fears of retaliation center around Japan with reference to our soybean and cottom farmers. It is true, Japan is the largest importer of our cotton and soybeans, but I do not feel there is a serious danger of retaliation. On the other hand, the import problem and its effect on our domestic textile industry is very serious and if the threat of retaliation is merely a scare then it should not pose a real obstacle to the passage of this much needed legislation.

In my judgment, Japan would not retaliate for two primary reasons: First, Japan, which is now rated as the second economic power in the free world, depends almost entirely on the importation of raw materials and food to sustain its economy. In 1969, Japan purchased over 3 million bushels of soybeans from the United States. Regardless of what happens to the trade bill, Japan will still purchase soybeans from the United States next year because of one important factor—Japan needs soybeans. The United States is the only nation in the world that produces them in sufficient quantity. By comparison, Mainland China, the second producer of soybeans, sold only 18.2 million bushels to Japan during 1969. Japan buys soybeans from the United States not because we allow them unlimited import privileges but because this country is the only nation in the world where Japan can get the quantity of soybeans it needs.

The other factor on which I base my conclusion that Japan will not retaliate is exemplified by the cotton situation. The United States now depends upon Japan for our greatest cotton export market. Of course, the Japanese need our cotton in order to produce their textiles. They buy our cotton, use it in textile manufacturing, and then sell their textile products to us. However, last year Japan bought more cotton from Mexico than it did from the United States. The reason it bought the cotton from Mexico rather than us was because Mexico was able to give them a little cheaper price. Japan took the cheaper price notwithstanding the fact that Mexico allows virtually no textile items manufactured in Japan to enter its borders. I ask the opponents of the trade bill why Japan does not retaliate against Mexico. If Japan did not retaliate against Mexico why should it retaliate against the United States which is merely going to place reasonable restrictions upon the importation of their textile products and not shut them off completely as Mexico has done?

In the last analysis, Japan and other countries are going to purchase products and commodities from the country where it can get the best quality for the cheapest price.

Representative WILBUR D. MILLS, chairman of the Committee on Ways and Means of the House of Representatives, put the retaliation question in the proper perspective by stating after exhaustive hearings were held on the trade bill:

> The question of retaliation was not ignored. It was set aside, because it had little validity. Opposition claims simply cannot be supported on any legal or practical grounds.

Mr. President, the trade bill is not a radical departure from the policy this government has been pursuing for many years. What our Government seeks is a negotiation of viable trade agreements with foreign countries. The trade bill is a major step in the attainment of these negotiated agreements. It does not require that imports be shut off or that fixed limits be imposed in every case. To the contrary, it encourages the representatives of foreign nations to sit down

with our representatives and come to reasonable agreements whereby each country's economy can continue to grow. Only those countries which refuse to enter into reasonable agreements will be subjected to specific import limitations as required by the bill. I might add that these limitations are certainly not unreasonable for they are based on the average of the imports of that particular nation during the years of 1967, 1968, and 1969. Furthermore, even the quotas set by the trade bill under this formula are not mandatory and could be waived by the President. Under this bill, when any reasonable agreement has been reached with a foreign country or it is determined that the imports from a foreign country are "not disruptive," or it is determined that the supply is inadequate to meet demand at "reasonable prices," or if the import quotas are found to be against the national interest, the President may suspend the requirements of this bill.

Import quota limitations are nothing new and are common with all nations. The controls under this legislation are extremely flexible. The bill seeks only reasonable restraints on foreign imports and then only when the foreign manufacturers refuse to act in a reasonable manner. The trade bill encourages, rather than discourages, negotiated agreements. Primarily, what it will do is to put foreign countries on notice that unless they act reasonably and voluntarily limit the amount of cheap goods they are pouring into this country, our Government will impose certain restrictions.

Mr. President, I cannot stress enough the great need for protecting the textile-apparel industry and its millions of employees and other wage-earners dependent upon it for a livelihood. This protection is long overdue and I am hopeful that the Senate will act favorably and promptly on this legislation.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

The bill (S. 4) to amend the tariff and trade laws of the United States, and for other purposes, introduced by Mr. THURMOND (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

S. 5—INTRODUCTION OF THE FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

Mr. MONDALE. Mr. President, I introduce for myself and the Senator from New York (Mr. JAVITS) and for 21 other Senators from both parties a bill, entitled "The Full Opportunity and National Goals and Priorities Act."

Title I of the bill stems from S. 843 which I introduced almost 4 years ago and is identical to title I of S. 5 which was passed by the Senate on September 10, 1970. Title II was first offered as an amendment to the bill by the Senator from New York (Mr. JAVITS) and was included as title II in the bill which the Senate passed last year.

Title I of the bill establishes full social opportunity as a national goal. The goal is more fully described in the bill as embracing such areas as educational and vocational opportunities, access to housing and health care, and provision of special assistance to the handicapped and other less fortunate members of society. It establishes institutions and procedures for advancing this broad social goal, including a new Council of Social Advisers in the Executive Office of the President, and a requirement for an annual social report to be submitted by the President to the Congress.

The bill is patterned generally after the Employment Act of 1946 which, for the first time, established as a national goal the achievement of maximum employment, production, and purchasing power. To assist in achieving that goal, the Employment Act established the Council of Economic Advisers, provided for the annual Economic Report of the President, and established a Joint Economic Committee in the Congress.

It is my belief that this legislation will accomplish for the broad range of social policies what the Employment Act has done so well in the economic sector. By declaring a new national objective and increasing the quantity, quality, and visibility of information needed to pursue that objective, we should markedly advance our prospects for effective social action.

Mr. President, by now we have had a series of studies by prestigious commissions which have told us about the gap which remains in our society between the promise of full opportunity and the realities of deprivation, powerlessness, and poor fortune into which millions of our citizens are born.

The increasing affluence of great segments of our society has merely sharpened the division between them and those who have not yet benefited from the phenomenal growth in our economy, and in our technological and scientific base, and in our educational systems. As a result, the demands of the deprived for their fair share in the benefits of our society and the responsiveness of our political institutions have both increased dramatically. At the same time, however, we have also become acutely aware of the fundamental inadequacy of the information upon which social policies and programs are based.

Because of our information gaps, national problems go nearly unnoticed until they suddenly are forced upon us by some significant development. Thus, we learn of widespread hunger in America, of the rapid deterioration of our environment, of dangerous tensions and unrest in our great urban centers, of the shocking conditions under which migrant farmworkers live, and of the absence of decent medical care for tens of millions of our citizens. We desperately need ways to monitor our social health and to identify such problems before they destroy our society.

Another tremendously expensive consequence of our lack of adequate information is that we devise and operate programs based on myth and ignorance. The Congress has been groping with the problem of welfare reform, but it is painfully evident that we lack some of the basic information which we need in order to design a system in which we could all have confidence. Similar problems are presented with respect to urban renewal, mass transportation, air and water pollution, and health delivery systems.

Finally, after years of experimenting with such techniques as program planning and evaluation systems, we are still quite ill equipped to measure what our existing programs do accomplish. And we have no adequate means to compare the costs and effectiveness of alternative programs. A council of social advisers, dedicated to developing indicators of our social problems and progress, could well be a source of enormous savings to the taxpayer as well as of more effective solutions to the problems we face. Such a council, taking full advantage of new developments in planning programing and budgeting systems, in computerized data collection and statistical methodology, in systems analysis and social accounting, could unlock the enormous potential of the social sciences to assist the Congress and the Executive in developing and administering public policy.

A council of social advisers would not, itself, be a new decisionmaking forum. Rather, as a social monitoring, data gathering, and program evaluation agency, it would provide the new domestic council with much of the information which that body will need to make its policy and program recommendations to the President. The domestic council will have available to it the broad range of economic information now furnished by the Council of Economic Advisers. The council of social advisers would fill a significant gap in the information system which is needed to buttress the policymaking apparatus established last year under the President's reorganization authority.

While title I of the bill, with its new council of social advisers and its new social report, should greatly augment the capacity of the Congress to make intelligent policy decisions, title II of the bill is even more significant with respect to strengthening the Congress.

I was delighted to cosponsor the amendment to the bill which was offered by the Senator from New York (Mr. JAVITS) last year to create a new congressional staff office of goals and priorities analysis.

This office would be an arm of the Congress serving it in its examination of budget proposals, program costs and effectiveness, appropriations, and national priorities.

The appropriations process is the mechanism through which the Congress seeks to reflect its views on budgetary priorities. But there remains a great need to equip Congress with the kind of manpower, data and technology that would furnish it with the information necessary if it is to fully examine and evaluate appropriations measures with regard to the relative needs of the Nation. The office would not supplant the efforts of the Appropriations Committees to determine

the Nation's expenditures. Rather, it would further explain, coordinate and compare the various budgetary proposals so as to provide the overview so necessary to responsible fiscal planning. The program information it would collect and interpret would be made available to other committees and individual Members of Congress.

These services should, in concert with the other work of the office, serve to improve the legislative process. Too often, congressional procedures result in each appropriation's being considered in a piecemeal fashion.

In committees, on the floor, and in conference—over a period of months—the Government's spending priorities take shape. Yet this is done in virtual ignorance of total alternative budgets by which other priorities might be expressed. Revisions and amendments are made, often on the floor of the Senate, each of which affects a vast range of alternatives.

Yet these alternatives are seldom really identified. An appropriation increase, for example, may be offered with excellent justification, but with no clear idea of what other equally worthwhile projects are precluded by this additional expenditure.

Currently, the Congress has only one complete, coherent budget with which to work—that submitted by the President. There is no reason, of course, why the Congress should accept this budget, item by item. The new Office would, in providing Congress with hard cost-benefits and sound, need-projection data, improve the chances that the inevitable deletions, additions, and other revisions of the budget would occur as a result of informed and considered analysis of the merits of each budget proposal, and of how all spending decisions influence, and are influenced by, the condition of the total economy.

The Congress needs its own office to provide this kind of ongoing analysis and to generate comprehensive budget alternatives which could be examined in a totality. The executive branch is quite well equipped to function in such matters. With the Domestic Council and the Office of Management and Budget, and with the extensive facilities of the National Security Council, the Council of Environmental Quality, the Council of Economic Advisers and with a new Council of Social Advisers, the White House is formidably equipped to present a given budget and make its case.

Meanwhile, the Congress—coequal in policymaking, and supposedly preeminent in the control over spending—has far too little resources, even in its Appropriations Committees, and has no established mechanism to help individual Senate or congressional staffs examine the policy and program evaluations reflected in the budget. The President said, when announcing his proposal to establish the Domestic Council and the Office of Management and Budget:

> A President whose programs are carefully coordinated, whose information system keeps him adequately informed and whose organizational assignments are plainly set out, can delegate authority with security and confidence.

Certainly the Congress, the branch of Government which shares with the executive the responsibility to determine national priorities and delegate authority, should be so organized and informed. Such an office in the Congress could do much to restore the growing erosion of congressional power and give substance to the admittedly ill-defined contentions about national priorities, peace and growth dividends, and fiscal responsibility.

Mr. President, I have now served in the Senate for over 6 years. Along with many of my colleagues, I spend most of my time dealing with the human problems with which the average American is confronted.

I never cease to be amazed by the abundance of evidence about how little we seem to know at the Federal level about what is really going on.

As one person observed, we have a natural strategy of suboptimization at the Federal level where we do better and better at little things and worse and worse at big things.

Thus, something as elementary as good nutrition, something as essential to a sound body and a sound mind—adequate and decent nutrition—was something about which the Federal Government was almost totally ignorant in 1967. We knew how many soybeans were grown. We knew how much money was being spent on the direct commodity distribution program, the food program, and so on. But no one had the slightest idea whether there was widespread hunger, and if there was, where it was to be found and why, what the cost of feeding the hungry was, what the cost of not feeding them was, or any of the other fundamental questions directly related to the issue of the most basic necessity of American life itself. The same thing was true with decent housing.

In 1967, even though we should have been warned earlier, the major American cities began to explode in our faces. Newark, Detroit, and one community after another literally blew up in an astonishing and cataclysmic explosion causing the widespread loss of human life, and human injury, and millions and millions of dollars in property damage, and an emotional and cultural shock to Americans which we are still in the throes of. None of this was anticipated by the Government.

When hearings were started, this Nation was thrashing around; Congress and the Senate were thrashing around; members of the Cabinet and leading members of the executive branch were thrashing around, all trying to find out what was causing such a fundamental occurrence as this outrageous, heartbreaking phenomenon in American life.

We could go on from this example to other examples. In the Federal system we lack an institution which takes not a tactical approach but a strategic approach to human problems which this society faces. We need to chart the social health of this country and seek to go forward; not, as John Gardner said, stumbling into the future, but trying to come up with the analysis, facts, and figures, and, as someone said, the "hot data" to help us understand our society and what we must do to make it more effective than it is in meeting this Nation's human problems.

One of our most impressive witnesses was Mr Joseph Califano who formerly served as adviser on domestic programs to President Johnson. More than any other man he was in the Nation's "hot seat" trying to develop a program to advise the highest official in the land on domestic programs.

He recounted several instances of the phenomena to which I have made reference. For example, on one occasion, the Secretary of Health, Education, and Welfare was in conference with Mr. Califano. He was asked how many people were on welfare, who they were, and all the rest. Since we are spending several billions of dollars, one would have thought that information would be immediately at hand. The Secretary thought the information would be available to him as soon as he returned to his office and that he would send it right back. As a matter of fact, it took HEW a year and a half to find out who was on welfare. Mr. Califano said this was a common experience with basic and fundamental human problems, to find that not even the President would have available to him the basic data necessary to make the choices upon which our very civilization depends.

He commented in this way about the issue of hunger:

> The even more shocking element to me is that no one in the federal government in 1965 knew how many people were hungry, where they were located geographically, and who they were. No one knew whether they were children, elderly Americans, pregnant mothers, black, white, or Indian.

Unless something of which I am unaware has been done recently, I believe we still do not know where hunger in America is with the kind of precision that is essential for an effective program to feed all the hungry among us.

Then Mr. Califano concluded with this statement:

> The disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate, or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system. When one recognizes how many and how costly are the honest mistakes which have been made in the Defense Department, despite its sophisticated information systems, it becomes frightening to think of the mistakes which might be made on the domestic side of our Government because of lack of adequate data.

Since this bill was first proposed, it has attracted strong support from a broad spectrum of leading public figures in the Nation. Among them have been two former Secretaries of Health, Education, and Welfare—John Gardner and Wilbur Cohen. Significantly, two principal officials in the Johnson administration, who had opposed the bill in 1967 as premature, have now joined in its support. These are Charles Zwick, former Budget Director and Joseph A. Califano, Jr., former Special Assistant

to President Johnson. Former Secretary of the Treasury, Joseph Barr, has also testified in favor of the bill.

Two prominent study groups have also made recommendations along the lines of the bill. In October 1969, the Behavioral and Social Sciences Survey Committee of the National Academy of Sciences and the Social Science Research Council recommended the investment of substantial Federal funds in developing social indicators. It also proposed the preparation of an annual social report, initially outside the Government, and the eventual establishment of a Council of Social Advisers, as a Government agency.

Mr. President, I ask unanimous consent that the summary and major recommendations of this committee report be printed in the RECORD.

In December 1969, the National Commission on the Causes and Prevention of Violence, headed by Dr. Milton Eisenhower, issued its final report. I was pleased to note that among its recommendations were proposals for the development of social indicators and for the establishment of a counterpart to the Council of Economic Advisers to produce an annual social report.

Mr. President, I ask unanimous consent that excerpts from the Commission's report and the text of the proposed Full Opportunity and National Goals and Priorities Act be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and other matters will be printed in the RECORD.

The bill (S. 5) to promote the public welfare, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Full Opportunity and National Goals and Priorities Act."

TITLE I—FULL OPPORTUNITY

DECLARATION OF POLICY

SEC. 101. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 102. (a) The President shall transmit to the Congress not later than February 15 of each year a report to be known as the social report, setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 101 with particular emphasis upon the manner in which such efforts serve to meet national social needs in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local, and private efforts designed to create the conditions specified in section 101; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 101.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committees on Education and Labor and Interstate and Foreign Commerce of the House of Representatives. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives with respect to any matter within the jurisdiction of any such committee.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 103. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 101, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 101, both current and prospective, and to develop a series of social indicators to analyze and interpret such information and data in the light of the policy declared in section 101 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 101 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 101 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 101 as the President may request.

(6) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation as the President may request in appraising long-range aspects of social policy and programing consistent with the policy declared in section 101.

(d) Recognizing the predominance of State and local governments in the social area, the President shall, when appropriate, provide for the dissemination to such States and localities of information or data developed by the Council pursuant to subsection (c) of this section.

(e) The Council shall make an annual report to the President in January of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committee and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the direct participation in the Council's planning of such interested parties;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of Federal, State, and local government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) the Council, to the fullest extent possible, insure that the individual's right to privacy is not infringed by its activities; and

(4) (A) the Council may enter into essential contractual relationships with educational institutions, private research organizations, and other organizations as needed; and

(B) any reports, studies, or analyses resulting from such contractual relationships shall be made available to any person for purposes of study.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $900,000 in the aggregate for each fiscal year.

TITLE II—NATIONAL GOALS AND PRIORITIES

DECLARATION OF PURPOSE

SEC. 201. The Congress finds and declare that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of

national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

ESTABLISHMENT

SEC. 202. (a) There is established an Office of Goals and Priorities Analysis (hereafter referred to as the "Office") which shall be within the Congress.

(b) There shall be in the Office a Director of Goals and Priorities Analysis (hereafter referred to as the "Director") and an Assistant Director of Goals and Priorities Analysis (hereafter referred to as the "Assistant Director"), each of whom shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House. The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of the Director and the Assistant Director, or during a vacancy in both of such offices.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1973. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provisions of subsection (e), a Director or Assistant Director may serve until his successor is appointed.

(e) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment, as provided in this section.

(f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret public policies and programs.

FUNCTIONS

SEC. 203. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Office shall submit to the Congress on March 1 of each year a national goals and priorities report and copies of such report shall be furnished to the Committee on Appropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

(1) an analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resource and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national goals and priorities report and other reports and studies which the Office submits to the Congress, the Office shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national goals and priorities.

POWERS OF THE OFFICE

SEC. 204. (a) In the performance of its functions under this title, the Office is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Office;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by the Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b) (1) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Office, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Office.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Office of Management and Budget shall furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programing-budgeting system, or any other law.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) the Director, Assistant Director, and employees of the Office of Goals and Priorities Analysis.".

JOINT ECONOMIC COMMITTEE HEARINGS

SEC. 205. The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable.

PAYMENT OF EXPENSES

SEC. 206. All expenses and salaries of the Office shall be paid by the Secretary of the Senate from funds appropriated for the Office upon vouchers signed by the Director, or in the event of a vacancy in that office, the Acting Director.

The material, presented by Mr. MONDALE, is as follows:

SUMMARY AND MAJOR RECOMMENDATIONS

We are living in social crisis. There have been riots in our cities and in our universities. An unwanted war defies efforts to end it. Population expansion threatens to overwhelm our social institutions. Our advanced technology can destroy natural beauty and pollute the environment if we do not control its development and thus its effects. Even while scientific progress in biology and medicine helps to relieve pain and prolong life, it raises new problems relating to organ transplants, drugs that alter behavior, and the voluntary control of genetic inheritance.

At the root of many of these crises are perplexing problems of human behavior and relationships. The behavioral and social sciences devoted to studying these problems, can help us survive current crises and avoid them in the future, provided that these sciences continue to make contributions of two kinds: first, in increased depth of understanding of human behavior and the institutions of society; and, second, in better ways to use this understanding in devising social policy and the management of our affairs. Recommendations for achieving such growth are the central concern of this survey and this report.

Social problems are most visible during crisis, but they persist even in relatively calm times, for the human needs that underlie them are continuous. Our concerns must include health and access to medical care, raising children to become effective and satisfied adults. We want a society that provides educational services in classrooms, museums, libraries, and the mass media, and that offers abundant opportunity for satisfying and productive work without fear of unemployment. People need pleasant, livable housing, efficient and economical means of transportation, and opportunities for esthetic outlets and the appreciation of nature. The social order must provide safety for citizens and freedom of movement without fear of attack or molestation. It must encourage individuality and cultural diversity, while reducing intergroup tensions; and it must progress toward international understanding and the elimination of war as an instrument of national policy.

These are large issues, involving values and goals as well as means. The job of the social scientist is clear. He can keep track of what is happening, work at understanding the sources of conflict and resistance to change, and try to determine both the intended and unintended consequences of problem-solving actions. Through the development of general scientific principles and the analysis of specific instances, social scientists seek to illuminate the ways in which the society is working.

This survey was undertaken to explain the behavioral and social sciences and to explore some of the ways these sciences could be developed and supported so that their potential usefulness to society can be realized. The survey is directed to two tasks: first, to assess the nature of the behavioral and social science enterprise in terms of its past growth, present size, and auticipated development; and second, to suggest ways in which these sciences might contribute both to basic understanding of human behavior and to effective social planning and policy-making.

THE SCOPE OF THE BEHAVIORAL AND SOCIAL SCIENCES

This survey embraces nine behavioral and social science disciplines: anthropology, economics, geography, history, linguistics, political science, psychiatry, psychology, and sociology. It also takes into account the social science aspects of statistics, mathematics, and computation. The survey recognizes the contributions to behavioral and social science

by professionals in business, education, law, public health, medicine, and social work, although it does not cover these fields in detail. The importance of collaborative work in solving social problems emphasizes the links between these sciences and engineering, architecture, and the biological and physical sciences.

The behavioral and social sciences have shared in the rapid expansion of knowledge common to all fields of scholarship over the last decade and have attracted an increasing number of trained workers (Figure SR–1). Increasing proportions of bachelor's and master's degrees were granted in these fields between 1957 and 1967, and the trend will probably continue. The relative proportion of doctorates may decline slightly, not because of a slowing down in their production but because of very rapid increases in other fields, notably in engineering. Ironically, despite the increase in the number of degrees granted (Figure SR–2) [Not printed in the RECORD], the social sciences face manpower shortages because of the upsurge of interest in them.

FIGURE SR–1.—*Degree production in the behavioral and social sciences as percentages of degree production in all fields*

[In percent]

Bachelor's:	
1957	14
1967	21
1977 [1]	31
Master's:	
1957	9
1967	12
1977 [1]	15
Doctorates:	
1957	19
1967	19
1977 [1]	17

[1] Projected.

Source: Tables 9–1, 9–3, 9–5.

Behavioral and social scientists are more inclined to pursue academic careers than are many other scientists, although a trend toward greater nonacademic employment is apparent. Approximately half of all professional behavioral and social scientists work in universities or four-year colleges. Many others work in other educational settings, such as junior colleges and secondary schools, and in public-school administration. The rest are employed in government, hospitals, research centers, and industry; economists and psychologists find more employment outside universities than do others.

SCIENCES OF BEHAVIOR AND THE PROBLEMS OF SOCIETY

All sciences make some distinctions between basic research, applied research, and the development of products, processes, or services based on research. The history of science shows that the relationship between basic and applied science is complex, with basic research sometimes lagging behind and sometimes leading applied research. But the scientific method can be applied to problems of a practical nature, whether or not the applications can be derived from the basic science of the time.

The third category of scientific activity—development—is more difficult to define for the behavioral and social sciences. The result of development in the physical sciences or in engineering is usually a tangible product, such as a color television set or a space capsule, and it is relatively simple to determine developmental costs. Although there are some tangible products of behavioral and social science, such as computerized instructional systems, many useful ones are services or processes in the public domain, such as a parole system, a new form of welfare payments, or a form of psychotherapy.

If the usefulness of social-problem-relevant research is to grow, the scale of social science research will have to expand, because many problems can be studied only on a national or international level. As this scale increases, the basic sciences of human behavior should benefit, much as the natural sciences have benefited from increases in the scale of their own research.

The Committee has considered several steps to strengthen the behavioral and social sciences, both as sciences and as contributors to public policy.

One step is to develop improved *social indicators:* measures that reflect the quality of life, particularly in its noneconomic aspects. Some data for constructing social indicators now exist. We have data on educational opportunities, adequacy of housing, infant mortality, and other statistics bearing on health, highway accidents and deaths, violent crimes, civil disorders, reflections of cultural interests (library use, museum and theater attendance), and recreational activities. We now need a major effort to find indicators that can accurately reflect trends for the nation as a whole as well as differences among regional, sex, age, ethnic, and socioeconomic groups. Most social changes are gradual. A sensitive social indicator should tell us whether, in the area to which it pertains, things are getting better or worse, and to what degree.

Social indicators should help us measure the effects of social innovations and changes in social policy as well as assess their unintended by-products. New methods of construction as well as changes in building codes could be reflected in changes in indicators of the quality of housing. Broad programs for increasing highway safety might affect accident indicators and also the consumption of alcohol under certain circumstances.

Indicators that measure our economic state are in use, but they are not precisely analogous to the *social* indicators we are proposing. Economic values can be expressed in dollars, and economic indicators can be aggregated to produce a single economic unit, such as the gross national product (GNP). There is no corresponding unit of value by which to measure the quality of life. This is not an obstacle to the development and use of separate quantitative indicators, each of which measures some aspect of the quality of life, even though it may not be possible to combine them into a single number.

The development of a useful system of social indicators is not simply a matter of measuring many aspects of society. The central problem is to decide which among many measurable attributes most truly represent the fundamental characteristics with which we are concerned. Thus, progress toward valid indicators will depend largely on the understanding we obtain from research into the basic structure and processes of our society. Conceptual and theoretical work at the highest level is necessary if we are to interpret the changes taking place.

To expedite the development and use of a system of social indicators, we offer the following recommendation:

Recommendation: Social Indicators—The Committee recommends that substantial support, both financial and intellectual, be given to efforts under way to develop a system of social indicators and that legislation to encourage and assist this development be enacted by Congress.

We believe that the resources of the federal government will have to be called upon to develop successful indicators. The estimated annual cost of running an organization to carry on developmental work is $1.5 million. Access by such an organization to data routinely collected by federal agencies would facilitate its work. Because the effort would be in the national interest, we suggest that the task of developing social indicators be undertaken directly by the government; in Chapter 6 we discuss several alternatives for locating an indicator agency within the federal system.

If social indicators are to be useful to society, they will have to be interpreted and then considered in conjunction with the making of social policy. Just as the annual Economic Report of the President interprets economic indicators, an annual social report should eventually be produced that will call attention to the significance of changes in social indicators.

Because of the particular problems involved in developing sound, workable social indicators, we are hesitant to urge an official social report now. We favor, instead, a privately sponsored report during the next few years, perhaps through the initiative of either the National Research Council or the Social Science Research Council, or through a joint effort of the two.

If such an annual social report proves substantial after reasonable experimentation, it might then become a government responsibility like the annual economic and manpower reports now made for the President. This approach is also discussed in Chapter 6, where we offer the following recommendation.

Recommendation: A privately developed annual social report—The Committee recommends that behavioral and social scientists outside the government begin to prepare the equivalent of an "Annual Social Report to the Nation," to identify and expedite work toward the solution of problems connected with the eventual preparation of such a report on an official basis. Support for this endeavor should come from private foundations as well as from federal sources.

A natural next step would be to establish a council of social advisers to consider the policy implications of the report. We do not recommend the establishment of such a council until the annual social report shows that social indicators do indeed signal meaningful changes in the quality of life.

For the present, we urge full participation of behavioral and social scientists in the Office of Science and Technology and in the President's Science Advisory Committee, as well as in the numerous advisory bodies attached to administrative agencies and the Office of the President (see Chapter 5).

Behind the development of social indicators and an annual report lie some basic steps: to gather better social data and to store it in usable form, with the necessary safeguards against invasion of privacy. Fortunately, we have the experience of the Decennial Census and the Current Population Survey, without which a great deal of social science, particularly demography could not have been developed. There are also many sample surveys that deal with employment and other economic factors and statistical reports on agriculture, health, and other aspects of life.

Even in a non-Census year, the federal government spends more than $118 million on statistical programs. Data are scattered through government agencies in many forms, and suggestions for centralizing those data in some form of national data system have been made several times. We see many problems in such plans and therefore recommend that the President appoint a special commission with a full-time professional staff and a broad-based advisory committee to make a detailed study with recommendations. Suggestions should come from data-collection agencies of government, from representatives of the various behavioral and social sciencies, from computer specialists, and from the public.

Further specification of the task of the proposed commission is given in Chapter 7. We summarize our position in a recommendation:

Recommendation: A national data system—The Committee recommends that a special commission be established to investi-

gate in detail the procedural and technical problems involved in devising a national data system designed for social scientific purposes; that it recommend solutions for these problems and propose methods for managing a system that will make data maximally useful, while protecting the anonymity of individuals.

Protecting respondents' anonymity is very important and may prove to be among the most difficult problems to be dealt with. We propose, therefore, that it be faced in advance of the report that the special commission on a national data system may issue, and that some method be found for continuing to monitor the data systems as new methods of data storage and retrieval are created. The benefits of having policy guided by accurate information about the welfare and quality of life of the citizen can be very great, but it would be a sad consequence if, in the process of obtaining this information, the availability of data about individuals became a limitation on their freedom. To this end we offer the following recommendation.

Recommendation: Protection of anonymity—The Committee recommends the establishment within an appropriate agency of the federal government, or as an interagency commission, of a high-level continuing body, including nongovernmental members, to investigate the problems of protecting the anonymity of respondents, to prescribe actions to resolve the problems, and to review the dangers that may arise as new techniques of data-matching are developed.

BEHAVIORAL AND SOCIAL SCIENCE RESEARCH IN UNIVERSITIES

In PhD-granting universities, research in the behavioral and social sciences is conducted in departments of colleges or arts and sciences, in professional schools, and in institutes and research centers that exist outside the departments. Research funds are almost equally divided among these three administrative units, although departments employ more behavioral scientists because they have teaching responsibilities as well as research assignments (see Figure SR–3).

FIGURE SR–3.—*Distribution of behavioral and social science research funds and research personnel among departments, institutes, and professional schools, Ph. D.-granting universities, fiscal year 1967*

[In percent]

ALLOCATION OF ORGANIZED RESEARCH FUNDS, FISCAL YEAR 1966, $225,556,000

Departments	34
Institutes [1]	35
Professional schools	31

BEHAVIORAL AND SOCIAL SCIENTISTS ON UNIVERSITY STAFFS, N=18,498

Departments	71
Institutes [2]	10
Professional schools	19

[1] Multiple-discipline institutes account for 80% of the total institute research expenditures.

[2] Multiple-discipline institutes account for 75% of full-time research personnel within all institutes.

Source: Questionnaire survey.

Doctorate-granting departments are usually heavily committed to research, whereas professional schools are more variable in the extent to which they foster organized research in the behavioral and social sciences. Many schools of business, education, and medicine have fairly well established traditions of research relating to the behavioral and social sciences. Schools of law and schools of social work, however, give less attention to organized research in these sciences. Neither of these has anything like the behavioral and social science research expenditure per school that is found in schools of business, education, or medicine.

Law schools have not had sufficient access to research funds, their faculties have had little free time for research, and they have not developed a pattern of employing research technicians as schools of business, education, and medicine have. A growing number of law schools desire to change this state of affairs and to introduce more social science research; in Chapter 11 we offer a recommendation for inducements to aid them in doing so.

University institutes devoted wholly or in part to behavioral science research have proliferated for a number of reasons, including administrative convenience, exploration of interdisciplinary work, and concentration on research on social problems. Approximately a fourth of the scientists working in institutes and a fifth of the research money are in institutes representing only one discipline. The rest of the personnel and funds are in interdisciplinary institutes. Approximately one fifth of all institutes are oriented toward research contributing to the solution of social problems, as in the many urban institutes that have recently been formed in universities.

Despite the variety of administrative arrangements discussed above, universities are still often handicapped when trying to do fully satisfactory research into social problems

Disciplinary departments in universities, which grant most of the PhD degrees, are often better suited to basic research than to applied research. Their faculties sometimes cooperate with other departments and institutes on research, but such work usually lacks the continuity and staffing necessary for applied research. Furthermore, disciplinary values tend to favor research oriented toward problems of particular disciplines. Departments try to achieve a balance between specializations in the disciplines, which, while admirable in itself, presents problems in organization of large task forces to study significant social problems.

Institutes usually have limited full-time staffs and rely heavily on part-time workers from the disciplines. Consequently, they have little control over the education of most of their workers. The result is that much of their research leads back to disciplinary interests because that is where professional advancement lies. Moreover, the availability of research funds for institutes is unstable by nature, and the level and character of research fluctuates according to the money available.

Professional schools are concerned with particular kinds of applied research related to their professional foci; thus many general social problems tend to lie outside the sphere of any single school.

Professional schools also have the mixed blessing of a close relationship with client systems (such as hospitals, businesses, courts, or legislatures). This linkage is helpful in directing research to significant problems, but it also tends to limit the research to the interests of its clients. Further, research goals must compete with the primary task of training a body of professional workers. Often research suffers.

In view of these limitations, we believe a new university organization should be created for training and research on social problems. To clarify the essential elements of this organization, we have proposed a new school, which we call a Graduate School of Applied Behavioral Science.

Recommendation: A graduate school of applied behavioral science—The Committee recommends that universities consider the establishment of broadly based training and research programs in the form of a Graduate School of Applied Behavioral Science (or some local equivalent) under administrative arrangements that lie outside the established disciplines. Such training and research should be multi-disciplinary (going beyond the behavioral and social sciences as necessary), and the school should accept responsibility for contributing through its research both to a basic understanding of human relationships and behavior and to the solution of persistent social problems.

Such a recommendation should, of course, be adapted to local situations. However, such a school should be of scientific stature commensurate with that of the best medical and engineering schools. It should have a core faculty with tenure, like any professional school, and it should not be organized along disciplinary lines. Disciplinary departments would, of course, continue outside the new school. If the school develops topical subdivisions (such as urban research centers, or centers studying the development of new nations), these subdivisions should be terminated when they are no longer pertinent.

The new school should have its own PhD program, and it should attempt to educate its students for inventive development relevant to social problems. In other words, the school should do empirical research on significant social problems and train professionals to carry on this kind of research.

Such a school will require considerable planning, and it will face many obstacles. Among these is the problem of developing professional identity for its graduates. Many of them will probably be employed in nonacademic settings, and the university-professorship model of career aspirations will not serve. It may be necessary, therefore, to create a new professional society and new journals devoted to applied behavioral science in order to define a new professional identity.

The word "applied" in the title promises that the school will cover that end of the spectrum, but, of course, it must also be concerned with basic research. A high-level applied school will inevitably work on basic problems of data-collection and analysis, model-building, and simulation. Work on social indicators, even on a local scale, could improve the statistical basis of the indicators and investigate how to combine them or substitute one for another. Beyond such methodological problems, each Graduate School of Applied Behavioral Science should have some specialized areas of research, for the whole of applied behavioral science is too broad to tackle all at once. The problems of the cities, of poverty, of crime, of nation-building, of conservation, of regional governments, of individual growth and development, of early education—any one of a range of problems—could serve among the specialities in one school.

Instructive precedents in a number of universities exhibit many qualities of the proposed new type of school; Chapter 12 discusses these and the proposed school at greater length.

BEHAVIORAL AND SOCIAL SCIENCES OUTSIDE THE UNIVERSITY

Substantial numbers of social scientists work in nonacademic settings for federal, state, and local governments, for business and industry, and for nonprofit research organizations. Their functions, however, are not too different from those of their university colleagues.

The federal government estimates an 18.4 percent growth in federal social science employment from 1967 to 1971, and a similar growth is reported by state governments and nonprofit organizations. The percentage growth in federal social science employment is greater than the growth in overall federal employment and total federal scientific employment for the same period. Chapter 13 reports the limited data we have collected.

One indication of the amount of nonacademic research in the behavioral and social sciences is the amount of federal funds for nonacademic research performers, both to private research organizations and to the gov-

ernment. Roughly half of the federal funds go to nonuniversity research, and it is divided about equally between the government, on the one hand, and industrial firms and nonprofit institutions on the other (Table SR–1).

TABLE SR-1.—FEDERAL OBLIGATIONS FOR BASIC AND APPLIED RESEARCH IN BEHAVIORAL AND SOCIAL SCIENCES, FISCAL YEAR 1967, BY PERFORMER

[Dollar amounts in millions]

	Federal obligations for basic and applied research		
	All fields of science	Behavioral and social sciences	Behavioral and social sciences as percent of total obligations
Intramural (within Government departments and agencies)	$1,574	[1] $77	5
Extramural, nonuniversity:			
Industrial firms	1,437		
Nonprofit institutions	269	[1] 77	3
Others	646		
Total nonuniversity	3,925	154	4
Universities	1,348	[2] 143	11
Grand total	5,273	297	6

[1] Estimated from residual funds after removing amounts to universities.
[2] Estimated from the Survey.

Source: Federal Funds for Research, Development, and Other Scientific Activities: Fiscal Years 1967, 1968, 1969, NSF 68–27 (Washington, D.C., National Science Foundation, 1968), vol. 17, pp. 124, 130.

THE FINANCING OF RESEARCH

In 1966–1967, some 3.4 percent of the nation's total research and development expenditure was spent on the behavioral and social sciences—about $803 million. This was more than double the amount spent for social science research and development in 1961–1962 (Table SR–2).

TABLE SR-2.—SUPPORT OF RESEARCH AND DEVELOPMENT IN THE BEHAVIORAL AND SOCIAL SCIENCES, 1962, 1967, BY SOURCE

[Dollar amounts in millions]

Source of funds	1961–62	1966–67
Federal Government:		
Basic research	$46	$132
Applied research	74	159
Development	68	97
Subtotal	188	388
State governments	5	15
Industry	130	289
Colleges and universities	24	48
Foundations	23	24
Nonprofit institutions	14	39
Total, behavioral and social sciences	384	803
Total, all fields of science	15,604	23,686
Behavioral and social sciences as percent of total science	2.5	3.4

Source: Table 1–2 and table A–8, appendix.

Between 1959 and 1968, federal support of behavioral and social science research increased at an average rate of approximately 20 percent a year. Since today's social problems are so urgent, it is important to maintain growth at least close to this level. We distinguish between normal projected growth (no increase in the scale of research operations) and projected new programs (the addition of new large-scale research). In Chapter 14 we discuss the matter more fully and offer the following recommendation concerning normal research support.

Recommendation: Rate of Federal funding for normal research support—The Committee recommends an annual increase in funds available from the federal government for support of basic and applied research in the behavioral and social sciences of between 12 and 18 percent to sustain the normal growth of the research enterprise over the next decade.

To sustain normal growth in the behavioral and social sciences, the indicated increase in research funds will be needed, and a corresponding increase will also be needed for instructional funds, student aid, space, and equipment. Our recommendation also applies to funding for behavioral and social science research outside the universities.

The costs of projected new programs are not included in the normal-growth projections, for they are of a different character from the steady and gradual increase required by the increases in the number of social scientists and the growing sophistication of research techniques. However, the new programs require abrupt increases in funding, with each program having minimum start-up costs. The operating costs of the various new programs, when they are in full swing, are likely to total an additional $100 million annually, as explained in Chapter 14.

The agencies supporting the behavioral and social sciences are chiefly the Department of Health, Education, and Welfare (primarily through the Office of Education, the National Institutes of Health, and the National Institute of Mental Health), the Department of Defense, the Department of Agriculture, and the National Science Foundation. We welcome their continued support and believe that other agencies should expand their use of behavioral and social science research, through both intramural and extramural support. In short, we endorse the principle of pluralistic support for the social sciences.

Proposals to establish a national social science foundation pose some problems concerning the role of the National Science Foundation. The implication that social science is important enough to warrant a special foundation is gratifying, but the issues are complex, and the members of the Committee are somewhat divided in their views. Because the charter of the National Science Foundation has recently been enlarged to permit support of applied research, and explicitly to support the social sciences, we favor giving it the opportunity to exercise its new functions. However, we also suggest that, if the National Science Foundation is unable to exercise its new obligations in social sciences, then a new foundation may be needed. Recommendations bearing on the National Science Foundation appear in Chapter 14.

Private foundations have been a significant source of support to the behavioral and social sciences through the years, frequently playing innovative roles and contributing in a variety of ways to the development of these sciences. The role of the foundations is discussed in Chapter 15.

WORLDWIDE DEVELOPMENT OF THE SOCIAL SCIENCES

Worldwide interest in the social sciences is growing, partly in response to the processes of development and modernization in new nations. Social scientists in other countries seek to strengthen their professional capabilities, and there is considerable American interest in study and research overseas.

Collaboration across national boundaries is especially important in the social sciences. Generalizations based on work in only one country may be too parochial and circumscribed, and some kinds of situations important to an understanding of human behavior cannot be studied satisfactorily in any one nation. In Chapter 16 we offer some suggestions about the relationships among social scientists on an international basis, and we discuss the strengthening of organizations devoted to furthering international social science.

OUTLOOK FOR THE BEHAVIORAL AND SOCIAL SCIENCES

As the sciences advance and research at their growing edges becomes more demanding of special knowledge and skills, the tendency toward specialization increases. This trend is important for the advancement of the frontiers of science, but it also runs counter to the demand for science to deal with problems of great complexity in an integrated way. While we recognize the legitimacy of specialization within disciplines, we recommend more attention to large-scale research concerning our rising social problems.

Our society cannot delay dealing with its major social problems. We cannot consume our resources and pollute our environment and then hope to replenish and restore them. We cannot permit international relations to deteriorate to the point of resorting to nuclear weapons. Social unrest, a result of rising expectations and frustrated hopes, will eventually reach a point of no return.

The social sciences will provide no easy solutions in the near future, but they are our best hope, in the long run, for understanding our problems in depth and for providing new means of lessening tensions and improving our common life.

(Excerpts From the Final Report of the National Commission on the Causes and Prevention of Violence)

TO ESTABLISH JUSTICE, TO INSURE DOMESTIC TRANQUILITY

* * * * *

INTRODUCTION

xxvii

* * * * *

Our Commission is not competent to recommend a specific level of national defense expenditures. We recognize that without the deterrent capability essential for security against external attack, internal freedom and security would not be possible. It is to be expected that our military leaders will, like other government officials, stress the extreme urgency of the programs under their charge. But we believe the time has come to question whether expenditures for the general welfare should continue to be subordinated to those for national defense.

Defense expenditures, stated in 1968 prices, fell from about 78 billion dollars in 1953 (at the end of the Korean War) to about 60 billion dollars in 1954 and remained at that level for the decade 1955 to 1964. But by 1968 they had risen again to the present 81 billion dollar annual level as the result of our major commitment of troops to Vietnam.[5]

Federal expenditures for the general welfare, while they have increased substantially over the past several years, are now approximately 60 billion dollars of which $25 billion represents social security payments.

As a first step, we should try to reverse this relationship. When our participation in the Vietnam War is concluded, we recommend increasing annual general welfare expenditures by about 20 billion dollars (stated in 1968 dollars), partly by reducing military expenditures and partly by use of increased tax revenues resulting from the growth of the Gross National Product. We suggest this only as an initial goal; as the Gross National Product and tax revenues continue to rise, we should strive to keep military expenditures level (in constant dollars), while general welfare expenditures should continue to increase until essential social goals are achieved.[6]

---

[5] For fiscal 1970, the budgeted figure is $77 billion.

[6] Some experts believe that since military expenditures were successfully held to an annual level of 60 billion dollars (in 1968 prices) for the decade from 1955 to 1964, a comparable plateau can and should be maintained for the decade of the seventies. In-

xxviii

Based on estimates of the Council of Economic Advisers,[7] the funds needed to achieve this goal without inflationary consequences could be obtained from two sources:

(1) The end of the Vietnam war should reduce defense expenditures by 19 billion dollars annually. The Council anticipates that this reduction will be offset in part by war-end program adjustments and deferred weapons programs. Hence, defense expenditures should go down to about 65 billion dollars (at 1968 prices).[8]

(2) The Gross National Product is expected to increase over the next decade (in constant dollars) at the rate of about four percent a year. The same should be true of federal tax revenues, which should grow in real terms at an annual increment of approximately 15 billion dollars.[9] Of this amount, approximately half will be required to meet expected annual increases for "baseline" federal non-defense expenditures other than general welfare programs. Hence, about seven or eight billion dollars more each year than the preceding year should be available for new and expanded programs in the general welfare field.

xxix

Whether somewhat more or less than the amounts we have indicated should be provided to overcome social ills is not the important point.[10] What is important is that the people of this nation recognize both the possibilities and the need for choice. For an entire generation, we have necessarily been more aware of and responsive to the external dangers to our society than to the internal dangers. In this Commission's opinion, the internal dangers now demand a greater awareness and a more substantial response—one that can only be made if we face the need to reorder our priorities. It is time to balance the risks and precautions we take abroad against those we take here at home.

The Department of Health, Education, and Welfare has made a suggestion which merits careful consideration as a potentially valuable supplemental step toward reordering national priorities, namely, the preparation of an "Annual Social Report."[11] The Annual Social Report, comparable to the present Annual Economic Report, would provide us with a set of measurements—of "social indicators"—and how well we have done in providing housing, education, health care, public safety, and opportunities for the upward advancement of all sectors of our population. It would tell us whether the disadvantaged groups among us have been advancing at a rate sufficient to foster hope and to quiet the desperation that drives men to violence. It would significantly aid the nation and its leaders in establishing national priorities.

The Social Report would be prepared by social scientists recruited for stated periods of public service from among the nation's best scholars, just as the members and staff of the Council of Economic Advisers are today. They could be organized as a Counsel of Social Advisers, as are the Economic Advisers, or in some other visible and independent form. A major function of the social science staff would be to develop tools for measuring the comparative effectiveness of social programs. While we have learned a good deal about social stresses and the gross causative factors that require correction, we still know very little about whether particular remedial programs work at all, which ones work better than others, and why. We lack practicable means for measuring cost-benefit ratios, for establishing and observing parallel programs with significant variables, and for putting an end to programs which have failed to justify their continuance.[12] A central staff charged with this responsibility could do much to improve the accuracy of our social planning and the efficacy of on-going programs.

Two decades ago, the Council of Economic Advisers was created by the Full Employment Act of 1946, amid much skepticism about the "science" of economics and particularly about the wisdom and effect of governmental efforts to stimulate or restrain economic activity. Today we recognize the importance of the government's economic role and of national economic measurements, imprecise and imperfect as the economist's tools still are. The other social sciences may now have as much potential for informing wise government policy as economics had twenty years ago.

In a democratic society, the citizens possess the basic social power, and national priorities reflect the value judgments of the majority. Skeptics may thus take a pessimistic view of this Commission's recommendation that our national priorities be reordered. They will point, for example, to the reluctance of the public, despite the penetrating reports and the excellent recommendations of previous presidential commissions, to take the comprehensive actions needed to curb crime, eliminate racial discrimination, and alleviate the problems of the ghetto poor. They will point especially to middle-class America—to the "forgotten American"—and his concern over some consequences of racial integration, his rebellion against rising taxes, his distrust of dissent on the campus and protest movements in the capital. How realistic is it, they will ask, to think that the majority of Americans will support a reallocation of our national resources to deal with social problems?

xxxi

Skepticism is understandable. But the majority of Americans have always responded constructively to national crises when they have been fully informed and responsibly led. The "silent majority," like most other Americans, do not wish to surrender any of the most important freedoms of our open society—freedom of movement, freedom from harm, freedom from fear. They stand to benefit from the programs necessary to retain these freedoms just as much as any disadvantaged minority. All Americans—like majority and our various minorities—must come to grips with the basic causes of violence in our society and do what must be done to achieve liberty and justice for all.

Some, with little faith in our nation, predict that majority indifference will result in a violent revolution of some kind. Indeed, nihilists and anarchists openly espouse this course. We see signs, however, that a peaceful revolution is already under way: a spirit of needed reform is rising steadily among the people and in the ranks of local and national leaders. We see a growing readiness to formulate new values, to set new priorities, and to make firm commitments now, to be honored as soon as resources are available.

Some ordinary citizens feel they can do nothing to influence the direction and the destiny of their nation. But more and more Americans are proving this to be a myth. A growing number of our citizens have found they need not stand idle while our cities rot, people live in fear, householders build individual fortresses, and human and financial resources flow to less urgent endeavors. A new generation of Americans is emerging, with the energy and the talent and the determination to fulfill the promise of the nation. As it ever was, the young—idealistic but earnest, inexperienced but dedicated—are the spearheads of the drive toward change, and increasing numbers of adult Americans are joining their ranks.

xxxii

When in man's long history other great civilizations fell, it was less often from external assault than from internal decay. Our own civilization has shown a remarkable capacity for responding to crises and for emerging to higher pinnacles of power and achievement. But our most serious challenges to date have been external—the kind this strong and resourceful country could unite against. While serious external dangers remain, the graver threats today are internal: haphazard urbanization, racial discrimination, disfiguring of the environment, unprecedented interdependence, the dislocation of human identity and motivation created by an affluent society—all resulting in a rising tide of individual and group violence.

The greatness and durability of most civilizations has been finally determined by how they have responded to these challenges from within. Ours will be no exception.

* * * * *

SUMMARY OF RECOMMENDATIONS

THE COMMISSION RECOMMENDS—

1. that "the time is upon us for a reordering of national priorities and for a greater investment of resources in the fulfillment of two basic purposes of our Constitution—to establish justice and to insure domestic tranquility."

2. that "when our participation in the Vietnam War is concluded, we recommend increasing annual general welfare expenditures by about 20 billion dollars (stated in 1968 dollars), partly by reducing military expenditures and partly by use of increased tax revenues resulting from the growth of the Gross National Product."

3. that "as the Gross National Product and tax revenues continue to rise, we should

---

deed, it has been urged that, assuming the success of strategic arms limitation talks and a reevaluation of our foreign commitments, it would be feasible to hold the military budget for the early 1970s to 50 billion dollars (at 1969 prices). See Kaysen, "Military Strategy, Military Forces and Arms Control," in *Agenda for the Nation* (Washington, D.C.: Brookings Institution, 1969), p. 549.

[7] Annual Report of the Council of Economic Advisers, January, 1969, pp. 199–200.

[8] At estimated 1972 prices, for example, actual outlays would be 73 billion. At this point, defense expenditures would be at seven percent of forecast GNP, as compared to perhaps eight percent at present. In other industrially advanced democratic countries, according to the Institute for Strategic Studies, defense expenditures (in 1966) were 6.4 percent of GNP for the United Kingdom, 4.4 percent in France, 3.6 percent in West Germany, 3.3 percent in Italy, 2.2 percent in Canada and 1.1 percent in Japan. For Soviet Russia, the estimated figure is 8.9 percent, but this represents a total 1966 defense outlay of less than 30 billion dollars as compared to about 68 billion dollars for the United States.

[9] This estimate assumes that the present 10 percent surcharge will have been repealed, but that other tax reform measures will be neutral in their effect on aggregate revenues. Any substantial reduction in federal tax revenues incidental to tax reform will make it more difficult to reorder our priorities as we have proposed.

[10] We further note that the same point can be strongly made for other non-military categories of expenditure that have been built into the federal budget, including agricultural and maritime subsidies, the postal service as presently structured, and space exploration. See Schultze, "Budget Alternatives After Vietnam" in *Agenda for the Nation* (Brookings, 1969), p. 44.

[11] *Toward a Social Report*, Government Printing Office, 1969.

[12] Daniel P. Moynihean, *Maximum Feasible Misunderstanding* (New York: MacMillan 1968), pp. 190–203.

strive to keep military expenditures level (in constant dollars), while general welfare expenditures should continue to increase until essential social goals are achieved."

4. that, to aid in the reordering of national priorities, consideration should be given to establishing a counterpart of the Council of Economic Advisers to develop tools for measuring the comparative effectiveness of social programs, and to produce an "Annual Social Report," comparable to the present Annual Economic Report.

S. 7—INTRODUCTION OF BILL TO PROVIDE FOR THE REESTABLISHMENT OF THE BUFFALO NATIONAL RIVER, STATE OF ARKANSAS

Mr. FULBRIGHT. Mr. President, on behalf of myself and my senior colleague from Arkansas (Mr. McCLELLAN) I introduce, for appropriate reference, a bill to establish the Buffalo River in Arkansas as the Buffalo National River.

Senators will recall that a bill for this purpose was introduced in the last session of Congress—S. 855—and was passed by this body on September 3, 1969. Regrettably, action was not taken in the House of Representatives prior to adjournment. Therefore, we are reintroducing the bill with the hope that the Senate will once again give it prompt and favorable consideration and that subsequently it will be acted upon by the House.

The Buffalo is nationally recognized for its scenic beauty and this bill would enable the preservation, in its free flowing, natural state, of an important segment of this river.

In its 1968 report on the proposed Buffalo National River, the National Park Service said:

> The Buffalo River is born in a vast sea of trees high in the Ozarks of northwestern Arkansas. At first only a trickle, half hidden among leaves and rocks, the stream a quarter of a mile down slips over the first ledge, a new force on the land, slowly gaining in strength. For 148 miles it meanders across Ozark hill country toward a junction with the larger White River. Undiminished by man, the Buffalo today runs through a rich and varied landscape. Considered for size, for completeness, and for wild qualities, it is one of this country's last significant natural rivers.

The Park Service report continues:

> The Buffalo deserves national attention not for any single quality but for an outstanding combination of qualities. The very base of the river's appeal lies in its clean, flowing waters, which support a notable sports fishery and provide an opportunity for pleasurable boating and swimming. Its scenery is interesting and often spectacular. It is unspoiled by development and free of pollution. It has a remarkable collection of features illustrating its geology, botany, wildlife, archeology, and history. It is the only major stream left undamaged in the Arkansas Ozarks . . .

In recent years we have become increasingly aware of the need to preserve and protect unspoiled scenic areas in the country. I believe the Buffalo River certainly merits preservation and protection. It would be an important addition to our national park system and provide great benefit and enjoyment to the present and future generations.

Mr. President, I would like to emphasize that the establishment of the Buffalo as a national river will be done with the minimum possible disruption to the residents of the area.

The bill which we introduce today is in the exact form in which it was passed by the Senate, as amended in the Committee on Interior and Insular Affairs. Therefore, the bill provides that, with the exception of property that the Secretary of the Interior determines is essential for the establishment of the park, owners of improved noncommercial property or lands used solely for agricultural purposes on the date of acquisition could retain the right of use and occupancy until the death of the owner or his spouse, whichever occurs later, or not more than 25 years from the date of acquisition. It is my understanding that a very small number of dwellings would need to be removed in the early years of development.

The proposed national river includes about 132 river miles and a total of 95,730 acres in Newton, Searcy, Marion, and Baxter Counties.

The geological features of the river are outstanding and the flora is rich and diverse. Within the area are two features which are especially noteworthy. One is the 200-foot waterfall in Hemmed-in-Hollow, the highest free fall between the southern Appalachians and the Rockies. The other is the collection of gypsum formations in Beauty Cave, which are outstanding in their variety and the size of single specimens, some of which are not known to exist elsewhere.

Under the able chairmanship of the Senator from Nevada (Mr. BIBLE) a hearing on the proposed Buffalo National River was held on May 27, 1969, by the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs. On that occasion a large number of witnesses testified before the committee, the great majority of them in support of this legislation.

One of the many important points made at that hearing was that the Buffalo is within an easy day's drive of nearly 15 million people and is centrally located with respect to such major population centers as St. Louis, Memphis, Kansas City, Dallas, and Tulsa. An estimated 1.7 million persons would visit the river annually during its first years in the National Park System.

As stated in an editorial in the Baxter Bulletin in Mountain Home, Ark.:

> The Buffalo . . . is a natural prize of national significance. It should be preserved as a national park-type area for the same reasons that the giant redwoods should not be mowed down to make boards and the Grand Canyon should not be dammed to carry out local economic designs. The national river would, in fact, aid the economy of the area by providing a new kind of outdoor preserve and recreational area.

The Southwest American in Fort Smith commented:

> There's no question about the increasing demand for quiet recreational areas, as the population grows. And we believe the Buffalo stands right at the top in possibilities for such an area.

An editorial in the Arkansas Democrat on December 31, 1970, summed it up well:

> The country is full of once-beautiful rivers that have been dammed, bulldozed and polluted. The Buffalo should be preserved.

As I mentioned earlier, the Buffalo is nationally recognized and I am pleased to note that I have received communications of support for this legislation not only from Arkansas and surrounding States but from many parts of the country.

The Buffalo has been the subject of articles and editorials in a number of leading publications across the Nation.

The New York Times, in an editorial supporting this legislation said:

> The Buffalo should be spared the fate of dam construction that has destroyed so many Southern rivers. As a national river, it would offer both recreational variety to the Ozarks region and scenic and scientific variety to the nation.

A major article on the Buffalo by Robert F. Jones was published in Sports Illustrated, August 10, 1970, and the Buffalo was featured in an article on the Ozarks in National Geographic, November 1970.

The Sports Illustrated article told of a float trip on the Buffalo made by artist Thomas Hart Benton and some friends. Mr. Benton is quoted as saying:

> If every American could run the Buffalo just once, the way we did today, then I think our rivers would be beyond the reach of trouble.

In a strong editorial of support, the Kansas City Star said:

> By general consensus, the Buffalo River . . . is one of the finest free-flowing streams remaining in North America. Not only does that basin possess exceptional beauty, but it lies within easy driving distance of 15 million Americans, which enhances its values as a recreational resource for the nation.
>
> Today time is running out on the Buffalo, as population and industry slowly build up in Northern Arkansas. . . We believe the time for review and debate has come to an end and final action by Congress . . . is in order. The Buffalo river is one of Nature's masterpieces that has been relatively untouched by man. It is a part of the nation's outdoor heritage and should be preserved for the enjoyment of future generations.

The St. Louis Post-Dispatch said:

> The Buffalo is a natural prize. It is the best example of an Ozark free-flowing river of some size not already under some form of protection from exploiters, and in a state already well equipped with dammed lakes, this one mountain stream merits protection. It also deserves the attention of Congress because of its regional interest. There are few rivers like the Buffalo between the Appalachians and the Rockies.

Mr. President, the potential economic impact of the National River on the area is considerable. A 1968 University of Arkansas study makes these estimates for the 5 years deemed necessary to establish and bring a Buffalo National River Park into full operation:

First. Tourist spending of over $92 million during the development period, eventually reaching an annual level approaching $34 million.

Second. Private investments of at least $5 million to building and improve nearby tourist accommodations for lodging, fishing, boating, bathing, and food services.

Third. The generation of 3,500 new jobs and an addition of some $17 million

to personal income in the area, an area in which income has been considerably below the State and national average.

The Department of Interior has estimated the cost of acquiring the private lands within the proposed national river at $9.2 million. The total development cost was estimated at $8.2 million, of which $6.3 million is programed for the first 5 years after its establishment. The estimated annual cost of operation of the national river is $685,800 after the first 5 years.

It is evident that the Buffalo River would not only be a significant addition to the national park system, but that the development of the park would considerably enhance the area's economy.

Mr. President, it has now been 10 years since I asked the National Park Service to look into the possibility of establishing a national recreation area along the Buffalo. It has been 8 years since the first Park Service report recommending the creation of the Buffalo National River. I think the case for making a national river of the Buffalo is clear and strong and the Senate has already concurred in this judgment in passing the bill in 1969. I hope that 1971 will be the year when the national river becomes a reality.

A recent editorial in the Arkansas Gazette, Little Rock, expressed it well:

> Priority consideration . . . is rapidly becoming compelling as each day exposes the natural treasures of this unique mountain waterway to further despoliation. Already frequent reports are heard of extensive timber cutting within the proposed boundaries of the national river that could mar the pristine beauty of the Buffalo's banks for the next generation. Passage of the Buffalo National River in 1971 ought to be a prime project of conservationists from all over the country.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 7) to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes, introduced by Mr. FULBRIGHT, for himself and Mr. MCCLELLAN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 10—INTRODUCTION OF A BILL URGING THE ADOPTION OF A NATIONAL POLICY TO CORRECT THE PRESENT POPULATION AND INDUSTRIAL IMBALANCE BETWEEN METROPOLITAN CENTERS AND RURAL AREAS

Mr. MCCLELLAN. Mr. President, during the latter part of the 91st Congress, I introduced Senate Resolution 463 urging the adoption of a national policy to correct the present population and industrial imbalance between our congested metropolitan centers and our less populated rural areas. Thereafter, 38 Senators cosponsored that resolution. However, because of the pressures of time in the closing days of the session the Committee on Government Operations was unable to give indepth consideration to the proposal.

Therefore, today I am introducing a broader and more substantive version of this legislation. This bill which I now send to the desk for appropriate reference would establish a national policy to revitalize rural and other economically distressed areas by providing incentives for industries to locate in those regions.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, will be printed in the RECORD in accordance with the Senator's request.

Mr. TALMADGE. Mr. President, will the Senator yield at this point?

Mr. MCCLELLAN. I yield.

Mr. TALMADGE. I compliment my able and distinguished friend from Arkansas on the bill he has offered, of which I am happy to be a cosponsor.

We did make some progress in the last session of Congress, as the Senator knows, in this regard. Title 9 of the farm bill passed last year would permit the Governor of a State to seek to improve the urban-rural balance, and also requires a number of reports from the executive branch of the Government.

I hope that we can use the information that we obtained, plus the law that has already been passed by Congress, to pursue that matter further. I compliment the Senator on what he is doing, pledge him my cooperation, and assure him of all the efforts that we possibly can make to help make his dream become a reality.

Mr. MCCLELLAN. I thank my distinguished friend.

Mr. President, to implement this policy, all departments and agencies would be required to give preference, to the maximum extent practicable, to those areas which have a low concentration of population and industry in—

First, awarding Federal contracts for the purchase of equipment, goods, or services for use by any department or agency of the Federal Government to business and industry which will locate or relocate in such areas; and

Second, administering or implementing new and existing Government programs, particularly the multibillion Federal grant-in-aid programs.

To further implement this policy, all departments and agencies having responsibility for the development and administration of manpower training programs, financed in whole or part by the Federal Government, would be required to take immediate steps to—

First, direct or redirect such programs with a view toward providing a work force of the size, composition, and quality to meet the manpower requirements of business and industry locating or relocating in areas having a low concentration of population and industry; and

Second, to insure, to the extent practicable, that such programs are designed to increase employment opportunities for those who are unable to obtain or maintain suitable employment and will serve to improve the economy by increasing productivity and facilitate the movement of the work force to the job.

In addition, each department or agency which is presently engaged in activities or programs relating to this policy will be required to conduct a comprehensive review and analysis of their activities and report thereon to the Comptroller General. To oversee the progress made by the various departments and agencies, the bill creates in the General Accounting Office a board for the revitalization of rural and economically-distressed areas. The board will be composed of three officers from the General Accounting Office who are knowledgeable and experienced with respect to the subject matter of this national policy. The board will have the specific duty to evaluate the reports and recommendations filed with the Comptroller General by the various agencies. The Comptroller General is required to report annually to the Congress with respect to the progress being made.

This legislation, Mr. President, is inspired by my belief that many of our social and environmental problems could best be remedied by inaugurating a national program that will reverse the present trend of migration of people into already compacted cities. In many respects, I feel that we have been treating the symptoms of urban congestion and not its root causes—such as the increasing and rapid out-migration from our rural areas.

Uncontrolled industrial expansion coupled with the suffocating swell of people in relatively small parcels of land has caused critical health, safety, and welfare problems. Moreover, many city residents now rightfully fear for their safety and have become more and more alienated and frustrated because local resources and services fail to provide adequate living conditions. And while our cities have become, for many, an unsuitable place to live, yearly thousands of others, who are lured by the job prospects of the city, leave their rural homes in search of hoped for opportunities that too often simply do not exist.

Mr. President, unless immediate remedial action is taken, the situation will undoubtedly get much worse. Experts have already projected an astonishing 100 million population increase within the next half century. Unable to cope with the existing needs of their dwellers, there is little hope that our metropolitan areas will be capable of accommodating any sizable proportion of this multitude.

Meanwhile, the migration of the people to the cities has caused many of our rural areas to become even more economically depresesed. These less populated regions of our country have never and are not now fully sharing in the fruits of the industrial revolution. While historically struggling to maintain a subsistence economy, the loss of their young and able-bodied people in search of the city life has resulted in their inability to sustain the needs of those who chose to remain. Presently, many of these areas shelter only the older, underskilled and undereducated.

Mr. President, neither our major metropolitan areas nor our small towns can survive without a healthy economy. If we are to achieve for all Americans a higher standard of living, we must com-

mit ourselves now to a program designed to correct the widening imbalance and disparity of our population and industrial growth. If we bring jobs and the accompanying services and benefits to these people, there will be little need for them to relocate in other areas.

The Federal Government must provide the impetus and incentive for industry to expand to these areas. In this connection, I was extremely pleased and encouraged by the administration's support of the objectives of the resolution I offered last year. Moreover, it is especially heartening and significant that the President devoted a portion of his state of the Union address to this issue. I wholeheartedly endorse the broad objectives of his statement that he will—

Propose programs to make better use of our land, and to encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life throughout America.

I am, of course, anxious to see and to study the specifics—the details of the President's program—and I look forward to working with him toward the realization of a truly revitalized America—rural and urban. There is no better way to begin this task than by the adoption of the national policy established by my bill.

Mr. President, the future of America cannot be left in the hands of fate—we must begin today to fashion a better tomorrow.

The purpose of the bill I offer today transcends regional interest. For its true objective is to revitalize the withering economy in rural areas while at the same time it will give the urban areas—especially our decaying inner cities—an opportunity to concentrate on their own programs of revitalization and restoration, free of the continued aggravation of the problems by the constant influx of people whose living necessities they are unable to provide.

I anticipate that this measure will be referred to the Committee on Government Operations, and it will be my intention to hold a series of hearings on this measure as early as convenient and practical. I would welcome the comments, suggestions, and cosponsorship of my colleagues.

I urge my colleagues to join with me in this search to achieve a more rational and a better balanced pattern of growth for America and her people.

The bill (S. 10) is as follows:

S. 10

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

(a) seventy per centum of the American people live on only 1 per centum of the land of the United States and this high concentration of population results in increased pollution, critical problems of housing and transportation, unhealthy living conditions, and increased crime;

(b) the location and expansion of industries in the major metropolitan centers of the Nation continue to attract more people to these highly congested areas, thus further aggravating and intensifying these unwholesome conditions;

(c) the population of one of every three counties in the United States decreased during the past decade because industries expanded in already overcrowded and congested population centers thus denying equal opportunities for economic advancement in the less populated communities of our Nation;

(d) a more balanced distribution of our population and economic opportunities is needed to accommodate the anticipated population increase of more than one hundred million persons in the United States over the next half century; and

(e) a more even and practical geographical distribution of industrial growth and activity would reduce the continued concentration of industry and would stimulate the growth and development of less heavily populated sections of our country with a view toward providing a more diversified and better balanced distribution of our inhabitants and facilitating the restoration and protection of the quality of our environment, thus enhancing and enriching the lives of all Americans.

NATIONAL POLICY

SEC. 2. (a) The Congress declares that it shall be the national policy of the United States to encourage the distribution of future industrial growth, and its attendant expansion more evenly throughout the United States.

(b) In implementing this policy, all departments and agencies in the Executive Branch of the Government shall give preference, to the maximum extent practicable, to those areas which have a low concentration of population and industry, in—

(1) awarding Federal contracts for the purchase of equipment, goods, or services for use by any department or agency of the Federal Government to business and industry which will locate or relocate in such areas; and

(2) administering or implementing new and existing Government programs, particularly the multibillion-dollar Federal grant-in-aid programs.

(c) In further implementation of said national policy, all departments and agencies in the Executive Branch of the Government having responsibility for the development and administration of manpower training programs, financed in whole or in part by the Federal Government, shall take immediate steps to—

(1) direct or redirect such programs with a view toward providing a work force of the size, composition and quality to meet the manpower requirements of business and industry locating or relocating in areas having a low concentration of population and industry; and

(2) to insure, to the extent practicable, that such programs are designed to increase employment opportunities for those who are unable to obtain or maintain suitable employment and will serve to improve the economy by increasing productivity and facilitating the movement of the work force to the job.

DISSEMINATION OF POLICY

SEC. 3. The President shall issue appropriate directives to all departments, agencies and independent establishments in the Executive Branch of the Government of the United States, embodying the national policy set forth in section 2 of this Act, and shall require such departments, agencies and independent establishments to comply therewith, to the maximum extent that compliance is practicable and feasible.

AGENCY REVIEW

SEC. 4. (a) Each department, agency and independent establishment of the Executive Branch of the Government of the United States which is engaged in any activities or programs involving, or related to, those activities specified in subsections (b) and (c) of section 2 of this Act, shall, immediately following the effective date thereof, conduct a comprehensive review and analysis of all such activities in which it is engaged.

(b) Not later than 120 days following the effective date of this Act, each such department, agency and independent establishment shall file with the Comptroller General of the United States, in such form as he shall prescribe, a comprehensive report with respect to all such activities, accompanied by specific recommendations concerning the most effective means by which such programs and activities may be directed or redirected in compliance with the national policy set forth in section 2 of this Act.

(c) Following the submission of the initial report and recommendations required by subsection (b) of this section, each such department, agency and independent establishment shall make a continuing survey of the type required by subsection (a) of this section and report to the Comptroller General with respect to findings and recommendation at such times as the Comptroller General may designate.

ESTABLISHMENT OF BOARD

SEC. 5. (a) The Comptroller General of the United States is authorized and directed to establish in the General Accounting Office a Board for the Revitalization of Rural and Economically-Distressed Areas (in this Act referred to as the "Board"). The Board shall be composed of three officers of the General Accounting Office who shall be designated by the Comptroller General from among senior officers who are knowledgeable and experienced with respect to the subject matter of the national policy set forth in section 2 of this Act. Officers of the General Accounting Office who are so designated shall, to the maximum extent practicable, be relieved of all other duties.

(b) The Comptroller General shall make available to the Board, from available resources of the General Accounting Office, such professional and clerical assistance as may be necessary to enable it to carry out its functions and duties.

(c) There is authorized to be appropriated to the General Accounting Office such sum or sums as may be necessary to enable the Comptroller General to carry out the provisions of this Act.

DUTIES OF THE BOARD

SEC. 6. (a) The Board shall study and evaluate the reports and recommendations filed with the Comptroller General pursuant to section 4(b) of this Act, as well as all other pertinent materials, in order to determine whether the departments, agencies and independent establishments are complying with the national policy set forth in section 2 thereof and the requirements set forth in section 4 thereof.

(b) The Comptroller General shall report to the Congress, from time to time, with respect to the progress made by departments, agencies and independent establishments of the executive branch in complying with the national policy set forth in section 2 of this Act, and shall transmit to the Congress an annual report with respect thereto at the close of each fiscal year.

GOVERNMENT DEPARTMENTS AND AGENCIES DIRECTED TO FURNISH INFORMATION

SEC. 7. Subject to the requirements of national security, any department, agency, or independent establishment of the executive branch of the Government which is requested by the Comptroller General to furnish information, documents, or other pertinent materials to the Board is hereby authorized and directed to comply with all such requests. Failure to furnish information so requested shall be reported to the Congress at the earliest practicable time.

S. 11, S. 12, S. 13, S. 14, S. 15, AND S. 16—INTRODUCTION OF BILLS REPRESENTING A CONTINUATION OF MATTERS CONSIDERED BY THE SPECIAL SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES DURING THE 91ST CONGRESS

Mr. McCLELLAN. Mr. President, I introduce several items of legislation. Each represents a continuation of matters considered by the Special Subcommittee on Criminal Laws and Procedures during the 91st Congress. They are as follows:

First. S. 13, the Physical Evidence Act of 1971, which provides for the issuance of subpenas for the limited detention of specified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes;

Second. S. 11 and, third, S. 12, alternative versions of the Wagering Tax Act Amendments of 1971, which would amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering, to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other such purposes;

Fourth. S. 14, the Student Disturbances Act of 1971, which would prohibit the disruption of federally assisted institutions of higher education, to provide for the enforcement of such prohibition, and for other purposes;

Fifth. S. 15, to amend title XII of the Organized Crime Control Act of 1970, to empower the Commission on Individual Rights to consider individual security, and for other purposes;

Sixth. S. 16, which would amend title IX of the Organized Crime Control Act of 1970, to provide for injunctive and other civil relief for those victimized by organized crime, and for other purposes.

Mr. President, each of these items of legislation is introduced as a study bill. I am not committed to their enactment in their present form or indeed to their enactment at all. I do expect, however, in the coming months of this Congress that the subcommittee will hold hearings on these and related matters. I shall also, at a later time, address the Senate separately on each of these items of legislation.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills:

S. 11. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

S. 12. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

S. 13. A bill to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes;

S. 14. A bill to prohibit the disruption of federally assisted institutions of higher education, to provide for the enforcement of such prohibition, and for other purposes;

S. 15. A bill to amend title XII of the Organized Crime Control Act of 1970, and for other purposes; and

S. 16. A bill to amend title IX of the Organized Crime Control Act of 1970 to provide civil remedies to victims of activities prohibited by said title, and for other purposes, introduced by Mr. McCLELLAN, for himself and Mr. HRUSKA, were read twice by their titles and referred to the Committee on the Judiciary.

ORDER FOR REFERRAL OF S. 11 and S. 12 TO THE COMMITTEE ON FINANCE FOLLOWING THEIR PRESENT REFERENCE

Mr. McCLELLAN subsequently said: Mr. President, I ask unanimous consent that when two bills which I introduced this morning, which are now at the desk, numbered tentatively, I believe, S. 11 and S. 12, shall have been considered and reported by the Committee on the Judiciary, to which I am advised they are now being referred, they be thereafter referred to and considered by the Committee on Finance.

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

S. 18—INTRODUCTION OF A BILL TO BRING RADIO FREE EUROPE AND RADIO LIBERTY UNDER CONGRESSIONAL SCRUTINY

Mr. CASE. Mr. President, I introduce a bill to bring Radio Free Europe and Radio Liberty under the authorization and appropriation process of the Congress.

During the last 20 years, several hundred million dollars in U.S. Government funds have been expended from secret CIA budgets to pay almost totally for the costs of these two radio stations broadcasting to Eastern Europe. In the last fiscal year alone, over $30 million was provided by CIA as a direct Government subsidy; yet at no time was Congress asked or permitted to carry out its traditional constitutional role of approving the expenditure.

My bill would amend the U.S. Information and Educational Exchange Act of 1948 to authorize funds to Radio Free Europe and Radio Liberty in fiscal 1972. It would also provide that no other U.S. Government funds could be made available to either radio station, except under the provisions of the Information and Educational Exchange Act.

I plan to ask that those administration officials concerned with overseas information policies be called to testify before Congress on the financial needs of Radio Free Europe and Radio Liberty. Without committing myself to a particular level of funding, my proposal tentatively calls for an authorization of $30 million. This figure would, of course, be subject to change as more information becomes available.

Radio Free Europe and Radio Liberty both claim to be nongovernmental organizations sponsored by private contributions, but available sources indicate direct CIA subsidies pay nearly all their costs. According to returns filed with Internal Revenue—form 990–A—their combined operating costs for fiscal 1969 were almost $34 million—$21,109,935 for Radio Free Europe and $12,887,401 for Radio Liberty.

Under the auspices of the Advertising Council, Radio Free Europe conducts a yearly, multimedia "advertising" campaign.

I have been advised that between $12 million and $20 million in free media space is donated annually to this campaign while the return from the public is apparently less than $100,000. Additionally, both Radio Free Europe and Radio Liberty attempt to raise money from corporations and foundations, but contributions from these sources reportedly pay only a small part of their total budgets.

The bulk of Radio Free Europe's and Radio Liberty's budgets, or more than $30 million annually, comes from direct CIA subsidies. Congress has never participated in authorization or appropriations of funds to Radio Free Europe or Radio Liberty, although hundreds of millions of dollars in Government funds have been spent during the last 20 years.

I can understand why covert funds might have been used for a year or two in an emergency situation when extreme secrecy was necessary and when no other Government funds were available. But the justification for covert funding has lessened over the years as international tension has eased, as the secrecy surrounding these radio stations has melted away, and as more open means of funding could have been developed. In other words, the extraordinary circumstances that might have been thought to justify circumvention of constitutional processes and congressional approval no longer exist.

In fact, after disclosure in 1967 of CIA funding of the National Student Association, a Presidential committee made up of John Gardner, then Secretary of Health, Education, and Welfare, Richard Helms, then and now Director of CIA, and Nicholas Katzenbach, then Under Secretary of State, recommended that "no Federal agency shall provide covert financial assistance or support, direct or indirect, to any of the Nation's educational or voluntary organizations"—and that "no programs currently would justify any exception to this policy." On March 29, 1967, President Johnson accepted the committee's recommendations and directed they be implemented by all Federal agencies.

Legislation similar to my proposal will shortly be introduced in the House of Representatives by Congressman OGDEN R. REID of New York.

I ask unanimous consent to have the bill printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, introduced by Mr. CASE, was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

S. 18

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Information and Educational Exchange Act of 1948 is amended by inserting after section 702 the following new section:

"AUTHORIZATION FOR GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY

"SEC. 703. There are authorized to be appropriated to the Department $30,000,000 for fiscal year 1972 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated under this section, no funds appropriated after the date of enactment of this section for any fiscal year, under this or any other provision of law, may be made available to or for the use of Radio Free Europe or Radio Liberty."

S. 19—INTRODUCTION OF A BILL TO AMEND THE EXPORT-IMPORT ACT OF 1948 RELATING TO STRENGTHENING THE FINANCING OF U.S. EXPORTS

Mr. MONDALE. Mr. President, I am introducing today a bill amending the Export-Import Bank Act to provide for the greater expansion of U.S. export trade.

The 92d Congress begins in an atmosphere of great uncertainty with respect to American foreign economic policies.

Only a few weeks have passed since we narrowly averted the passage of legislation which, I fully believe, would have ushered in a period of protectionism and growing economic isolation.

We are still faced with the kind of economic insecurity, borne of recession, which has historically found an outlet in an appeal to protection.

We are still faced with a deficit in the balance of payments, largely due to a persistent inflation which has dangerously narrowed our traditional trade surplus.

We are still—and will continue to be—faced with increasing economic competition from Europe and Japan—modern, industrialized economic giants capable of matching U.S. productivity in most products and beating us in many.

We will be faced more and more with increasing economic unity in Europe—a phenomenon which will pose great challenges to our trade negotiators in responsibly preserving the interests of U.S. workers, farmers, and businessmen.

Yet our trade picture is not without its bright spots, even at present, or without great potential in the years ahead. We are still the word's greatest trading Nation. Last year, even amid our inflation, our exports rose to some $43 billion and our trade surplus increased to about $2.7 billion. The protectionist momentum was broken, and the eyes of most Americans have turned from an unreasoning fear of foreign imports to the great promise of American exports. In this spirit, I think, we are once again looking to a vigorous expansion of exports to bring jobs to the American worker; income to American business, industry, and agriculture; and strength to the American dollar.

It is in that spirit which I offer this Export-Import Bank bill.

The Export-Import Bank is our major national institution designed to expedite export financing and to facilitate the sale of American goods through the provision of competitive credit rates and terms.

More and more, the key ingredients in international competition are the rates, terms, and other conditions of credit which can be attached to export sales. Since the Bank's inception, some $35 billion in exports have been facilitated through the Bank programs, principally direct credits, guarantees and insurance, and discounting export paper.

Besides these major programs, the Bank, under the chairmanship of Henry Kearns, has begun a broad range of new programs and services, designed to make the Bank a more aggressive and responsive partner in U.S. exports while still complementing rather than substituting for the services of private financial institutions.

There are, however, a number of constraints on the Bank's operations which are increasingly limiting its capacity to serve U.S. exporters. The bill I am introducing today should, I believe, lift most if not all of these major constraints.

REMOVE THE BANK FROM THE CONSTRAINT OF THE UNIFIED BUDGET

Last December 18, the Senate passed S. 4268, a bill which would have removed the receipts and disbursements of the Ex-Im Bank from the unified budget and from the annual expenditure ceiling imposed by the Congress on this budget.

This was a measure which I was reluctant to endorse in the last Congress. The budget—the way it is presented and what it includes or excludes—is the rightful prerogative of the President. If there was a strong case for removing the Bank's net disbursements from the unified budget, this could and most properly should be done by the executive branch which first put the Government lending programs, including the Ex-Im Bank, into the unified budget in 1968. As an alternative, of course, constraints on the lending ability of the Bank could be removed or reduced simply through action of the Office of Management and Budget allocating to the Bank a larger share of the total budgetary pie.

I did not and cannot now, however, quarrel with the fact that the Export-Import Bank is now severely curtailed in its lending operations by the constraints imposed by the Office of Management and Budget; nor can I quarrel with the fact that these constraints in the coming budget will have a potentially disastrous impact on the Bank's ability to continue providing credit, guarantees, and insurance in furtherance of U.S. exports. In fact, officials of the Bank have said that new obligations will have to virtually cease by this spring without some form of relief.

Therefore, while I am disappointed in the continued unwillingness of the executive branch to bring about this relief, I feel that the Congress must do what it can to enable the Bank to continue operating and enlarging its role in the expansion of U.S. exports. This bill, incorporating S. 4268 of the 91st Congress, would remove the net disbursements of the Bank from the budget. At the same time, it will continue to require a budget for administrative expenses and program activities; it will require the President to report to the Congress the amount by which the congressionally imposed expenditure ceiling will be reduced by this exemption; and it will require a report from the President to the Congress on the effect of this exemption on the various operations of the Bank. I believe that this provision will, in fact, be of great benefit to the U.S. exporter, and will show the responsiveness of the Congress to the need for export expansion—notwithstanding the unwillingness of the administration to achieve these ends through the appropriate executive remedies.

INCREASE THE CEILING ON AGGREGATE LOANS, GUARANTEES, AND INSURANCE

Another impending constraint upon future Bank operations is the current ceiling of $13.5 billion on outstanding loans, insurance, and guarantees. This bill would raise this ceiling to $20 billion in order to allow for the continued expansion of Bank commitments and to expand Bank operations consistent with the vital expansion of U.S. export sales in the years ahead.

INSURING COMPETITIVE RATES AND TERMS FOR U.S. EXPORT CREDIT

Increasingly, our major international competitors have turned toward favorable credit as a device for winning sales in the world marketplace. Virtually all of our major trading partners have established export financing systems with direct or indirect governmental subsidies in order to provide the most favorable rates, terms, and other conditions of credit to facilitate their exports. As these nations are able to insulate export credit from their domestic credit markets, and as U.S. interest rates remain high due to the current tight money policies, U.S. export financing has increasingly been unable to compete with financing offered their exporters by France, Germany, Italy, Japan, Great Britain, or other of our major trading partners.

While it is the declared policy of the Export-Import Bank to insure that otherwise sound U.S. export sales are not lost due to insufficient credit, American banks and exporters are reporting that sales are, in fact, being so lost. While the market for export financing is exceedingly complex and the conditions of "internationally competitive" not easy to arrive at, there would appear to be value in an expression of congressional intent that the Ex-Im Bank insure—through all the devices at its disposal—that the American exporter be able to offer his potential customer all the conditions of credit, including rates of interest, terms of repayment, and other conditions, competitive with that which his foreign competitors are able to secure from their export credit institutions. This bill expresses such an intent of the Congress without, however, in any way tying the hands of the Export-Import Bank in the

ways in which it may continue to seek a fully competitive position.

THE INTERNATIONAL REGULATION OF EXPORT CREDIT

At the same time as we seek to become more fully competitive in rates, terms, and other conditions of credit, we must recognize the futility and the grave dangers inherent in an international export credit war. Such a credit war, in fact, would be little more defensible or productive than other forms of trade wars imposing quotas, tariffs, or other barriers upon imports.

Currently, there is a loose international agreement under the Berne Union to maintain orderly competition in world export financing. Like so many international agreements with similar purposes, however, the Berne Union has proven itself unable to deal with all the various aspects of competition in financing and has been totally unable to enforce its guidelines.

Without in any way stipulating the form of such an agreement, then, the bill adds to its "policy of the Congress" section a stipulation that the President seek to open negotiations toward such an international agreement in order to prevent a destructive world credit war.

REMOVAL OF ABSOLUTE PROHIBITIONS AGAINST EXPORT-IMPORT INVOLVEMENT IN TRADE WITH EASTERN EUROPE

Currently, the Export-Import Bank is forbidden to participate in direct credits, guarantees, or insurance with the nations of Eastern Europe. Through the so-called Fino amendment adopted in the 90th Congress, the Bank cannot finance any exports bound for any nation which in turn carries on any trade with North Vietnam. By enjoining only trade carried out by "nations," this amendment allows Ex-Im participation in exports to Western Europe whose businesses or nationals carry on certain trade with any Socialist nation where the government technically carries on this trade, regardless of the nature or extent of that trade.

This restriction is an absolute anachronism and serves merely as an unnecessary harassment to U.S. firms seeking trade in peaceful, nonstrategic trade with East Europe.

We have laws, extensive regulations, and international agreements designed to keep any U.S. products out of Eastern Europe which could in any way contribute to the military potential of these nations or otherwise harm the national interest of the United States. If this is to be our policy—and I strongly endorse it—then there is no way to add to the strength or precision of these controls. A law designed to simply harass U.S. exports to Eastern Europe "across-the-board"—with no stipulation as to the nature of the exports or the wisdom of granting commercial credit in specific instances—is wholly unnecessary and is, in fact, inconsistent with declared congressional policy with respect to peaceful East-West trade.

The Export Administration Act, passed in December of 1969, clearly stated that it was the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations except those countries with which such trade has been determined by the President to be against the national interest."

Furthermore, this act directed the Department of Commerce to expedite trade in peaceful, nonstrategic goods with the nations of Eastern Europe in order to strengthen political ties, to further weaken the dependence of the Eastern European nations upon the Soviet Union, and to make our own controls more consistent with those of our Western allies.

To have begun—as we did by passage of the Export Administration Act—moving toward a more realistic policy with respect to East-West trade and yet to retain these across-the-board barriers upon the financing of such peaceful trade is economic, political, and strategic nonsense.

By removing the absolute restriction upon Ex-Im participation in East-West trade, there would, in fact, still be a prohibition against such participation within the Export-Import Bank Act as amended. This earlier prohibition, however, has a provision allowing the President discretion in exempting specific operations in specific sales where he finds these to be in the national interest and reports this to the Congress.

Surely, we cannot make ourselves more secure than through such a restriction, combined with the existing controls maintained upon exports to the nations of Eastern Europe. But by giving back to the President the discretion he once had in passing upon specific Ex-Im credits, guarantees, and insurance for certain exports to East Europe, we can facilitate the declared policy of the Congress and the administration to seek strengthened ties in peaceful trade with the nations of Eastern Europe.

EXTEND THE CHARTER OF THE EXPORT-IMPORT BANK

Finally, this bill extends the charter of the Bank, now to expire in 1973, to June 31, 1976. This is a clear expression of confidence in the functions provided by the Bank and will allow 5 more years of smooth, uninterrupted operations of this vital institution.

Mr. President, I think this legislation can do much to strengthen our Export-Import Bank and to allow for the greater expansion of U.S. exports. Other proposals and other legislation may be brought before us with other suggestions for strengthening the basic legislation. I would welcome such proposals, and I look forward to hearings in the Banking and Currency Committee where we might further examine the crucial topic of U.S. export financing. But I believe that most of the needed features are incorporated in the attached bill, and I would hope for speedy hearings and enactment.

I ask unanimous consent that this bill, to amend the Export-Import Bank Act to allow for the greater expansion of the export trade of the United States, be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and without objection, the bill will be printed in the RECORD.

The bill (S. 19) to amend the Export-Import Bank Act of 1945 to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Banking, Housing, and Urban Affairs, and ordered to be printed in the RECORD, as follows:

S. 19

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 (b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635 (b)) is amended by adding at the end of paragraph (1) the following: "In the exercise of its functions the Bank shall, insofar as practicable, provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are reasonably competitive with the rates, terms, and other conditions applicable to the financing of exports from countries with which the United States carries on its principal trading relations."

(b) It is the sense of the Congress that the President should cause negotiations to be commenced at the earliest practicable date with those nations with which the United States carries on its principal trading relations with a view to entering into an international agreement or agreements for maintaining orderly completion in financig the sale in foreign countries of products and services with direct or indirect governmental assistance.

SEC. 2. Section 2(b)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(3)) is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the armed forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation."

SEC. 3. Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

SEC. 4. Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking out "1973" and inserting in lieu thereof "1976".

SEC. 5. (a) Section (a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)) is amended—

(1) by inserting "(1)" immediately after "Sec. 2(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitation imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities for administrative expenses of the Bank."

(b) The President shall—

(1) not later than January 31, 1972, report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by act of Congress will be reduced as a result of the amendment made by subsection (a); and

(2) not later than September 30, 1972, report to the Congress with respect to the effect of the amendment made by subsection (a) on the operations of the Export-Import Bank of the United States.

(c) The amendment made by subsection (a) becomes effective on the date upon which the President makes the report to the Congress referred to in paragraph (1) of subsection (b).

S. 25—INTRODUCTION OF A BILL TO ESTABLISH THE GREAT SALT LAKE NATIONAL MONUMENT, UTAH

Mr. MOSS. Mr. President, I am today introducing a bill to establish a Great Salt Lake National Monument on Antelope Island in Utah's unique inland sea.

When I first came to Congress in 1959, I set as one of my goals the proper development of Great Salt Lake. Beginning with the 86th Congress, and in each succeeding Congress, I intrdouced National Park and National Monument bills on which extensive hearings have been held in both Utah and Washington. In the 90th Congress, my Great Salt Lake Monument bill passed the Senate, but it died in the House.

The hearings held on my bills reawakened interest in Utah in the development of Great Salt Lake. Residents of the State recognized that the remarkable scientific, historic, and recreational potential of the lake was not being realized, and asked that something be done to preserve our most famous landmark.

The Utah State Legislature established a Great Salt Lake Authority and later, in the absence of Federal development, the State park and recreation department began to develop Antelope Island as a State park. Some 2,000 acres at the northern end of the island were leased, and picnic areas, swimming beaches, and interpretative exhibits were developed. A boat ramp has been installed and a marina is contemplated. A well has been drilled which supplies potable water, and two rangers who live on the island with their families interpret the area for visitors. The park is open year-round. All of this was done pursuant to State legislation which contemplated that the whole island would become a national monument.

A 7-mile causeway has been built to a gravelled road standard, from the eastern shore to the north end of the island but it is almost impassable at times because of wind and wave action. Eight-foot waves have occurred on the lake, and the heavy brine has a severe erosive action. Six miles of scenic driveway have also been completed on the north end of the island, again to a gravel road standard.

It has been estimated that $4½ million will be required to complete development of the facilities now contemplated by the State including the construction of a visitors center, and the completion of the roads to design standards set by the State Department of Highways.

In all of the work which has been done so far, the State has maintained close rapport with the National Park Service to make sure development is fully compatible with that which may be undertaken at a later date by the Federal Government in establishing a national monument.

In fact, in committing itself to State development of a small portion of Antelope Island, the State was very specific that Federal standards must be maintained in all of the work which is done so that when the Federal Government does develop the island, the development will be an integrated whole.

Mr. President, the State development of 2,000 acres serves to prepare the way for eventual Federal development of the full 26,000 acres. Great Salt Lake is one of the truly unique geological features of the United States or even the world, and Antelope Island offers a spectacular vantage point to view and enjoy its scientific, historic, and recreational values.

National Park Service development plans contemplate a road which would encircle the entire island, several additional campgrounds, additional beach developments, a monument headquarters, and a causeway from the southern end of the island which would bring entrance to the monument within a half hour's drive from Salt Lake City.

The lake is the living remnant of huge Lake Bonneville of pleistocene time. An ice-age lake, Bonneville covered much of northern Utah, eastern Nevada, and southern Idaho, in places to a depth of over 1,000 feet. The lake drained northward into the Columbia River system. As the climate of the world changed, evaporation from Bonneville's surface exceeded the inflow of fresh water, reducing the surface from about 20,000 square miles to near its present size, nearly 200 square miles.

Dissolved salts, left behind by the evaporation, have ranged from 16 to 26 percent and have accounted for many of the unusual qualities of Great Salt Lake. Its dense water supports a swimmer with no effort on his part. A great industry is developing to extract valuable minerals from the briny waters.

Antelope Island is about 15 miles long and 4 miles wide and its mountaintops rise 1,700 feet above the lake's surface. It is known as Antelope Island because of the antelope which used to graze there, and it is one of the few areas remaining in Utah which have not been changed by the pressures of a growing, mobile population. In fact the island is in a near primitive condition. It offers a readymade platform from which to see and interpret the present lake and its physical history. The wave-carved terraces from different stages of Lake Bonneville are visible. In addition there are magnificent views of Great Salt Lake and the other islands and promontories and mountain ranges that stand in and around the basin. The restricted but fascinating lake life, including reeflike algae deposits, and the products of evaporation can readily be interpreted from the island base.

It is also easy to visualize, from the island, the effect of Great Salt Lake, both as a barrier and as a magnet for fur trappers, explorers, Mormon pioneers, and the railroad builders, all major features of the story of American's westward expansion. Promontory Range can be seen. This is the place on which the Golden Spike was driven in 1869, linking the east and west coasts by transcontinental railroad. Built in 1849, the oldest house in Utah still used for its original purpose as a ranchhouse—stands in a grassy grove of trees around the island's largest spring.

Let me quote to you the Department of the Interior's conclusion as to scientific significance:

> Scientific significance is the hallmark of National Monument caliber for any feature, site or area. On this basin, Antelope Island merits National Monument status in its own right. The island as a whole comprises a complete topographic unit and it is the record of the drama of earth history which circumscribes the island from its present shoreline to the crests and promontories standing as much as 2,400 feet above the surface of Great Salt Lake. These are factors which contribute to the scientific significance of Antelope Island. It is doubtful whether any other location surpasses Antelope Island as a scientific exhibit of the story of Great Salt Lake and its ancestral lakes and as a place for its observation, study and enjoyment by visitors.

The State now leases 2,000 acres from the owners of the island which is nearly all in single ownership. The establishment of the monument would require acquisition of some 15,000 acres of relicted land left exposed by the receding waters and a band of water around the island.

Mr. President, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended in 1963 that Antelope Island, or a portion of it, be authorized for establishment in the national park system.

I introduce a bill to provide for the establishment of the Great Salt Lake National Monument in the State of Utah, and for other purposes.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 25) to provide for the establishment of the Great Salt Lake National Monument, in the State of Utah, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 26—INTRODUCTION OF A BILL TO REVISE THE BOUNDARIES OF THE CANYONLANDS NATIONAL PARK, UTAH

Mr. MOSS. Mr. President, at the time Congress authorized the Canyonlands National Park in 1964, we recognized that the boundaries which we were establishing did not encompass all of the unique and magnificent scenery in the area which was of national park caliber. We knew that someday we would want to take another look—that we would want to consider bringing under the protection of the National Park Service some of the most spectacular areas which now border the boundaries of Canyonlands, and which are equal with the present park in scenic, scientific, or historic interest.

The bill I am introducing would expand the boundaries of the park to add four additional tracts—mostly public lands, totaling approximately 79,618 acres, for a total for the expanded park of 337,258 acres. This bill was passed by

the Senate last session but died in the House.

Three of the new parcels adjoin Canyonlands and one is located a few miles to the west of the present national park. The largest of the tracts is the Maze, which lies directly to the west of the present park. It is a rugged labyrinth of canyons and eroded geological formations, some of which it is probable that no living man has ever seen.

The other three tracts are: First, approximately 11,952 acres which adjoin the southeast corner of Canyonlands and includes part of the famed Lavender Canyon, second, 17,175 acres along the north boundary of Canyonlands which includes the head of highly scenic Taylor Canyon, and some areas needed primarily for administrative purposes, and third, 3,178 acres known as Horseshoe Canyon, which is located 7 miles west of the northwest corner of Canyonlands and which contains some of the finest galleries of prehistoric pictographs in the country. For the purpose of better understanding and definition, the tracts of land to be added to Canyonlands National Park are described as follows:

HORSESHOE CANYON

This tract of approximately 3,178 acres is located about 7 miles west of the northwest corner of Canyonlands National Park and contains a scenic portion of Horseshoe Canyon. Within the area are located several groups of nationally significant prehistoric pictographs, which should be preserved and, at the same time, made available for public benefit and enjoyment. All of the tract is Federal land administered by the Secretary of the Interior through the Bureau of land Management.

THE MAZE

This tract contains approximately 47,313 acres and is located west of the Colorado River below its junction with the Green River. The tract includes the brightly colored, intricately eroded, and spectacularly scenic geological features known as the Maze, the Land Standing Rocks, and Ernie's Country. As a protected primitive area accessible only by jeep, foot, and horseback, the area has high potential for providing inspirational and spiritual refreshment to the visiting public. The tract contains 4,478 acres of State-owned land which would be acquired by exchange. The remaining acreage is Federal land administered by the Secretary through the Bureau of Land Management.

THE NORTH SIDE

This tract of approximately 17,175 acres lies along the north boundary of Canyonlands National Park. The tract includes the head of highly scenic Taylor Canyon which is now only partially within the national park. It also includes portions of Shafer Canyon and the White Rim which are needed primarily for administrative purposes and to meet development needs. In addition, it would permit development of overlooks at Taylor and Shafer Canyons. Within the tract are 1,603 acres of State land, no private land, and the remainder is Federal land administered by the Secretary through the Bureau of Land Management.

LAVENDER CANYON

This tract of approximately 11,952 acres adjoins the southeast corner of Canyonlands National Park and contains the upper portion of Lavender Canyon and an important section of Upper Salt Creek Canyon. Both canyons are highly scenic and contain numerous prehistoric Indian ruins and several natural arches. Within the tract are 1,278 acres of State land and 80 acres of private land. The remainder is Federal land administered by the Secretary through the Bureau of Land Management.

Some 25,000 people are now visiting Canyonlands annually. Roads are being built into areas of the park formerly accessible only by jeep or horseback, and campsites and trails are being extended and improved. More and more people are coming into the area each year, and are fanning out into remote areas both within and outside of the park boundaries.

Before Canyonlands National Park was established, there was considerable vandalism of both geological formations and Indian artifacts. It is important that we act now to bring under the protection of the Park Service the best of the areas still outside the park so they cannot be defaced by thoughtless treatment.

All of the areas added by this proposal contain unique features and natural phenomena which are of national significance. They must be protected in an undisturbed state and the most desirable and effective way to provide such protection is to incorporate them into the national park.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 26) to revise the boundaries of the Canyonlands National Park in the State of Utah, introduced by Mr. Moss, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 27—INTRODUCTION OF A BILL TO ESTABLISH THE GLEN CANYON NATIONAL RECREATION AREA IN THE STATES OF ARIZONA AND UTAH

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to afford permanent, statutory protection to the scenic Glen Canyon National Recreation Area which is presently administered under an Executive Order. This will assure its continued existence and development.

The rough and beautiful canyon country of the Colorado Plateau has been known to various Indian tribes for at least 2,000 years. Sporadically used in the early centuries of the Christian era. it was most heavily used for farming from 900 and 1000 A.D. These people departed the Glen Canyon area in the 13th century after a prolonged drought. The many ruins found in the region are relics of the ancient settlements.

Archeological excavations in the district have disclosed a large variety of stone and bone tools, baskets, pottery and other artifacts.

The name "Glen Canyon" was given to a long stretch of the Colorado River by John Wesley Powell, who led exploratory trips through the area in 1869 and 1871. He mapped the region and named many of the features.

Glen Canyon and Lake Powell are principal features of the Colorado River storage project. The concrete arch dam stores water in Lake Powell to meet downstream commitments, and permits retention of some water in the upstream valleys.

As proposed in the bill, the Glen Canyon Recreation Area would embrace a territory of approximately 1,154,638 acres of land and water in Utah and Arizona. This is some 40,000 less than the present recreation area established by administrative action, and administered by the National Park Service in cooperation with the Bureau of Reclamation.

These boundaries extend northward in Utah, beyond the administrative boundaries now in existence, to embrace some sections of the country abutting the Maze which lies north of the recreation area and is proposed for inclusion in Canyonlands National Park.

This would bring under the jurisdiction of the National Park Service those areas adjacent to the Maze which are not of national park caliber, but have scenic and recreational value, and yet leave them available for multiple use. The Maze I have proposed for inclusion in the expanded boundaries of Canyonlands National Park.

There are some substantial oil and gas leases in this particular section of southeastern Wayne County and northeastern Garfield County, Utah. The area is known as the "Tar Sand Triangle" and is regarded as one of the largest remaining unexploited hydrocarbon energy sources in the United States. This triangle is included in the Glen Canyon Recreation Area; rather than in Canyonlands National Park so the multiple-use principle can apply in this case and encouragement can be given to private firms endeavoring to develop this promising resource.

I would also note that under the bill, the Bureau of Reclamation will continue to hold responsibility for operation of the dam including regulation of waterflow and transmission of power generated there. This role of the Bureau in the management of the project should be noted on public signs where appropriate.

The new boundaries would also exclude two tracts of public land withdrawn for reclamation purposes in the vicinity of Sit Down Bench and Warm Creek comprising approximately 7,836 and 4.946 acres, respectively. These excluded lands are adjacent to the waters of Lake Powell and to nearby coal deposits. This proximity makes such sites excellent prospects for development of large coal fired steampower generating stations and related facilities. Subsidiaries of three private companies have expressed an interest in steam powerplant development on these properties, and are presently engaged in preliminary engineering and economic studies.

The Department of the Interior is given authority to authorize any easements or rights-of-way, over, under, or across the Glen Canyon National Re-

creation Area to accommodate transmission lines, roads, pipelines, and related facilities necessary to the development of these resources for power generation purposes. Corridors for these services would be selected to avoid scenic degradation and environmental pollution.

During hearings held on the Glen Canyon recreation bill in the last Congress, the State of Utah raised questions about road corridors within the area. Concern was expressed that roads might not be constructed where the State wants them, and might not be in alinement to interface with highways outside the recreation area.

The bill I am introducing today requires that the Secretaries of Transportation and the Interior in consultation with other involved Federal agencies and with the States of Arizona and Utah conduct a study of proposed road alinements, including ingress and egress to the area, and report the findings within 2 years to the Congress, together with recommendations for any legislation which may be necessary to implement their recommendations.

It is within the jurisdiction of the National Park Service to construct roads in and through national recreation areas and it is expected to do so. Our concern is that such construction be useful and fit road patterns of the area proposed by the State, yet preserve scenic beauty.

The bill as introduced does not include the Escalante drainage which a number of conservation groups have sought to have encompassed within the boundaries of the recreation area in order to protect it, but I will propose that the Department of the Interior study this area and make recommendations to Congress.

Enactment of this bill will establish the recreation area by law, clarify its uses and boundaries and assure continue protection and development. Enactment will especially assure continued authority to remove both leasable and nonleasable minerals from the area, and continued use of grazing permits subject only to regulations by the Secretary of the Interior to prevent adverse effects from these activities upon the operation of Glen Canyon Dam or on the administration of the recreation area. Navajo Tribe mineral rights and the right to use certain lands are also protected.

The bill allows hunting and fishing in accordance with the State laws of Utah and Arizona. Since language on hunting and fishing in recreation areas which was satisfactory to all concerned was worked out in the 90th Congress in S. 444, the bill to establish the Flaming Gorge Recreation Area, the same language appears in this bill. This privilege has also been clarified by recent administrative action by the Secretary of the Interior.

The estimated costs of acquiring the 160 acres of private lands within the recreation area boundaries is set at $175,000, and State-owned lands may be acquired or exchanged only with State concurrence. Since authority already exists under the Colorado River Storage Act to operate the recreation area, no additional development costs or operating costs will result from passage of the bill.

The bill's enactment was recommended by the Department of the Interior in the 90th and 91st Congresses. I sincerely hope this bill can be considered quickly and passed by both Houses within the next few weeks.

Lake Powell, with a surface area of 256 square miles, has already become a recreation magnet, attracting 800,000 visitors annually. When the Park Service development program is complete, the area will become even more popular. We must move to give it statutory protection immediately.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 27) to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 28—INTRODUCTION OF THE WATER RIGHTS ACT OF 1971

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to clarify the relationship of interests of the United States and the States in the use of the waters of certain streams. I have sponsored similar bills during the past three Congresses and am pleased to introduce this bill today. The bill is cosponsored by Senator BENNETT, Senator BIBLE, Senator CANNON, Senator GOLDWATER, Senator HATFIELD, Senator JORDAN of Idaho, Senator MCGEE, Senator MCGOVERN, and Senator PACKWOOD.

Efforts to secure the enactment of this and similar legislation has continued for a number of years and it has received broad support, particularly from water leaders in the arid West where the decreasing availability of water focuses our attention on the problem. The purpose of the bill is not to deprive either the Federal Government or the States of any rights which they may now have in developing our water supplies but rather to furnish a greater degree of certainty to our public agencies, Federal and State, in the acquisition of meaningful water rights.

This legislation would establish jurisdictional guidelines for some of the more common areas of dispute between various Federal agencies and the States. As increasing amounts of our total available water resources are put to beneficial use, undefined Federal rights to these resources have created uncertainty and hampered State and local governments in their attempts to meet the needs of their citizens through their own efforts.

A measure of impact of that uncertainty—uncertainty which my bill would clarify—is provided in the recent report of the Public Land Law Review Commission, which found that 96 percent of the 32 million people in the 11 Western States are dependent in some degree on public land water.

As to actions to clarify those vast interests in water, the recommendations of the PLLRC include: ascertain and give public notice of projected Federal water requirements on reserved lands, forbid the assertion of a reservation claim for any quantity of use not so publicized, establish procedures to determine reasonableness of quantities involved, and require compensation to be paid where the utilization of the implied reservation doctrine interferes with rights to use as vested under State law .

Those recommendations of the Public Land Law Review Commission would, I believe, be cared for by my bill. The compatibility of those recommendations and my bill will become evident as I explain, quite briefly, the several sections.

For those Senators who wish to explore the subject matter of this legislation in detail, I would refer them to the extensive past history of these bills which is contained in the RECORD and in hearings conducted by the Senate Committee on Interior and Insular Affairs. But I do believe it desirable to explain briefly the provisions of the bill. First, Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the exceptions stated in section 5, the withdrawal or reservation of surveyed or unsurveyed lands of the United States, heretofore or hereafter made, shall not affect any right to the use of navigable or nonnavigable water acquired pursuant to State law either—(1) before the establishment of such withdrawal or reservation, or (2) after the establishment of such withdrawal or reservation, unless, in the latter event, a Federal statute, or an officer of the United States authorized to make such a withdrawal or reservation, shall have promulgated the purpose, quantity, and priority date of the water right reserved to the United States or otherwise established under its own laws, and such promulgation shall have antedated the initiation of the conflicting right under State law: *Provided,* That if such promulgation shall be made otherwise than by an Act of Congress, it shall not become effective until sixty days after it shall have been furnished to the Governors of affected States and published in the Federal Register and transmitted by the head of the department having jurisdiction of the lands affected to both Houses of Congress (counting only days on which both Houses are in session); and it shall be vacated if disapproved within said sixty days by resolution of the Committee on Interior and Insular Affairs of either House.

SEC. 2. Any right to the diversion, storage, distribution, or use of water which the United States or those claiming under the United States assert to have been established under the laws of a State shall be neither greater nor less than those accorded by the laws of that State to uses of water by others than the United States (including the State itself) in like circumstances, and shall be initiated and perfected in accordance with the procedure established by the laws of that State: *Provided,* That this section shall not affect any authority which the United States may have to establish water rights under its own laws, heretofore or hereafter enacted.

SEC. 3. No vested right to the diversion, storage, or use of any waters, navigable or nonnavigable, acquired under the laws of a State and recognized by the laws in force as of the effective date of this Act in that State as being compensable if taken or used by or under the authority of the State, shall be taken or used by or under the authority

of the United States without just compensation. "Vested right" shall mean either (1) an appropriate right initiated in accordance with the general laws of the State applicable to the appropriation of water rights, which has been exercised either by the commencement of actual diversion, storage, or use of water, or by the commencement of construction of works for such purposes, and which is thereafter maintained with reasonable diligence in the completion of such works and application of water to such purposes, or (2) a riparian, overlying, or pueblo right, to the extent that such laws of the State recognize such rights, or (3) a prescriptive right or any other water right to the extent that water has been put to beneficial use.

SEC. 4. If works hereafter constructed by or under the authority of the United States impair or interfere with the utilization of any right to the diversion, storage, or other use of water which is vested and compensable under section 3, and if agreement with the owner of said right as to the compensation due for such impairment or interference has not been reached by the time of the initial interference with such right, the United States shall initiate and diligently prosecute proceedings to condemn the same under appropriate Federal or State laws of eminent domain. If it shall fail to do so, no statute of limitations shall apply against a suit by the injured party against the United States for compensation for such impairment or interference in a Federal court of competent jurisdiction; but nothing in this Act shall authorize an action to enjoin such impairment or interference, if such an injunction action could not be maintained in the absence of this Act.

SEC. 5. Nothing in this Act shall be construed as—(1) modifying or repealing any provision of any existing Act of Congress relative to acquisition by the United States of rights to the use of water pursuant to State law; (2) permitting appropriations of water under State law which interfere with the provisions of international treaties of the United States; (3) amending, altering, or repealing any provision of any law which limits the acreage in single ownership that may be served with water made available under the reclamation law; (4) affecting, impairing, diminishing, subordinating, or enlarging (a) the rights of the United States or any State to waters under any interstate compact or existing judicial decree, (b) any obligations of the United States to Indians or Indian tribes, or any claim or right owned or held by or for Indians or Indian tribes, (c) any water right heretofore acquired by others than the United States under Federal or State law, (d) any right to any quantity of water used for governmental purposes or programs of the United States at any time prior to the effective date of this Act, (e) any right of the United States to use water which is hereafter lawfully initiated in the exercise of the express or necessarily implied authority of any present or future Act of Congress or State law when such right is initiated prior to the acquisition by others of any right to use water pursuant to State law, (f) any preference accorded by Federal or State law to any public agency with respect to electric power.

SEC. 6. This Act may be cited as the "Water Rights Act of 1971".

Mr. MOSS. Mr. President, section I requires that the Federal Government in the withdrawal of reservation of public lands make a public record of those rights it intends to establish in the waters appurtenant to the lands withdrawn or reserved. The extensive Federal ownership of land in the West, much of it dating to the earliest periods of development, means that much of the water arises under situations which seemingly gives the United States prior rights to its use by the mere withdrawal or reservation of the lands leaving all downstream users at the mercy of any future idea proposed by some Federal agency. No development or use or other indication that the United States intends to claim a right need occur, perhaps for many decades after the withdrawals or reservations.

The object of the section is not to prevent the Federal Government from asserting a right to these waters. Rather, it only requires that the Federal Government give fair notice of its intentions with regards to the water including the purpose, quantity, and the priority of the right reserved, permitting others to then develop the balance without fear of losing it later.

State proceedings for the acquisition and perfection of water rights demand that the petitioner detail the right he seeks thereby proclaiming to every interested party what is at stake and so permitting other potential users to make their plans accordingly. I do not feel it unreasonable to insist that the Federal Government also proclaim its intentions.

An equitable procedure is set forth by which the right can be made known. This can be accomplished either by an act of Congress or publication in the Federal Register by an authorized Federal officer. If the promulgation is by a Federal officer then he must give Congress 60 days in which to consider his act and authorizes the Interior and Insular Affairs Committee of either House to vacate it by an adverse resolution.

Section II represents the contrary situation to section I, in that here we are dealing with a water right which the United States claims pursuant to State law rather than one asserted under Federal law. The Federal Government quite frequently acquires water rights through State proceedings and the requirements of this section would seem so obvious as to be mere surplusage. However, Federal agencies have on occasion contended that although they are claiming a right under State law, they need not follow the law in its acquisition.

Here again, there is no question of imposing limits on Federal sovereignty, merely a direction that the State law controls if the Federal Government claims its right under the State law. The rigidity acquired in this manner can be neither less nor greater than those accorded others by the State and procedures established by the State must be followed. Actually, it is to the benefit of the United States to pursue its claim through State procedures as their purpose is ordinarily to assure the validity of the right and determine and settle any and all conflicting claims.

Section III directs the Federal Government to compensate owners of State-created water rights when it takes their rights if the State would also be required to compensate the owner if it took the right. This section has been included to cover an anomaly in our law. Under the Constitution, the Government may take water rights to carry out its purposes as authorized by various powers granted under its provisions. Thus, a taking under the "war power" also requires that the Federal Government pay compensation to the owner of the right under the fifth amendment.

But a glaring exception to this rule has been created by our courts in those instances where the taking is pursuant to the power to control navigation. The Federal Government in a Federal water project in aid to navigation can take the water right of an individual and leave him penniless even though his right has been perfected in accordance with State procedures and for which the State would have to pay compensation if it acquired the right.

Under current decisions of our courts, the navigation power has been given the broadest possible interpretation making it applicable to a great many of our streams. Congress has already provided that compensation be paid for water rights taken in the Reclamation Act and the Federal Power Act and it is only fair that this protection be extended in all Federal water development projects.

In order to protect the interests of the United States, the section clearly defines what are to be considered vested rights entitled to compensation so as to prevent the assertion of unorthodox or shadowy rights not commonly considered to be compensable.

Section IV requires the Federal Government to initiate condemnation proceedings when it cannot acquire a State created water right from the owner by agreement. Instances have arisen where the Government has taken or interfered with a water right and rather than initiate a condemnation proceeding left the owner to shift for himself in an attempt to secure compensation for his loss. In the event that the Government does not proceed with the action as required by the section, then the owner's right to secure compensation shall not be lost by the running of a statute of limitations. This added protection for the owner will prevent his being ousted from his claim by some Federal activity which would cause the limitation to begin to run long before he recognized that the Government did not intend to comply with this section.

However, the section does not give the owner any new rights to interfere with a needed Federal resource development project by specifically providing that he may not move to enjoin the activity of the Government if he could not have done so in the absence of this act. Also his right must be of such character that he would have been entitled to compensation under the provisions of section III.

These provisions appeal to me as being eminently fair. The Government has a vast and well organized procedure for the acquisition of private property for its many projects. In the planning of a project it ordinarily knows what effect its activity will have on others' property and in fairness should not cast the burden on the individual water right owner to seek redress when his only notice of the Government's intentions and its effect on him may have been obtained through incomplete or inaccurate news reports or local gossip until he is suddenly confronted with the fact that his

right is only on paper and there is no more water in the stream.

Section V is a carefully drafted section to prevent a broader interpretation of the act than is intended. It prohibits any interpretation that would interfere with international treaties, interstate compacts, certain obligations of the Government such as to Indians and includes savings clauses for various preexisting conditions.

Mr. President, the need for some resolution of these conflicts between the Federal Government and State has been recognized for many years. It is one of the remaining areas yet to be acted upon by Congress which was recommended by the distinguished Select Committee on Water Resources almost a decade ago.

That need is now restated—and strongly so—by the Public Land Law Review Commission. It applied substantial time, talent, and money to its study. I, therefore, urge immediate attention to the clarification of interests in waters of the States and the United States, and suggest my bill as the device.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 28) to clarify the relationships of interests of the United States and of the States in the use of waters of certain streams, introduced by Mr. Moss, for himself and other Senators, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 29 AND S. 30—INTRODUCTION OF BILLS TO ESTABLISH THE CAPITOL REEF NATIONAL PARK AND THE ARCHES NATIONAL PARK, UTAH

Mr. MOSS. Mr. President, before he left office in 1969, President Johnson issued proclamations expanding the boundaries of two national monuments in southern Utah—Capital Reef National Monument and Arches National Monument. The President suggested that these enlarged monuments be made into national parks. This requires congressional consideration and action.

President Johnson's proclamation added 215,056 acres to the Capitol Reef National Monument and 48,943 acres to Arches National Monument. I was not asked to approve in advance either of the proclamations.

In both instances—and particularly in the case of the Capitol Reef National Monument—areas were included under the proclamation on which there may be recoverable minerals, and on which grazing permits are now valid.

There was an immediate outcry in Utah by those who were affected—and rightly so.

However, few people question that the area in both monuments included under the Johnson expansion is of remarkable scenic and geologic quality and should be brought under the protection of the National Park Service.

It is in anticipation of solution of the problems surrounding the establishment of both Arches National Monument and Capitol Reef National Monument that I introduce bills today to establish Arches National Park and the Capitol Reef National Park. In both instances the boundaries are adjusted to what I consider to be a reasonable and proper size.

ARCHES

The Arches National Monument lies in the heart of the famed red-rock country of southeastern Utah. Here the earth's crust warped upward to form what geologists term an anticline, some 30 miles in length. The crest of this huge fold sank in, forming what are now Salt Valley and Cache Valley. Erosion along fractures in the flanks of the anticline formed thin fins of soft sandstone, which in the ages since, have been carved by the weather into the Nation's greatest concentration of natural stone arches, windows, spires, and pinnacles. Nearly 90 arches have been discovered to date.

To preserve the great scenic and scientific values of this region, an Arches National Monument was proclaimed in 1929. It was enlarged to 82,953 acres by boundary changes in 1938, 1960, and 1969.

The proposal I am introducing today is essentially the same as the one which I proposed and which was passed in the Senate during the 91st Congress. The only acreage change from that bill is the addition of 240 acres made up of one 160-acre and two 40-acre tracts, which are already federally owned. The new acres are in the Hanging Garden and Eagle Park section, both worthy of preserving. Arches National Park would total 73,546 acres, as compared with the present monument of 82,953 acres.

CAPITOL REEF

In south-central Utah, the earth's crust was tilted sharply downward to from what is now the most spectacular and readily understood monocline in the United States—the Waterpocket Fold. Exposed and eroded rock layers laid down over more than 125 million years now stand on edge like pages of a gigantic geology book. Traveling into the area, one is immediately impressed with the magnitude of this gigantic flexure and one wonders at the tremendous earth forces that shaped it. In 1937, a Capitol Reef National Monument was proclaimed and boundary changes in 1958 and 1969 have resulted in an area of 254,242 acres.

My proposal to create Capitol Reef National Park would retain the features for which the monument is noted and added would be others, all of which help qualify the area for designation as a national park.

The areas which I would delete include grazing lands of some value and sections in which there may be mineral potential, and would establish boundaries which are defined, in part, by natural features. My bill would also affirm by law the rights of owners and operators of cattle to trail their herds on traditional courses.

The areas which I would add include entire geological formations, part of which are within the existing monument. Most notable of these is the inclusion of the entire Waterpocket Fold which extends beyond the boundaries of the present monument to the south. This would bring the Capitol Reef National Park boundaries to about the boundaries of Glen Canyon National Recreation Area, and give full protection to this unique formation.

My proposal is essentially the same as the one passed by the Senate in the 91st Congress. It would result in a net reduction of 11,770 acres from the existing monument, and would provide a national park of 242,472 acres.

Mr. President, I introduce for appropriate reference, bills to establish the Arches National Park and the Capitol Reef National Park in Utah.

The bills:

S. 29. A bill to establish the Capitol Reef National Park in the State of Utah; and

S. 30. A bill to establish the Arches National Park in the State of Utah, introduced by Mr. Moss, were received, read twice by their titles and referred to the Committee on Interior and Insular Affairs.

S. 31—INTRODUCTION OF THE EMERGENCY EMPLOYMENT ACT OF 1971

Mr. NELSON. Mr. President, for myself and the senior Senator from New York (Mr. JAVITS) I introduce for proper referral the Emergency Employment Act of 1971.

The bill is cosponsored by the following Senators: Mr. CRANSTON, Mr. EAGLETON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENSON, Mr. WILLIAMS, Mr. SCHWEIKER, Mr. BAYH, Mr. BELLMON, Mr. BROOKE, Mr. CASE, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. JACKSON, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. PEARSON, Mr. PERCY, Mr. SCOTT, and Mr. TUNNEY.

Mr. President, we view this legislation with the utmost urgency. Congress cannot delay a single week in facing up to the crisis of 4½ million unemployed. At current levels of unemployment this bill would provide $700 million for the creation of 200,000 jobs.

It is our intention to hold hearings before the Employment, Manpower, and Poverty Subcommittee in the first weeks of February. After the hearings, we hope to mark up the bill immediately in subcommittee and full committee bringing it to the Senate floor by March.

If the other body can act with similar urgency it is possible the bill can become law in time for appropriations to be considered this spring. Men and women could be at work authorized by this bill within 120 days.

Mr. President, I ask the support of all the Senators not only in cosponsoring and supporting this legislation, but cooperating in our efforts to demonstrate that the U.S. Senate can respond efficiently and effectively to national crises.

There can be no question that there is a crisis in employment in this Nation. Four and one-half million are out of work. Unemployment stands at a 9-year high. It is going higher.

For certain age groups unemployment is at catastrophic levels. For young blacks in poverty neighborhoods it is at 42.3 percent. For all teenagers in those neighborhoods it stands at 27.8 percent.

And for specific areas—such as the cities in the State of Washington—the situation is desperate:

[In percent]

Seattle	10.6
Spokane	9.9
Takoma	7.1

In Connecticut three of its six major labor markets are over 7 percent: Bridgeport, 7.1 percent; New Britain, 7.7 percent; and Waterbury, 9 percent.

In Kansas, Wichita has 9.3 percent unemployment.

In Massachusetts, three of eight major labor markets are over 7 percent: Lawrence-Haverhill, 7.7 percent; Lowell, 8.9 percent; and New Bedford, 9.5 percent.

In Michigan, Flint has 8.4 percent unemployment and the Muskegon-Muskegon Heights labor market areas has a 10.8 percent unemployment rate.

Mr. President, chronic unemployment in the upper Great Lakes and Appalachia, in the inner city ghettos and the rural backwaters all over the Nation convinced me years ago that federally supported job creation programs were essential.

Solid documentation is now abundantly available demonstrating that there are great public needs to be filled and that the unemployed can do the jobs that need to be done. The Kerner Commission recommended 1 million jobs. The Commission on Technology, Automation and Economic Progress in 1966 stated that there are 5.3 million jobs that can be filled. A study done for the Urban Coalition based on a careful survey indicates that 143,000 jobs could be quickly filled by the disadvantaged in the cities of 100,000 or more in municipal agencies alone if Federal funds were available for salary support.

There need be no fear of "make-work" jobs. Congress accepted this view during the previous session.

A bill, the Employment and Manpower Act of 1970, including both a major public service employment program and comprehensive manpower reform passed the Senate last September 17 by a vote of 68 to 6. It passed the House in November, and a conference report was agreed to December 10, only to have the act vetoed on December 16.

The issues raised in that veto concerned the so-called categorical programs in the reform section of the bill, and the powers of the Secretary of Labor in controlling the permanent public service employment program. These issues are of great complexity, and although I am confident that they can be resolved it will take months of negotiation, hearings, markup, and floor consideration before such a comprehensive reform measure can again reach the President's desk.

The crisis in jobs will not wait until the late fall of 1971 for congressional action. Those out of work need jobs now. Congress must act now. The jobless cannot wait out the long months until the Congress and the administration have composed their differences on manpower reform and permanent public service employment.

Therefore, the Senator from New York (Mr. JAVITS) and I have written an Emergency Employment Act designed to avoid the areas of difference with the administration on public service jobs and the complex problems of manpower reform until later.

The basic concept of the bill is drawn from the Administration's Manpower Training Act sent to Congress in August of 1969. In that bill the administration proposed that there be an automatic trigger that would make an additional $200 million available for manpower training programs when unemployment reached 4.5 percent for 3 consecutive months.

Senator JAVITS refined this concept, tying the trigger to public service job creation—as well as training—and devising a two-step mechanism that would operate at both 4½ percent and again when unemployment exceeded 5 percent for 3 months. This provision was included in the Employment and Manpower Act of 1970 approved by the Congress.

The Emergency Employment Act of 1971 simply takes the basic concept of a trigger and increases the funds to be made available for public service jobs to $500 million at 4½ percent and additional amounts of $100 million for each one-half of 1 percent increase in the unemployment rate, with a limit of $1 billion at 7 percent unemployment.

The bill would authorize the Secretary of Labor to contract with mayors, Governors, public agencies, and private nonprofit agencies to carry out the public service employment programs under the act.

In this legislation are the same safeguards against abuse that the Senate earlier included in the Employment and Manpower Act, which was vetoed on December 16. This bill contains all the requirements for training and upgrading that the previous legislation contained. But the jobs would be provided only during periods of high national unemployment.

Many of us still believe that a permanent public service jobs program is desperately needed. Levels of unemployment and underemployment in inner city and poor rural areas have remained critically high even during times of national prosperity. We still intend to seek the enactment of such legislation, encouraged by the support given the concept by Congress in the previous session.

However, that process will take many months. The crisis in unemployment is now. The crisis for city halls and State capitols struggling to maintain manpower for essential services with dwindling tax returns is now. The crisis in manpower training programs, rendered ineffective by the shortage of jobs for their graduates, is now.

To this crisis situation the Congress must respond now.

Mr. President, I urge all interested Senators to consider joining with the 27 of us who are cosponsoring the legislation, and to speed this legislation to enactment.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes, introduced by Mr. NELSON, for himself and other Senators, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. MANSFIELD. Mr. President, reserving the right to object, the Senator will recall that we discussed trying to observe the 3-minute limitation during the morning hour. I will not object this morning, but the joint leadership will object beginning tomorrow to any extensions beyond the 3-minutes at one time.

Mr. NELSON. Mr. President, I agree with the majority leader, and I will object to further statements by myself and submit the balance of my statement for the RECORD, because I think the 3-minute rule should be imposed on everyone.

Mr. JAVITS. Mr. President, I am honored to join my colleagues in this matter.

As joint sponsor of this proposal, and the ranking minority member of the Committee on Labor and Public Welfare, I urge that the Congress consider this measure at an early date and to indicate why I hope that the administration will see fit to work with us to architect a bill and to support it.

Mr. President, as Chairman NELSON noted, we shall soon have hearings on this bill—which contains certain general concepts that have enjoyed at one time or another the support of the administration as well as the approval of the Congress.

We now face a national unemployment rate of 6 percent for the month of December—the highest mark in 9 years—with the burden of that rate—like that of inflation—falling on all socioeconomic groups in our society.

The situation is most tragic and unsettling in the poverty neighborhoods of the Nation where, according to the Department of Labor statistics released only yesterday, the jobless rate during 1970 averaged 7.6 percent, up from 5.5 percent in 1969. Most serious are the facts that the average yearly rate for teenaged residents of poor neighborhoods increased from 19.9 percent over last year to 24, that the rate for blacks among this group rose from 27.9 percent to 35.8 percent, and for white youths similarly situated from 13.8 percent to 16.3 percent.

At the current time, the situation is even more incendiary than these yearly averages suggest; for the trend is even more disquieting. For the last quarter of last year the jobless rate among all teenagers was 27.8 percent—compared with 17.4 percent in the last quarter of 1969; the rate among white teenagers was 18.8 percent—compared with 11 percent the end of 1969 and the rate among black teenagers was 42.4 percent—or almost half again—compared with 26.7 percent in the last quarter of 1969.

Approximately 1 year ago, when the Joint Economic Committee, of which I am a member, began its annual hear-

ings on the state of the economy, we debated the point at which the unemployment rate—then at 3.9 percent—should be regarded as unacceptable.

We have now clearly burst the bounds of acceptability by practically anyone's estimate and it is time to alleviate, to the maximum extent fiscally possible, the individual suffering which these levels occasion.

As Senator NELSON has outlined, the proposed legislation could— and I say "could" because it is authorizing legislation—provide 150,000 jobs if it were triggered during the first 12-month period after enactment and 200,000 jobs if triggered in the second 12-month period, pursuant to ceilings of $750,000 and $1 billion, respectively. These ceilings would be hit at a 3-month average rate of 4.8 percent and 7 percent, respectively.

Accordingly, even if the maximum authorized amount is appropriated and unemployment rates reach levels triggering application of these funds, less than one-twelfth of those unemployed can be covered.

The trigger is further designed so that no further obligation of funds may be made in the event that the rate of national unemployment subsequently recedes below 4½ percent for three consecutive months, so that it is possible that even if the ceilings are hit, the obligations may be much less.

Thus, it is fair to say that while the authorized amounts involved are substantial, they are in no sense extravagant in terms of the need and that there are adequate assurances against their application in the event of a subsequent sudden downswing in the unemployment level.

I should also point out that the amounts that could become available within any given 12-month period—$750,000,000 in the first instance and $1,000,000,000 in the second—are really below the authorized amounts approved by the Congress for public service employment in enacting the Employment and Manpower Act of 1970. In the first year when all of its provisions would have been operative—fiscal year 1972—approximately $1,000,000,000 could have been appropriated solely for public service employment pursuant to allocations or authorizations for the permanent public service employment program and an additional $400,000,000 could have become available under the trigger provisions for public service employment as well as for training.

Mr. President, ironically, while we face serious unemployment, we urgently need personnel to implement our new commitments to save our physical environment and to satisfy our unmet obligations to redeem our social environment.

A recent study completed for the Department of Labor and the Department of Health, Education, and Welfare by the National Planning Association concludes that achievement of the national goals determined by the Presidential Commission on National Goals will more than double by 1975, our public service employment needs of 1962.

Our present public service employment opportunities, as identified in a study completed in 1965 for OEO, corroborate this finding. According to the OEO study, 4.3 million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjohn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such unfilled slots in those cities alone.

And yet ironically, we continue to tell more than 24 million poor—approximately 10 percent of our entire population—that the road away from poverty to economic dignity, is traveled by those who work.

Here is work crying to be given if there were hands to fill the jobs.

With our public service needs and our unemployment situation in mind, the minority members of the Joint Economic Committee—which include Senators MILLER, JORDAN, PERCY, and myself—recommended, on March 25, 1970, that the administration consider a limited number of public sector jobs as well as training, to deal with rising unemployment.

Mr. President, since that recommendation, we have seen unemployment rise from 4.4 percent to the current 6 percent—an increase of more than one and a half full percentage points.

It was the administration that developed the imaginative legislative proposal that additional funds be automatically triggered for manpower activities in the event of severe unemployment.

The administration's Manpower Training Act of 1969—which I introduced in the Senate on August 12, 1969—provided for an automatic appropriation of 10 percent of all manpower funds—triggering approximately $200,000—in the event of national unemployment in excess of 4.5 percent for 3 consecutive months; for manpower training and related services. During executive sessions on manpower training legislation last year, I submitted a number of amendments increasing the amounts to be available and making it clear that funds made so available could be used for public service employment as well as for training. The refined trigger provision was contained in the Employment and Manpower Act passed by both Houses of the Congress late last year, but regrettably vetoed by the President.

While I hope that the situation may develop otherwise, it is unlikely that manpower reform will be acted upon again at the earliest until later this year. In the meantime, we can expect high or higher levels of unemployment. For, while economic indicators are pointing upwards, we are dealing here with employment, not business activity, and experience with business recessions has shown that unemployment usually reaches its highest point after the economy has started its recovery. In other words, in the absence of a vigorous and swiftly implemented manpower program such as this, unemployment can be expected to rise in the coming months.

Mr. President, I shall now indicate why I hope that the administration will see fit ultimately to support a measure we finally arrive at.

First, as I have noted, the trigger concept here employed, was first proposed by the administration.

Second, public service employment programs dependent upon high unemployment would be more in keeping with the philosophy of the administration. While rejecting the permanent public service employment program as formulated under the Employment and Manpower Act the President stated in his veto message of December 16, 1970:

> Traditional and short-term public service employment can be a useful component of the nation's manpower policies . . .

The public service employment created by this legislative proposal is transitional and short term in at least three respects:

We authorize appropriations only for fiscal years prior to July 1, 1973—a period of 2 years. Under the Employment and Manpower Act, public service employment programs would have been authorized through fiscal year 1974—a period of 4 years.

Moreover, it is transitional and short term as a program within that period because it is tied to—and will exist subject to—national unemployment levels. As I have pointed out, the funds would become unavailable if unemployment recedes to 4.5 percent—the administration's own benchmark.

Finally, it is transitional and short term as to the individuals involved because of a number of provisions to encourage movement to "regular" employment even before the trigger is turned off. For example, section 6(b)(13) requires procedures for periodic reviews of the status of each person employed in a public service job under the act and maximum efforts to locate other employment or training opportunities. The parallel provision in the Employment and Manpower Act required only an annual review. Moreover, the bill contains a number of provisions—many of which I and other members of the minority originally included by amendment in the Employment and Manpower Act—requiring that the public sector job be accompanied by related training and that it contribute to occupational mobility. The proposed Emergency Employment Act also contains a provision which I include to require that participants be placed in occupations where job opportunities will most likely expand if unemployment subsides. The Secretary is required by section 111 to establish procedures to locate employment or training opportunities for participants as the rate of unemployment declines.

Mr. President, I ask unanimous consent that there be included at this point in the RECORD, an article from the January 25, 1971, edition of the New York Times, entitled "Joblessness Rose to 7.6% Last Year in Slum Sections."

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

[From the New York Times, Jan. 25, 1971]

JOBLESSNESS ROSE TO 7.6% LAST YEAR IN SLUM SECTIONS—ECONOMIC SLUMP IS BLAMED FOR REVERSAL OF TREND—1969 FIGURE WAS 5.5%

WASHINGTON.—Unemployment in poor urban neighborhoods, which was on the decline prior to last year, increased sharply in 1970, the Labor Department reported today.

In a year-end report, the department's Bureau of Labor Statistics said the reversal was caused by the economic slump.

The report said the jobless rate in urban poverty sections averaged 7.6 per cent during 1970, up from 5.5 per cent in 1969. "It was also significantly higher than either the 1968 (6 per cent) or the 1967 (6.8 per cent) rate" the report said.

TEEN-AGERS HIGHER

The rate for teen-aged residents of poor neighborhoods increased from 19.9 per cent to 24. The rate for black youngsters rose from 27.9 per cent to 35.8 per cent, and for poor white youths from 13.8 per cent to 16.3.

The figures showed that joblessness among black teenagers in the last quarter of 1970 increased greatly over the same period the previous year—from 26.7 per cent to 42.4—in these neighborhoods.

For the same periods, the rate for white teen-agers in these sections increased from 11 per cent to 18.8, the rate for all teen-agers in these neighborhoods from 17.4 per cent to 27.8.

"However," the report stated, "since the over-all jobless rate for the nation as a whole also rose between 1969 and 1970, from 3.5 per cent to 4.9 per cent, the large gap between poverty neigborhoods and over-all U.S. jobless rates remained virtually unchanged."

The bureau reported, "A disproportional part of the rise in poverty area joblessness between 1969 and 1970 occurred among white workers. The jobless rate for whites, at 6.3 per cent in 1970, was up about one-half over the 1969 rate, while the rate for blacks was 9.5 per cent, rose proportionately more slowly. As a result, the ratio of black-to-white unemployment rates in poverty neighborhoods edged down from 1.7 to 1 in 1969 to 1.5 to 1 in 1970."

Labor experts have explained that the proportionate slowdown in the rate of increase in black employment is due to joblessness in fields where fewer blacks are employed, such as aerospace.

The report said that the rate for all adult men in poor sections went from 3.6 per cent to 6.2, with the rate for white males rising more, proportionately, than that for blacks. The white rate was up from 3.1 per cent in 1969 to 5.7 last year, while the rate for black males rose from 4.3 per cent to 7.1.

The rate for adult women was 5.7 per cent last year, up from 5.1 percent in 1969.

For nonpoor urban neighborhoods, the increase was from 1.9 per cent in 1969 to 3.3 per cent last year. The black rate rose from 3.1 per cent to 4.5, the white percentage from 1.8 per cent to 3.2.

The rate for women in nonpoverty sections increased from 3.3 per cent to 4.5, with the black rate going from 4.2 per cent to 5.7 and the white figure from 3.2 per cent to 4.3. The over-all increase for non-poor teen-agers was from 11.4 per cent to 14.5.

"The general decline in economic activity in 1970 reversed the improvement in jobless rates that had been made by poverty area residents between 1967 and 1969," the Bureau of Labor Statistics said.

The bureau reported that of 3.4 million workers in poor neighborhoods, 3.2 million were employed and 213,000 unemployed during 1970. Of 23.2 million nonpoor in urban areas, 22.4 million were employed while 767,000 were out of work.

The rates are for the country's 100 largest metropolitan areas, the bureau said.

Mr. MONDALE. Mr. President, I am delighted to cosponsor the Emergency Employment Act. I hope and trust that the Congress will enact it speedily.

I was a cosponsor of the Employment and Manpower Act which was vetoed by the President last month. I deeply regret that he failed to appreciate the opportunity that bill offered to combat some of the most unfortunate effects of the economic slowdown from which we are now suffering.

Unemployment has now reached 6 percent of the workforce, or almost 5 million people. This is the highest rate in 9 years. And the end may not yet be in sight. According to the Wall Street Journal:

> Unemployment among professional and technical workers has soared 67 percent in the last year.

It is ironic that we have permitted thousands of highly skilled scientists and engineers to join the ranks of the unemployed while many of our public programs are desperately in need of additional technological input and manpower. For example, as reported in the December 29, 1969, Washington Post, a recent paper at the annual meeting of the American Association for the Advancement of Science points out that our garbage collection methods have not changed in 50 years.

We also have ample evidence that Defense and aerospace industry skills can be adapted to civilian technology. A personal transit system project is being worked on by the famed Jet Propulsion Laboratory, as described in the St. Paul Pioneer Press.

Mr. President, I ask unanimous consent that the Washington Post article by Mr. Stuart Auerbach, the St. Paul Pioneer Press editorial, and the December 18, 1970, Wall Street Journal article by Mr. Ralph E. Winter be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. MONDALE. Mr. President, the time has come to move decisively to reemploy those displaced by our shifting priorities. The following figures show what is happening to defense-related employment in the United States:

Fiscal year	Private: direct and indirect	Civilian: Defense Department	Total
1968	3,574,000	1,075,000	4,649,000
1969	3,306,000	1,090,000	4,396,000
1970	2,908,000	1,056,000	3,964,000
1971	2,500,000	1,000,000	3,500,000

From the peak year of 1968, there was a loss of 666,000 by 1970 in private employment—a 19-percent drop—and this is estimated to reach 1,074,000 this year—a 30-percent drop.

The 1968 defense-generated employment figure of 4.65 million was 6.1 percent of the total labor force, but was:

Twenty percent of all engineers;

Forty percent of all physicists;

Fifty-four percent of all airplane mechanics;

Twenty-five percent of all sheetmetal workers;

Nineteen percent of all tool-and-die workers;

Fourteen percent of all draftsmen;

Thirteen percent of all electricians, welders, and flamecutters; and

Ten percent of all heating and air-conditioning mechanics.

Minnesota with some 30,000 defense-generated jobs, has lost perhaps 5,000 to 6,000 of these since the peak year of 1968. Scientists, engineers, and highly skilled workers are discovering for the first time the tragedy of unemployment and the fundamental hollowness of an economy fed by war, space, and Pentagon waste.

Minnesota lost an estimated 28,700 jobs in 1970, thus increasing unemployment by 58.2 percent. A large number were for highly skilled employees in the defense and computer industries. One firm, alone, reduced its employment by 20 percent, or 3,500 jobs, in the last 7 months of 1970.

Mr. President, I ask unanimous consent that an article by Mr. Dale Fetherling, in the Minneapolis Tribune of January 17, 1971, which describes the situation in Minnesota, be printed at the conclusion of my remarks.

I believe we cannot afford to reorder our priorities only half way, cutting out billions of dollars of Pentagon waste without redirecting those billions into productive work. The Congress has faced up to its responsibilities to provide a positive program for reordering our priorities. We have added funds for education, over the President's veto. We have continued the Hill-Burton hospital construction program, also over the President's veto. We have added funds for water pollution and for urban renewal. We have refused to accept the administration's ill-advised cuts in health research. We have added funds for veterans' medical care.

Now we must deal directly with unemployment. The Emergency Employment Act would create up to 200,000 jobs, as long as unemployment remains high. This would, by itself, reduce unemployment by only one-fourth of 1 percent. But it would permit a number of highly important technical problems to be attacked while putting our skilled manpower back to work. And it would provide a badly needed stimulus to the economy.

Mr. President, I hope that the Congress will promptly send this bill to the White House, and I urge that the administration begin making plans immediately to use this new authority to channel scientists and engineers into civilian technology.

EXHIBIT 1

[From the Washington Post, Dec. 29, 1970]

URBAN SCIENTISTS SEEK NEW WAYS TO CUT WASTE

(By Stuart Auerbach)

CHICAGO.—American cities waste 96 per cent of the water they use and 93 per cent of their energy supply. An American city generates a million tons of solid wastes a year, but the way it collects garbage hasn't changed in 50 years.

Urban scientists meeting here today discussed solutions to the problems besetting American cities and found some possible answers in what other nations are doing.

Nations in Southeast Asia reuse waste materials, including human wastes, in a pollution-free manner. Swedish engineers 10 years ago developed a system to push garbage from houses to disposal points through a network of pipes.

"America is not the leader in solving urban problems," Michael Michaelis, manager of the

Washington office of the Arthur D. Little Co., told a panel on technology and the cities at the annual meeting of the American Association for the Advancement of Science.

Southeast Asian nations, faced with great energy shortages and a desire for economic growth, have developed new ways of tackling such problems, Richard Meier, a professor of environmental design at the University of California at Berkeley, told another AAAS panel.

"Saving energy and resources is necessary to them while it is only interesting to us," said Meier, a former organic chemist and atomic scientist.

As a result, he said, they have developed ways to reprocess foul water and human wastes in their cities into pure drinking water and fertilizer. They have shortened the time it takes to get food from farm to table, thereby cutting the spoilage rate in half.

Using government credit sources instead of subsidies South Korea has provided low-cost housing for squatters in Seoul.

All the while, he said, economic growth rates of many Asian nations are soaring.

Meanwhile, Meier said, America continues to waste its resources. By emphasizing the use of individual cars instead of mass rapid transit, for example, 40 per cent of a city's energy supply is squandered.

Even such a simple household task as ironing a shirt or washing clothes wastes energy, he said. Heating up an iron for one shirt takes one kilowatt of electric power and could be done more economically on a mass basis. Washing small loads of clothes or dishes wastes water.

"We need a transition from self help on a household level to some larger element such as the neighborhood," said Meier.

Frank R. Bowerman, head of environmental engineering programs at the University of California at Los Angeles, told an AAAS panel that Americans spend $3.4 billion a year just collecting garbage and trash—and another $1.1 billion disposing of it.

"Equipment for door-to-door collection of solid wastes in municipalities is not substantially different now than it was more than a half century ago," he said.

In Sweden, though, each building has a basement outlet to a citywide network of pipes. Wastes are pulled through the pipes at 60 miles an hour by vacuum pumps to the disposal site.

"In practice," said Bowerman, "these systems have proved to be hygienic in operation and perform over long periods of time with very little maintenance or repair and with almost no stoppages or blockages."

Another American urban expert, Rolf Goetze of the mayor's office in Boston, said that Americans refuse to learn from programs that have worked in this country.

For example, he said, a Rochester, N.Y., housing project that emphasized the participation of the people who live there in planning and maintenance succeeded. Another project in Rochester that used conventional management methods soon became a broken-down slum. But conventional planning still prevails.

"User participation in the rehab process," Goetze said, "may take substantially longer but it reduces costs."

The problem, he added, is that "our society places a premium on quick, visible results."

[From the St. Paul Pioneer Press, Jan. 5, 1971]

TECHNOLOGY FOR HUMANS

Many cities which have prospered in the developing stages of space technology now find a new type of person out of work and supposedly unemployable. This is the highly trained but highly specialized and once highly paid engineer. That such talent can be used, not wasted, has been demonstrated in a recent grant announced by the U.S. Department of Transportation.

The Jet Propulsion Laboratory, Pasadena, Calif., which has researched and developed rocketry and guided space flight both for peaceful exploration of space and for war has been given a grant of $1.3 million to research and design an automated personal transit system to be known as a "people mover."

The first stage of the experimental project will be built around and through the University of West Virginia's campus at Morgantown. It will consist of a system of fully automated 25 mph cars linking the university's downtown campus with its uptown engineering and medical schools.

This is a radical first. By federal standards, the grant is miniscule. But there is a message there of hope for those who have insisted that "if we can go to the moon . . ." all sorts of wonders can be created for humans on earth. Wonders, and hope for the trained technician who knows, for the first time, what it is like to be broke and on relief.

[From the Wall Street Journal, Dec. 18, 1970]

JOBLESS PROFESSIONALS SEEM LIKELY TO POUND PAVEMENT A LONG TIME—EXECUTIVES, OTHER: HIT HARD AS FIRMS PLAN LONG-TERM STAFF CUTS, FREEZE HIRING—250 RÉSUMÉS BUT NO NEW JOB

(By Ralph E. Winter)

CLEVELAND.—Charlie Stump is a pretty good country fiddler. He ought to be. He did little but play the fiddle practically all last summer and fall.

Last June, the economic showdown forced Mr. Stump's company into a merger that wiped out his $15,000-a-year job as a computer service bureau manager. For five solid months, the father of four spent his time fruitlessly hunting for another management job, collecting $66 a week in unemployment insurance and practicing his Bluegrass music. Pressed by delinquent car payments and other bills, he was finally forced to take a job as a computer programmer—at a big cut in pay.

Lately such tales of professional managerial unemployment have become increasingly common—and they may stay that way longer than many people think. Even if the economy should gain momentum soon, thousands of jobless high-level workers may be pounding the pavement for months to come, many companies and labor experts indicate.

The problem: Numerous companies are still trimming overhead—and this usually means administrative and professional jobs not directly involved in production. Even companies that plan to rehire production workers fast when business improves often say they're in no hurry to add back the "overhead fat" they trimmed. Besides, even companies that aren't laying off have commonly frozen hiring, especially of nonproduction personnel; this makes it hard for workers laid off elsewhere to find new jobs fast.

RISING JOBLESS RATE

The problem has become increasingly serious. Unemployment among professionals and technical workers has soared 67% in the last year. Latest government figures show fully 2% of the nation's 11.3 million workers in this category were out of work in the third quarter. General unemployment levels are higher, of course, but this is little consolation to the more than 200,000 jobless professional and technical workers.

Many of these workers once complacently thought unemployment was something that happened to manual workers. And until lately they weren't far wrong. Anticipating the slowdown wouldn't last too long, many companies tried to retain highly qualified employes. But with the slowdown persisting, they are now cutting staff.

For instance, weak demand forced Giddings & Lewis, a Fond-du-Lac, Wis. machine tool maker, to slash its 2,800-man hourly work force by about a third in the first 10 months of this year. Anticipating a fairly early improvement in orders, the company held on to administrative and engineering staff members.

But a few weeks ago the company laid off about 200 of its 1,500 salaried personnel, including experienced engineers, computer staff members and administrators. "The new orders just haven't developed," says a company official. He adds that there's no indication a pickup will come before the third quarter of next year.

LEAVING THE CHAIRS EMPTY

Many companies laying off workers don't plan to refill the slots at all. Celanese Corp., New York, plans to cut employment by 2,000 by next June 1, says John W. Brooks, president. Half the cuts will involve salaried workers, including management and research employees. The cutback isn't a temporary measure designed for the duration of the economic downturn, but rather a strategic move to make the chemical and synthetic fibers concern "leaner and tighter" for the 1970s, says Mr. Brooks.

Even companies that aren't laying off are often shying away from new hires. For instance, at the Norfolk & Western Railway, neither the advertising manager, who recently retired, nor the regional public relations man in St. Louis, who resigned, has been replaced. The home office public relations staff in Roanoke, Va., has been allowed to wither to 20 from 28 a year ago. "This has been happening in other departments throughout the railroad," says a spokesman.

Adds the personnel officer of a major machine tool producer: "For several years we were scraping around, grabbing up anyone who had the slightest knowledge of machine operations. Now we're getting applications from really good people and we can't afford to hire them."

This situation, of course, makes it rough to get a job and prolongs unemployment. In Cleveland, unemployed manufacturing executive Robert Galter says even sending resumes to 250 companies and working through eight employment agencies hasn't landed him a job. Last July, the 45-year-old manager lost his job at Otis Elevator after eight years with the company. "Most companies aren't hiring at all; things are tighter than a drum," he says.

Instead of a $14,000 annual salary, Mr. Galter receives a $61-a-week unemployment check. "We're scaling down our standard of living in case I have to take a job driving a cab or something," he says. Things are so tough, he says, that his 16-year-old daughter even has trouble finding her usual baby-sitting jobs.

UNEMPLOYED PHYSICISTS

The job squeeze isn't limited to executive slots. Professional pilots will probably find job-hunting difficult until at least mid-1971, says an official of the Air Line Pilots Association. Major airlines are laying off pilots and many corporations have reduced or eliminated their flight departments, he says. At the same time, large numbers of trained pilots are being discharged from military service.

Some professions that once were starved for people now have people starved for work. "We got an application the other day from an unemployed PhD in physics, something I never thought I'd see," says George Steinbrenner III, chairman of American Ship Building Co., Lorain, Ohio. Indeed, latest U.S. Office of Education figures show the nation produced 1,300 PhD's in physics in 1968–69, up sharply from less than 500 in 1959–60. In the same period, chemistry doctorates soared to 1,900 from 1,000. Thus in many fields a rising number of applicants are seek-

ing a diminishing number of jobs. The increased supply of personnel tends to prolong the unemployment problem.

Technical workers accustomed to being in strong demand, of course, find the situation a real shock. "The thought that I might be laid off had never even crossed my mind," says Tommy Baggett, a chemist who lives near Dallas. Last September he lost his $12,000-a-year job at Texas Instruments Inc. after nearly 11 years with the company.

Since then, the father of five has contacted numerous likely employers but still hasn't landed a job. "There just doesn't seem to be any work in my field in this area," he says. "I've been choosy, but now I'm considering sales and may have to lower my sights to take just about anything," he adds gloomily.

Adds an engineer: "I never thought I'd see the day when product development was considered surplus fat." He has seen it now though. A Midwestern industrial company just laid him off.

[From the Minneapolis Tribune, Jan. 17, 1971]

28,700 IN STATE LOST JOBS IN 1970

(By Dale Fetherling)

Unemployment in Minnesota has been in recent years something of an unwanted but unobtrusive house guest.

It came and went with the seasons, was seen by only a few, and rarely caused much of a clamor.

In 1970, it overstepped the bounds of hospitality.

For November, the most recent month for which figures are available, seasonally adjusted unemployment was 4.8 percent of the non-farm labor force, or about 78,000 persons.

This was an increase of 1.7 percent, or about 28,700 unemployed workers, from a year earlier.

The nation's seasonally adjusted unemployment rate was 6 percent in December.

What happened in Minnesota was that during 1970, a number of major firms, especially in the defense and computer industries, pared their payrolls, mirroring in part a nationwide decline in military and space expenditures.

General economic belt-tightening plus some long strikes also contributed to the rise in joblessness.

Specifically:

In May, Honeywell had approximately 20,000 employees at its Twin Cities area plants. By last month, the figure was 16,500.

The nearly 20-percent decline in local personnel was centered in the firm's aerospace and defense groups, a spokesman said, and ranged from highly-skilled workers and engineers to production workers.

The Twin Cities Army Ammunition Plant completed its phased personnel reduction by Dec. 1, bringing its staff down to 2,200 from a peak of 7,000 in March, 1969.

The cutback part of a nationwide pattern at arsenals, stems from the Vietnam withdrawal and a backlog of small-arms ammunition, Pentagon officials have said.

Control Data Corp., faced with a drop in heavy computer sales, laid off a large but undisclosed number of employees in the past year. It also required its remaining domestic employees to take off 10 days without pay during the latter part of the year as a cost-cutting move.

The action was taken, Control Data said, to "minimize layoffs and terminations."

The Univac Division of Sperry-Rand Corp., with seven area plants, indicated in mid-year that it had reduced its work force by about 1,000, or about 10 percent since a year earlier, largely through attrition.

While these cutbacks won the headlines, layoffs were, of course, more widespread, especially in manufacturing.

Unemployment compensation benefits for the year are expected to total a record $50 million in the state, topping a 1958 peak of $48 million. The increase, state officials said, was due in part to an increase in the maximum amount payable.

But also responsible was the greater number of jobless and the fact that many higher-paid employees, often technical or professional workers from defense-space firms, queued up in the applicants' lines.

According to figures from the Minnesota Department of Manpower Services, jobs in manufacturing dropped by 22,500 from November 1969 to November 1970.

Nonelectrical and electrical machinery, which decreased 6,100 and 5,400 jobs respectively, contributed to the decline. Ordnance, scientific instruments and other miscellaneous industries also declined 5,600 jobs.

In the Twin Cities for October, the last month for which figures are available, the unemployment rate was 3.3 percent, compared to 1.4 percent a year earlier. The 3.3 figure is the highest October level since 1958.

Ross Sweum, metropolitan area manager for Manpower Services, said, however, that the variety of industry in the Twin Cities may have helped insulate the area from the kinds of unemployment spurts being felt in some one-industry towns.

Comparative figures from a federal survey, he said, show several cities with higher unemployment figures and a bigger jump.

Seattle, Wash., for example, saw unemployment rise to 10.3 percent in September, up from 4.2 percent a year earlier; Flint, Mich., 7.0 percent from 4.3 percent; Detroit, Mich., 6.5 percent from 3.0 percent.

Others, faring better than the Twin Cities, include Houston, 2.7 percent from 2.0 percent. Duluth-Superior had a higher September figure at 4.0 percent but it represented a smaller increase than that of the Twin Cities since the rate was 3.7 percent in September 1969.

Area defense and space contractors are guarded in their projections for the future.

A Honeywell official said they certainly expected to do better than the 28-percent decrease in employment predicted by a recent Department of Defense survey of its electronics contractors for the June 1970-June 1971 period.

Maj. Lawrence Sisterman, commanding officer of the Army-owned privately run Twin Cities arsenal, said contract backlogs are expected to provide stable employment at the present level at least through mid-1971. Beyond that, it hinges on defense requirements.

A Control Data spokesman would say only that "no one here is too outspoken about projections for 1971."

Univac "contemplates no significant reduction in manpower in the near future," according to Paul Ives, director of industrial relations and services. "Our current employment is approximately 9,000 and has remained close to this figure in the last 60 to 90 days," Ives said late last month.

"Aerospace News," a publication of the Aerospace Industries Association (AIA) recently reported that employment in the industry will continue to decline, at least through March.

By then, jobs in the industry, the nation's largest manufacturing employer, will have fallen 15.7 percent during the previous 12 months, and the decline will have encompassed all geographical areas.

The number of production workers will have dropped 19.4 percent; scientists and engineers, 14.6 percent; and technicians, 14.7 percent; according to AIA.

Locally, a study by the North Star Research and Development Institute concluded that about 12,000 Twin Cities jobs "may be vulnerable" to cuts in defense and space spending this year.

The jobs, about 1½ percent of total metropolitan employment, will not necessarily all or even most be lost, the study said, but they could be if defense and space business is further cut back.

"Over-all expectations of the major contractors in the metropolitan area are a continuing reduction—between 5 and 10 percent—of contract monies coming into the local economy over the next two or three years," the study said.

And that doesn't include ordnance manufacture which is the "most vulnerable" and "least predictable" segment of the industry.

S. 32—INTRODUCTION OF THE CONVERSION RESEARCH EDUCATION AND ASSISTANCE ACT OF 1971

Mr. KENNEDY. Mr. President, on behalf of Senators ANDERSON, CRANSTON, GRAVEL, HOLLINGS, MONDALE, MOSS, RANDOLPH, STEVENS, TUNNEY, and myself, I introduce S. 32, the "Conversion Research Education and Assistance Act of 1971," and I ask that it be referred to the Committee on Labor and Public Welfare. The purpose of the legislation is to establish a comprehensive program for the conversion of the Nation's scientific talents and resources from defense-related activities to civilian-related activities.

Ten years ago, President Kennedy took office with the economy in the midst of a serious recession. Unemployment was at 7 percent. American primacy in science and technology was under serious challenge from the Soviet Union in the wake of Sputnik.

Through the innovative policies and programs of the Kennedy and Johnson administrations, the country emerged from the recession. We entered a period of sustained economic prosperity and renewed scientific supremacy, unmatched in our long history. By 1968 the unemployment rate had dropped to 3.7 percent and American astronauts had achieved the historic first of circling the moon. Now, only 2 years later, we again find ourselves enmeshed in economic crisis and our scientific enterprise in a state of serious disarray.

A few days ago, the Commerce Department reported that the gross national product in 1970 declined by 0.5 percent in real dollar terms—the first such decline in annual GNP since 1958. This drop in national output of goods and services is another dismal sign of the sickness of the economy and the inadequacy of our present economic policies.

Never before in American economic history have we suffered through this sort of simultaneous siege of inflation and recession. Each month, prices soar as inflation undermines the value of the dollar. And each month tens of thousands more of our citizens are driven out of work. As of November 1969 the unemployment rate stood at 3.5 percent. By December 1970, 13 months later, it had reached 6 percent, the highest level in 9 years, and the end is not in sight.

The scientific and technical community has been especially hard hit by the decline in the economy in general, and by the extensive defense and space cutbacks in particular. As we know, scientists, engineers, and technicians are extremely dependent on federally financed

programs for employment. Of the more than 2 million scientists, engineers, and technicians employed at the beginning of 1970, one in every four was engaged in work generated by the Department of Defense, the National Aeronautics and Space Administration, or the Atomic Energy Commission. Half of those employed directly by the Federal Government worked in DOD, NASA, or AEC; 62 percent of all physicists and 88 percent of all scientists in the atmospheric and space sciences have depended on Federal programs for employment. Inevitably, therefore, cuts in Government programs have had a severe impact on this highly skilled scientific work force.

Employment in the space industry has fallen from a peak of 250,000 to 173,000, and thousands more scientists and engineers are expected to lose their jobs in the months ahead. The aerospace industry alone has laid off over 10,000 men in the single specialty of electrical engineering. By last May, there was seven times as much unemployment among the Nation's engineers as there had been the year before. Since that date the rate of unemployment among engineers has been increasing at an even more rapid pace. In the past 2 months alone the jobless rate for professional and technical personnel has jumped 50 percent (from 2 to 3 percent). This represents the highest unemployment level for professional personnel since the Government began keeping such statistics in 1958. Recent Labor Department figures indicate that more than 208,000 professional and technical personnel are already unemployed across the Nation, with the number growing each day.

Equally significant, the effect of defense and space cutbacks is highly concentrated in particular communities, where the human impact is much greater than the national statistics would indicate:

Of all scientists and engineers in the aerospace industry, 44 percent are located on the Pacific coast, and 25 percent are located in the New England and Middle Atlantic States. The remainder are highly concentrated in a few other States, such as Florida and Texas.

In Los Angeles County, as of September, there were already more than 20,000 unemployed scientists and engineers.

In the Washington, D.C., metropolitan region, as of November, the relative demand for scientific and engineering manpower was only 40 percent of what it had been a decade ago.

The work force at the Kennedy Space Center in Florida has dropped 40 percent over the past year.

In New York City, unemployment claims by professional personnel have doubled over what they were a year ago.

In Seattle, the unemployment is over 11 percent, and includes an estimated 12,000 professional and technical employees.

In my own State of Massachusetts the problem is especially acute. Massachusetts ranks sixth in the Nation in the amount of defense contracts received. The unrivaled combination of universities, government facilities, and the extensive research and development community centered along Route 128 has made Massachusetts one of the leading centers of the Nation's scientific effort.

Today, as in so many other parts of the country, this vital national resource located in Massachusetts is in jeopardy. The Arthur D. Little Co. has recently estimated that defense cutbacks will cause the loss of at least 25,000 jobs in Massachusetts over the next 3 years. Another 5,000 jobs will be lost by civilian employees on military reservations in the State. Similar projections have been made or are now being made in dozens of other States.

These lost jobs represent a serious hardship to the individuals and families involved. The loss has a multiplier effect on entire neighborhoods and communities, as well as on the scientific community at large.

Even apart from the immense human suffering and personal tragedy that is involved, however, the loss of these jobs also represents a vast depletion of technical manpower for the Nation. A sizable national investment has gone into the formal education and on-the-job training of this highly skilled work force and we cannot afford to let these valuable resources run to waste. The Nation should and could be receiving a constant stream of economic and social benefit from its investment in this scientific manpower.

Moreover, scientific activity requires a high level of continuity to achieve its maximum return. Resuming interrupted scientific projects after long delays often entails considerable additional expense. And, individual scientists who interrupt their careers—as many are now forced to do in seeking other employment—may find it impossible to reenter the scientific job market, in view of the rapidity with which new scientific knowledge is generated.

Thus, each unemployed scientist represents a major loss of the considerable investment the Nation has made in his education. Even more important is the loss of his potential contribution to the resolution of our urgent domestic social problems, especially in areas like pollution, transportation, crime control, housing, education, and health care. Without the help of the scientific community, we cannot hope to make significant headway against these problems.

The scientists, engineers, and technicians of America have a crucial role to play in converting our national energies and imagination to these tasks. Scientists have always been held in high esteem in America, but it is only in recent years that they have moved to the center of our technological civilization.

As a Nation, we must apply our finest resources and talents to the tasks which are facing us. We need the application of our best scientific and technical talent to cope with these problems. It is national folly for thousands of highly trained individuals to lie idle, at a time when problems of enormous complexity demand the skills they have.

The solution to the problem of scientific and technical unemployment is not to halt the cutbacks in defense and space spending. As in the case of the Senate's vote against the SST, these cutbacks are essential to redirect our national priorities and resources to meet the needs of our citizens. Nor is the solution to provide an up-dated WPA to provide make-work for scientific personnel. Rather, the solution to such unemployment lies in the conversion of our technical talent and resources from defense and space to civilian, socially-useful programs—programs which can lead to a genuine improvement in the quality of our lives.

But such conversion of scientific talent cannot be accomplished merely by giving each scientist a new assignment. Considerable retraining is required. There is no doubt that, with adequate retraining, scientists skilled in the problems of defense could make valuable contributions to the resolution of civilian problems. Seen in this light, conversion is not just an economic challenge; it is also a human and social opportunity.

Last August, to provide for such retraining and to facilitate the conversion of our scientific talent and resources, I introduced the Conversion Research and Education Act of 1970. Unfortunately, it was not possible to complete legislative action on the measure before the conclusion of the 91st Congress. In the months since last August, the problem has grown much more urgent and will continue to worsen until the Federal Government provides adequate leadership for achieving national conversion of our scientific resources. Accordingly, I have strengthened and expanded my earlier bill, and I introduce the improved bill today as S. 32 the Conversion Research, Education, and Assistance Act of 1971.

This bill authorizes the appropriation of $500 million over a 3-year period to achieve conversion of our scientific and technical manpower. The bulk of the specific programs in the bill would be administered by the National Science Foundation, with the Small Business Administration administering those programs specifically directed at assisting small R. & D. firms in converting to civilian tasks.

In essence, the bill asks Congress to establish three national policies in the area of economic conversion:

First, scientists must have continuing opportunities for employment, in positions commensurate with their professional and technical skill.

Second, Federal spending for civilian research and development must be raised to a level of parity with defense-related research and development, and kept at or above that level in the future.

Third, the total Federal investment in science and technology must continue to grow annually in proportion to increases in the gross national product.

The specific programs authorized by the bill are primarily aimed at enabling individual scientists and engineers to convert their talents from defense-related activities to civilian-related activities, particularly those which promise to aid in the resolution of the Nation's most urgent social problems in areas like pollution, transportation, crime control, housing, education, health care. The pro-

grams are designed so that thousands of unemployed scientists and engineers can directly participate in them, with the expectation that the resulting research and development activity will have a multiplier effect throughout the entire scientific and technical community and the economy at large.

Thus, of the $449 million which the bill authorizes for the use of the National Science Foundation, $225 million would be distributed directly in conversion fellowships to individual scientists, engineers, and technicians. These conversion fellowships would provide unemployed professionals with the funds to participate in conversion retraining projects. The fellowships would include allowances for family support, health insurance, subsequent job placement, relocation expenses, and other related purposes.

Another $65 million would enable the NSF to fund the establishment of community conversion corporations in communities severely affected by defense and space cutbacks. The community conversion corporations would be nonprofit organizations designed to channel civilian research and development funds into the affected communities, and to provide immediate on-the-job retraining for unemployed scientists and engineers.

Another $45 million would be authorized for grants by the NSF to State and local governments to carry out conversion planning and support programs to assist specific localities, and to hire unemployed scientists, engineers, and technicians to fill technical positions at the State and local level.

In addition, the Small Business Administration would be authorized to spend $45 million for direct grants to small scientific and technical firms to enable their personnel to participate in conversion training programs. SBA would also utilize a revolving fund for guaranteed loans and interest assistance payments to encourage small business firms to carry out conversion projects, including necessary changes in facilities and equipment.

Through these and the other specific programs contained in the bill, an important start can be made immediately to stem the rising tide of scientific and technical unemployment in America. Through the framework of the national economic conversion policy proposed in the bill—calling for full employment of scientists and engineers, parity of civilian and defense research and development, and a continuing national investment in science and technology—the possibility of future conversion crises can be averted. Finally, by beginning now to retrain and redirect the talent and energy of thousands of our scientists and engineers, we can significantly aid in the resolution of many of our serious domestic problems in the decade ahead.

We entered the decade of the sixties on a note of optimism and high expectation, confident that we could begin to move the Nation forward. Today as we move in earnest into the 1970's, we find ourselves bogged down once again in a morass of social and economic problems. We must renew our faith in the betterment of our society and the quality of our lives. I believe our problems can be solved through the resolute application of our national talent and energy. But without that talent and energy, we cannot hope to meet the challenges we face. We cannot afford to waste the vast resources of our scientific community. We must begin now to convert our enormous scientific potential to dealing with the reality of the problems of the 1970's.

I believe that the Conversion Research, Education, and Assistance Act of 1971 is an important step in this direction, and I hope that every Member of the Senate will give it his serious consideration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 32) to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes, introduced by Mr. KENNEDY, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 33—INTRODUCTION OF THE LAW ENFORCEMENT OFFICERS' GROUP LIFE INSURANCE ACT OF 1969

Mr. KENNEDY. Mr. President, I am introducing a bill to authorize the Attorney General to provide group life insurance for State and local government law enforcement officers.

We cannot call ourselves free men if we cannot walk our streets in safety, if we cannot sleep in peace in our homes, if we cannot conduct our business without fear. Our daily lives are shadowed by the constant threat of the criminal. We sense that threat growing beyond our control.

We are so fearful that we fall prey to those who purvey panaceas. We conjure up scapegoats to vent our tension and frustration. There are no easy solutions and we must not permit ourselves to be deceived into believing so.

There are solutions. They are not simple and they may not be complete. They require hard work, dedication, resources, time and confidence in the strength of our system. The effort must be made by each of us as individuals, in our communities, in our States, and by the Federal Government.

That effort was initiated in the last decade by Presidents Kennedy and Johnson. New Federal laws were enacted to control organized crime; a massive new slate of Federal assistance to State and local governments was conceived, proven, and adopted. Local municipalities were urged to create their own anticrime planning programs; and the National Crime Commission provided us with a blueprint for a comprehensive and rational attack on the scourge of crime. All of those activities have laid a solid foundation on which we must move and build.

We must eliminate crime at its roots by seriously attacking poverty, illiteracy, deprivation, and unemployment that nuture the seeds of crime. But, the more immediate problem is dealing with crime where we find it.

A complete overhaul of our correctional system is long overdue. Our prisons have become colleges for criminals and those who leave them are more likely to be more skilled, hardened thugs, not rehabilitated citizens. On a national basis, one-third of those released from prison will return within 5 years. Unless the correctional process begins to utilize the tools of guidance, education, and vocational training, the present pattern will continue irrevocably.

Our courts are urgently in need of modernization. We must apply modern methods of administration, including computer technology, to the scheduling and processing of court business. We need more judges, administrators, prosecutors, and defense attorneys so that they can provide justice swiftly, fairly, efficiently, and consistently.

And most urgently, we must take immediate steps to enhance the effectiveness of our police forces. They must be provided with 20th century equipment and techniques. In an age of lasers and live TV from the moon, there is no reason why the officer on the street should be confined to the nightstick, the revolver and a dime for the pay phone. We must provide our police officers with the training to do the best job possible. And we must offer opportunities for educational advancement so that those who wish may expand their horizons and understand even more fully the society which they protect.

We not only want our law enforcement officials to act professional, we want them to feel professional. That requires giving them the kind of dignity, respect, income, working conditions, and occupational benefits that we extend to other professionals in the community. It is difficult for people to look up to men who begin and end their days in a dingy, ill-equipped station house. It is difficult for the policeman's family to feel pride if they are not adequately protected by health, life, and accidental death and disability insurance and by a fair retirement program.

The National Crime Commission reaffirmed and endorsed in 1967 the need for such professionalism and dignity in law enforcement work. In response to their recommendations and discussions I have had with law enforcement experts and community leaders, I introduced in that year a bill to give all police officers in the United States access to low cost and broad coverage life insurance. This program I felt would not only offer the kinds of assistance that is vitally needed but would be symbolic of this Nation's determination to support law enforcement—not only in word but in deed. My research showed that for some officers such as pilots, vice squads, traffic patrolmen and motorcycle policemen, life insurance was either extremely expensive or inaccessible and double indemnity was impossible to obtain. Therefore because of their jobs, they and their families were completely unprotected. For those in other areas of law enforcement the premiums for a high risk insurance policy were a luxury that they just could not afford.

The bill that I am introducing today is

patterned after the Servicemen's Group Life Insurance program which is available to each member of our Armed Forces. It will provide low cost group life insurance to the members of any law enforcement agency which elects to participate. The new law enforcement group life insurance—LEGLI—program will be administered by the Federal Government, but the underlying insurance coverage will be carried and paid by private life insurance companies.

The Attorney General would purchase group policies from the insurance companies and any unit of state or local government may apply for participation in this program. The amount of group life insurance and also of group accidental death and dismemberment insurance for each officer would follow a schedule in the bill, returning benefits of approximately the law enforcement official's salary at the time of his death or dismemberment plus $2,000. Thus, an officer earning $6,500 annually would have a $9,000 policy. Loss of limb or of eyesight would also be covered. The officer would be covered on or off the job and would receive double indemnity for accidental death.

The Federal Government would bear no more than one-third the cost of the insurance, with the officer paying the remainder. The premium for all officers, we presently estimate, would be 50 cents per month per $1,000 of coverage. Thus, for the $9,000 policy, the total monthly premium would be $4.50. Deducting the assistance of the Federal Government, the officer would pay only $3 monthly or $36 annually. The schedule of premium rates are to be set by the Attorney General consistent with the lowest rates generally charged for new group life insurance policies issued to large employers. Naturally the premium rates and the Federal contribution may fluctuate depending on experience. In some areas, State or local contributions to the program will actually reduce the cost to the individual officer.

This bill would provide for the retention of existing group life insurance plans with a Federal contribution where the police officers prefer that to the Federal group plan. It will allow any department to present to its officers the full facts on each plan, and if a majority votes to retain the existing plan, the agency will be eligible to receive a Federal contribution to the premiums for the existing plan in an amount of up to three-fourths of the equivalent premiums under the Federal plan.

I have been in constant contact with patrolmen, police chiefs, insurance company representatives and dependents of deceased law enforcement officers, in Massachusetts and in many other places, to determine their needs and areas of concern. And the bill has the support of the leading national police organizations including the International Conference of Police Associations, the Fraternal Order of Police, the International Association of Chiefs of Police, the New York City Patrolmen's Benevolent Association, and many others.

The bill does not yet extend its benefits to firemen. As I mentioned, the bill grew out of the work of the 1967 Crime Commission and other bills relating to police officers. The cost figures are based on experience with police work. I do look forward, however to hearing suggestions on ways to provide a legal and practical basis for expanding the program to firemen.

The primary duty of government is to protect its citizens and the first line of protection is its policemen. I hope that we in Congress can act soon to assist the policemen and their families in this and other ways so that "support your local police" may be a comprehensive plan for action and not just a bumper sticker.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 33) to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers, introduced by Mr. KENNEDY, was received, read twice by its title and referred to the Committee on the Judiciary.

S. 34—INTRODUCTION OF THE CONQUEST OF CANCER ACT

Mr. KENNEDY. Mr. President, on behalf of Senator JAVITS and myself, I introduce S. 34, a bill to establish a National Cancer Authority, to launch a nationwide program for the conquest of cancer. I believe that this legislation deserves our highest priority in Congress, and I hope that every Member will give it his serious consideration.

In America today, there is perhaps no more dreaded disease than cancer. The horror and widespread prevalence of this disease cannot be underestimated. The report of the National Panel of Consultants on the Conquest of Cancer, appointed by the Committee on Labor and Public Welfare last year under the distinguished leadership of Senator Ralph Yarborough, states that of the 200 million Americans alive today, 50 million will develop cancer at the present rate of incidence, and 34 million will die of this painful and often ugly disease if better methods of prevention and treatment are not discovered. In 1969 alone, 323,000 persons died of cancer in the United States, or four times the entire sum of battle deaths in both the Vietnam war and the Korean war.

In addition to the tragic human suffering caused by cancer, the economic burden it imposes on the Nation is enormous. According to the panel of consultants, cancer costs America $15 billion a year, of which $3 to $5 billion represents the direct cost of care and treatment, and the remainder represents the loss of earning power and productivity in the economy.

Yet, despite the devastating incidence of cancer among our people and despite its staggering cost to the economy, the amount of funds spent on cancer research today is grossly inadequate, and the overall effort is uncoordinated and confused. If we are to combat this deadly enemy with any degree of success, a much more coherent and extensive assault is needed.

The pittance we spend on cancer is dramatic evidence of the urgent need to reorder our national priorities. At present, we spend $410 per person per year on national defense, $125 on Vietnam, and $19 on the space program, but we spend only $0.89 on cancer research. In the face of these dramatic facts, the conclusion of the Panel of Consultants was inevitable:

> Given the seriousness of the cancer problem to the health and morale of our society, this allocation of national priorities seems open to serious question.

We know that as a result of environmental pollution and cigarette smoking, the incidence of cancer is increasing. But the rate of cure is also improving. Whereas in 1930 we could cure only one case in five, today we cure one in three. Although these statistics represent a great advance, the Panel found that the rate of cure could be close to one in two through a better application of existing knowledge, especially through more widespread use of existing techniques, and an extension to all citizens of the quality of treatment available too often only to the rich.

I believe that a specific national program for the conquest of cancer—a "moon shot" approach—is essential if we are to exploit effectively the great opportunities presented by recent advances in cancer research. Through such an approach, backed by the strong commitment of Congress, the President, and the American people, we can mount the effort that is required if we are to eliminate the blight of cancer from modern American life.

The bill I am proposing will establish an independent agency, whose task will be to develop as rapidly as possible a comprehensive nationwide program for the conquest of cancer. The agency will be modeled along the lines of NASA which succeeded so brilliantly in reaching our goal of landing a man on the moon in the decade of the sixties.

The program will have an open-ended authorization, as befits the importance of this program. On the basis of information presently available, I believe that as a minimum, an appropriation of $200 million should be made for the first year, $400 million for the second year, and $600 million for the third year of the program. This is equivalent to the level of spending recommended by the Panel of Consultants, and it is the level we need if the job is to be done. Although the sums seem relatively large at first sight, they are modest compared to the enormous costs that cancer currently imposes on our society.

The legislation I am proposing is similar to the bill introduced by Senator Yarborough in the postelection session of the 91st Congress last December. We owe an enormous debt to Senator Yarborough and to the Panel of Consultants for proposing the "moon shot" approach and for bringing us to this point in the realization of our dream to conquer cancer. Now that President Nixon has joined us in our commitment to the goal, I am hopeful that Congress and the alministration will act rapidly to complete the action that has been so well begun.

Mr. President, I ask unanimous con-

sent that part I of the report of the Panel of Consultants may be printed in the RECORD at this point, including the membership of the Panel and the letter of transmittal of the report.

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

NATIONAL PROGRAM FOR THE CONQUEST OF CANCER—REPORT OF THE NATIONAL PANEL OF CONSULTANTS ON THE CONQUEST OF CANCER

COMMITTEE OF CONSULTANTS ON CANCER

(Appointed Pursuant to S. Res. 376)

BENNO C. SCHMIDT, *Chairman.*
Dr. SIDNEY FARBER, *Cochairman.*
I. W. ABEL.
WILLIAM McC. BLAIR, Jr.
ELMER BOBST.
Dr. JOSEPH BURCHENAL.
Dr. R. LEE CLARK.
Dr. PAUL B. CORNELY.
EMERSON FOOTE.
G. KEITH FUNSTON.
Dr. SOLOMON GARB.
Mrs. ANNA ROSENBERG HOFFMAN.
Dr. JAMES F. HOLLAND.
Dr. WILLIAM B. HUTCHINSON.
Dr. HENRY S. KAPLAN.
Dr. MATHILDE KRIM.
Mrs. MARY WELLS LAWRENCE.
Dr. JOSHUA LEDERBERG.
EMIL MAZEY.
MICHAEL J. O'NEILL.
JUBAL R. PARTEN.
LAURANCE S. ROCKEFELLER.
Dr. JONATHAN E. RHOADS.
Dr. HAROLD P. RUSCH.
Dr. WENDELL G. SCOTT.
LEW WASSERMAN.

Staff of the Committee

Robert F. Sweek, *Director.*
Carl M. Fixman, *Deputy Director.*
Mrs. Helena Curtis, *Special Assistant.*
John A. Grimes, *Editorial Director.*

LETTER OF TRANSMITTAL

NEW YORK, N.Y., *November 25, 1970.*

Hon. RALPH W. YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to present herewith the report and recommendations of the Committee of Consultants on Cancer appointed pursuant to Senate Resolution 376. Part I of the report sets forth in 12 brief paragraphs a summary of the cancer problem, the areas of special promise which offer unusual opportunities for intensified effort, and the recommendations of the committee. Part II of the report sets forth the scientific and medical background in more detail. For the convenience of your committee, this part of the report is also preceded by a summary of the scientific material.

Of the $250,000 appropriated by the Senate for this study, you will be pleased to learn that we have committed or spent only approximately $75,000. This has been possible because of the generous contribution of time and effort of many persons who would not have been available at all on a reimbursement basis, but who, because of their dedication to the goals of this study, have given most generously of their time and talents. These included not only members of the committee, but several hundred members of the scientific community whose lives are devoted in a large measure to work related to the conquest of cancer.

I would like to express my personal appreciation to the members of the committee, not only for their splendid cooperation and 100-percent dedication to our task, but more particularly for the unprecedented hours of work which they have devoted without reservation. The scientific and professional members of the committee have borne by far the largest burden of the work of our committee, and no group could have given more unselfishly of their time and talent. The committee is most appreciative to the members of the scientific community, including those at the National Cancer Institute, and to the members of our staff for the information, views, and suggestions which they have so generously made available to the committee.

The committee was most fortunate in the diverse views and backgrounds represented, and in such a group one would not expect nor did we have unanimous agreement on all points. However, there has been unanimous commitment to the objective of the study as set forth in the Senate resolution. Out of our discussions and differences we have been able to crystallize a consensus. This report represents that consensus.

The committee is unanimously of the view that the conquest of cancer is a realistic goal if an effective national program along the lines recommended in the report is promptly initiated and relentlessly pursued.

Respectfully,

BENNO C. SCHMIDT, *Chairman.*

INTRODUCTION

On April 27, 1970, the Senate passed Senate Resolution 376 authorizing the Senate Committee on Labor and Public Welfare, with the assistance of an advisory committee, to report to the Senate on (1) the present status of scientific knowledge with respect to the causes of cancer and its treatment, cure, and elimination, (2) the prospect of success in such endeavors, and (3) measures necessary or desirable to facilitate success at the earliest possible time. Pursuant to that resolution, the Committee of Consultants was designated in June 1970, and was asked to submit its report and recommendations at the earliest practicable date.

On July 15, 1970, the House of Representatives passed Concurrent Resolution 675, later passed by the Senate, expressing the unanimous sense of the Congress that "the conquest of cancer is a national crusade" and that "the Congress should appropriate the necessary funds so that the citizens of this land and all other lands may be delivered from the greatest medical scourge in history."

On June 29, 1970, the Committee of Consultants held its first meeting. Since that time the Committee has met 10 full days, subcommittees have met many additional days and the written or verbal testimony of 289 witnesses and advisors has been considered. The Committee is pleased to present herewith its report and recommendations.

SUMMARY AND RECOMMENDATIONS

1. Cancer is the No. 1 health concern of the American people. A poll conducted in 1966 showed that 62 percent of the public feared cancer more than any other disease. Of the 200 million Americans alive today, 50 million will develop cancer at present rates of incidence, and 34 million will die of this painful and often ugly disease, if better methods of prevention and treatment are not discovered. About one-half of cancer deaths occur before the age of 65, and cancer causes more deaths among children under age 15 than any other disease. Over 16 percent of all deaths in the United States are caused by cancer, making it by a wide margin our second greatest killer (after cardiovascular diseases). Cancer often strikes as harshly at human dignity as at human life, and more often than not it represents financial catastrophe for the family in which it strikes.

2. The amount spent on cancer research is grossly inadequate today. For every man, woman, and child in the United States, we spent in 1969: $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 on foreign aid and only $0.89 on cancer research. Cancer deaths last year were 8 times the number of lives lost in 6 years in Vietnam, 5½ times the number killed in automobile accidents, and greater than the number of Americans killed in battle in all 4 years of World War II. Given the seriousness of the cancer problem to the health and morale of our society, this allocation of national priorities seems open to serious question. In addition to the poignancy of the disease, and the death and suffering that it causes, the economic loss is staggering, with estimates of its costs to the Nation running as high as $15 billion per year, of which some $2 to $5 billion represents direct care and treatment costs and the balance is loss of earning power and productivity.

3. The incidence of cancer is increasing. This is partly due to the fact that a greater number of our citizens are reaching more advanced ages, where cancer strikes more frequently, but it is also due to the sharp increase in lung cancer, undoubtedly attributable to the air pollution in certain environments and most importantly to the self-pollution of those who smoke cigarettes. It is estimated that if the American people stopped smoking cigarettes this alone would eliminate about 15 percent of all cancer deaths.

4. The nature of cancer is not yet fully known. We know that human cancers are caused by certain chemicals, by certain types of radiation, and probably by viruses. The precise mechanisms by which these carcinogenic agents cause, or interact to cause, cancer is not known, and very little is known about the natural defense mechanisms that prevent cancer in some cases and not in others. A great deal more must be learned about chemical carcinogens, radiation, and viruses and how they work. We must also learn more about what takes place at the cellular level when cancer occurs. There is very strong suggestive evidence that viruses cause some human cancers, but which viruses, how they are transmitted, and how they operate are unknown. It is erroneous to think of cancer as a single disease with a single cause that will be subject to a single form of immunization (as in the case of polio) or a single cure. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways. However, as our knowledge is expanded, more and more cancers will become preventable or curable.

5. The cure rate for cancer is gradually improving. In 1930 we were able to cure only about one case in five; today we cure one case in three; and it is estimated that the cure rate could be brought close to one in two by a better application of knowledge which exists today, i.e. detection at an earlier stage through the more widespread use of existing techniques (such as the Papanicolaou test for women and mammography), coupled with an extension to all citizens of the same quality of diagnosis and treatment now available at the best treatment centers. There are three methods for curing cancer today: surgery, radiation therapy, and chemotherapy. Often two or even three of these methods are used in combination. Some types of cancer are far more curable than others. For example, early breast cancer treated by surgery, cancer of the cervix by radiation or surgery, and choriocarcinoma and Burkitt's tumor by chemotherapy are among those most susceptible to cure today. Treatment techniques are improving markedly, particularly in radiation therapy and chemotherapy and more widespread availability of the best quality detection and treatment will give us more and more cures. However, it is still true that those cancers which disseminate rapidly are seldom curable today, and this represents a major gap in our existing knowledge. Where we stand today in our knowledge of the causes, nature, prevention, diagnosis, treatment, and control of cancer is set forth in detail in part II of this report.

6. There have been major advances in the fundamental knowledge of cancer in the past decade, and these advances in knowledge have opened up far more promising areas for intensive investigation than have ever heretofore existed. These areas of special promise must be explored with vigor, if we are to exploit the great opportunities that lie before us. They are examined in detail in part II of this report.

Among the areas of special promise which must be aggressively pursued are:

(a) The identification and study of the chemical, physical, and other environmental factors that cause cancer (food additives, air pollutants, industrial hazards, radiation, and other carcinogens);

(b) Viruses, causing cancer (what viruses cause cancer, how are they transmitted, and how do they act);

(c) Cell and tumor biology (including cell surface phenomena, molecular functions, differentiation and genic expression, controls of cell division, mechanisms of metastasis, nutritional requirements and other biological factors);

(d) Immunology (host resistance against cancer, its natures, causes and therapeutic use);

(e) Epidemiology (the variables in cancer incidence and types stemming from geographic, social, economic, nutritional, occupational, and constitutional differences);

(f) Cancer prevention (more effective utilization of existing knowledge and intensified research on preventive measures);

(g) Diagnosis (the development of new and improved diagnostic techniques);

(h) Chemotherapy (the development of new and better drugs and improvement in their uses);

(i) Radiotherapy (development of new and better techniques and apparatus for radiation therapy);

(j) Surgery (the best techniques in cancer surgery coupled with earlier diagnosis must be made generally available in order to further increase the cure of cancer. Better rehabilitation techniques must be further developed and utilized to return the cancer patient to an active and full life);

(k) Combinations of treatment modalities (improvement in treatment results by better combinations of surgery, radiotherapy, chemotherapy, and immunotherapy).

7. A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today:

First, effective administration with clearly defined authority and responsibility:

Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitively laid out nor long-range objectives clearly specified; and

Third, the necessary financial resources.

At the present time there is no coordinated national program or program plan. The National Cancer Institute has done excellent work itself and has supported grants and contracts in the scientific community which have resulted in much outstanding work, but the overall research effort is fragmented and, for the most part, uncoordinated. The effort in cancer should now be expanded and intensified under an effective administration charged with developing and executing a comprehensive national plan for the conquest of cancer at the earliest possible time. The three foregoing elements are considered separately in more detail in the succeeding paragraphs 8, 9, and 10.

8. *Administration.*—An effective major assault on cancer requires an administrative setup which can efficiently administer the coherent program that is required in this formidable and complex scientific field. Such a setup will not be easy to achieve within the Federal Government. The effective implementation of such a program will require a simplification of organizational arrangements and a drastic reduction in the number of people involved in administrative decisions. This type of straight-line organizational efficiency does not exist today in the National Cancer Institute, the National Institutes of Health, or the Department of Health, Education, and Welfare. Obviously, from many standpoints it can be argued that any cancer program should be in the Department of Health, Education, and Welfare and indeed that it should be in the National Institutes of Health. However, there is real doubt whether the kind of organization that is required for this program can in fact be achieved within the National Institutes of Health or within the Department of Health, Education, and Welfare. Apart from the question of whether it can be done, there is also the question of whether it would be wise to require the Secretary of Health, Education, and Welfare to attempt to give cancer the priority necessary to carry out the congressional mandate in a department charged with the multiple health and other responsibilities of that Department.

In the past when the Federal Government has desired to give top priority to a major scientific project of the magnitude of that involved in the conquest of cancer, it has on occasion, with considerable success, given the responsibility for the project to an independent agency. Such an agency provides a degree of independence in management, planning, budget presentation, and assessment of progress which is difficult if not impossible to achieve in a large government department. Accordingly, if the Congress and the administration are truly committed to making the conquest of cancer a "national crusade", as expressed in the concurrent resolution of the Congress, it is the view of the Committee that a National Cancer Authority should be established whose mission is defined by statute to be the conquest of cancer at the earliest possible time. All the functions, personnel, facilities, appropriations, programs, and authorities of the National Cancer Institute should be transferred to the National Cancer Authority. The Authority should be headed by an Administrator appointed by the President with the advice and consent of the Senate, and he should report directly to the President and present his budgets and programs to the Congress. In considering the feasibility of an independent agency, it should be borne in mind that we are talking about a major scientific program and, as pointed out in subsequent paragraphs, not the delivery of patient care generally in cancer cases. The only patient care involved in this program will be that associated with clinical research and teaching and the development and demonstration of improved methods in the delivery of patient care undertaken as a part of the comprehensive program plan.

The powers of such a National Cancer Authority should be very broadly defined in order to accomplish a mission of this complexity. It would not be useful to attempt to enumerate here all the powers that such an Authority should have and in the writing of the implementing legislation, the Committee believes that the powers should be broadly defined and not enumerated. However, the following are illustrative of the kinds of powers which the National Cancer Authority will have to be able to exercise in order to carry out a comprehensive program of the type envisaged:

(a) The power to enter into prime contracts with authority in the prime contractor to enter into subcontracts;

(b) The power to commit available funds until expended rather than on a year-to-year basis;

(c) The power to authorize exceptions to existing regulations, where necessary, to permit the use of experimental drugs, biologicals, and devices in cancer research;

(d) The power to establish or support the large-scale production of specialized biological materials for cancer research, such as viruses, cell cultures, animals, and the like, as well as the power to set standards of safety and care for those using such materials;

(e) The power to support research outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants, and training of American scientists abroad and foreign scientists in the United States, to the extent that such activities will promote the accomplishment of the mission. The Committee believes that cancer research offers a particularly fruitful field for collaboration with other nations, including those nations with whom present cooperation is limited but with whom greater collaboration is desired;

(f) The power to fund by loan, grant, contract, or otherwise any facilities or programs, or to take such other actions, as may be required for the accomplishment of the mission.

9. *Program plan.*—A comprehensive national plan for the conquest of cancer should be developed as promptly as possible. The development of a coherent overall program plan should include the following features:

(a) The present research activities now being carried forward under the National Cancer Institute should in no way be impeded or interrupted while plans are being made for the expansion, intensification, and coordination of the cancer research program;

(b) Existing research facilities and manpower should be used as promptly as possible for the accelerated exploitation of the opportunities in the areas of special promise. There is substantial unused capacity in this country today that should be utilized in order to attract and retain the manpower that is needed. It is a myth that we could not spend effectively on cancer very much more than is now being spent. The fact that Federal support for cancer research has leveled off since 1967 and that, due to inflation, the actual amount of work done has decreased has created a serious gap between what we are doing now and what we could and should be doing in cancer research. It is estimated that current expenditures could be doubled within the framework of the existing facilities and manpower potential of this country today, exclusive of the great industrial research capability in this field which should be brought to bear on an appreciable scale in high priority areas to which this type of capability is particularly suited.

(c) Existing cancer centers should be strengthen and additional cancer centers in different parts of the country should be created. The solution of the cancer problem lends itself to a multidisciplinary effort, where teams of highly qualified specialists are available to interact on problems of research, both clinical and nonclinical, teaching, diagnosis, preventive programs, and the development of improved methods in the delivery of patient care, including rehabilitation. Among those who work in the cancer field, there is great emphasis on the advantages of critical mass—a critical mass of scientists and physicians committed to the cooperative solution of the cancer problem, of research facilities, of patients, and of finan-

cial and other resources. This is simply another way of saying that the comprehensive cancer center offers the best organizational structure for the expanded attack on cancer. In addition to the few comprehensive cancer centers that exist in the United States today, there are a number of other institutions which combine all or most of the capabilities for a multidisciplinary effort in cancer. These could serve as a base for the creation of additional centers. The new centers should have appropriate geographic distribution and should, wherever possible, be created where a nucleus of scientific, professional and managerial personnel already exists and preferably where a university or a medical school affiliation exists or is planned.

In the creation of new cancer centers, manpower limitations should be taken into account, and new centers should not be created where there would be a dilution in the effectiveness of existing centers which would offset any gain from the new center. There should be a realistic operating plan for each new center which assures the scientific and managerial commitment and ability necessary to the creation and operation of a successful center.

It should be emphasized that the strengthening of existing cancer centers and the creation of new cancer centers does not mean that under this program general responsibility should be undertaken for the care of the Nation's cancer patients. The delivery of patient care in cancer cases is a part of the general problem of the delivery of patient care and should be so dealt with. However, this inhibition must not prevent the cancer centers from including such patient care facilities as are necessary for clinical research and teaching and for the development and demonstration of the best methods of treatment in cancer cases.

(*d*) The cancer centers should also serve as administrative coordinators of those programs which require regional coordination. Such centers should support and assist clinics and community medical centers in their own geographic areas in order to assure the widespread use of the best available methods for early detection and treatment of cancer. They should also serve to collect data useful in the prevention and cure of cancer, including patient follow-up information, and be responsible for the dissemination of information, both at the lay and professional levels, that is useful in the prevention, diagnosis and cure of cancer. The effective dissemination and utilization of such information is a most important part of any national plan to conquer cancer.

(*e*) A national plan of the type envisaged must take account of the manpower requirements for this effort. There is a critical need for training and career opportunities for young scientists, physicians, and other personnel in this program. We must reaffirm to young investigators our confidence in the future of American science and in our national dedication to success in the conquest of cancer. A manpower program in this field should include training stipends, predoctoral fellowships for particularly promising candidates, postdoctoral fellowships for brilliant investigators, and career positions where appropriate through career initiation awards, career development awards, and senior career awards.

(*f*) A national plan for the conquest of cancer should provide for the generous use of grants as well as contracts and other methods of funding. There should be increased emphasis on the grants mechanism in order to stimulate continued independent exploration, particularly in those areas where knowledge is not sufficiently mature for a coordinated program aimed at reaching defined objectives.

(*g*) A comprehensive national program requires optimum communication and centralized banks of information. There must be an accurate and prompt information flow in both directions. This will call for integrated data processing, storage, and retrieval in order to rationalize the decision-making and to make information available when and where needed. As indicated above, the centers can be important foci in both the collection and dissemination of this information.

(*h*) A coordinated national program plan should, to the greatest possible extent, be generated by the voluntary productive interaction and joint planning of the scientists who will be responsible for doing the work. The program should not be the result of the happenstance of a multitude of random decisions independently arrived at. An integrated and coherent plan resulting from the joint effort of representative scientists who will be responsible for its execution is fundamentally different from the hierarchical imposition or direction of a research program from above. However, the effective use of collective planning does not mean that centralized administration or management of resources should be sacrificed.

10. *Funding.*—The Committee estimates that a coordinated national program aimed at the conquest of cancer at the earliest possible time, as envisaged by the concurrent resolution of the Congress, would require an appropriation in fiscal 1972 of approximately $400 million. Thereafter, the cost of the program would increase at the rate of approximately $100 to $150 million per year, reaching a level of $800 million to $1 billion in 1976. These sums are not large in terms of our national resources or of the human suffering and economic loss attributable to cancer. A program of the type herein recommended is so important to the American people and to the world that we feel that the amounts called for should be provided even if this necessitates the raising of additional revenues. It is of utmost importance that the financing of this program not result in cutbacks in other health programs.

11. *National Cancer Advisory Board.*—Both the public and the scientific community must be effectively represented in this effort, and must have a part in its planning as well as its execution. To this end, a National Cancer Advisory Board should be created with 18 members, nine of whom are distinguished scientists and doctors in the field of cancer, and nine of whom are distinguished laymen. The members should serve for a term of 6 years with the terms of one-third of the members expiring every 2 years. Members of the Board should be appointed by the President of the United States with the advice and consent of the Senate. The Chairman of the Board should be elected by the members and should serve for a term of 2 years. The Board should meet not less than once each quarter and its function should be to advise and assist the National Cancer Authority and its Administrator in the development and execution of the program. The Administrator should be an ex-officio member of the Board. The Board should have statutory responsibility for the approval of each year's program plan and budget, but the responsibility for administering the program should rest with the Administrator. The Board should have full investigatory powers and should be required to report once each year to the President and the Congress on the progress of the National Cancer Authority in the accomplishment of its mission. This Board should supersede the presently existing National Advisory Cancer Council, and the members of that Council should serve as additional members of the National Cancer Advisory Board for the duration of their present terms.

12. Cancer is an implacable foe and the difficulty of eliminating it as a major disease must not be underestimated. A top priority commitment by the Congress, the President, and the American people is required if we are to mount and sustain an assault on cancer of the magnitude envisaged by Senate Resolution 376 and the concurrent resolution of the Congress. Such a commitment involves a recognition not only of the difficulty and complexity of cancer but also of the time and resources required to attack it effectively. While it is probably unrealistic at this time to talk about the total elimination of cancer within a short period of time or to expect a single vaccine or cure that will eradicate the disease completely, the progress that has been made in the past decade provides a strong basis for the belief that an accelerated and intensified assault on cancer at this time will produce extraordinary rewards. The Committee is unanimously of the view that an effective national program for the conquest of cancer should be promptly initiated and relentlessly pursued.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 34) to establish a National Cancer Authority in order to conquer cancer at the earliest possible date, introduced by Mr. KENNEDY, for himself and Mr. JAVITS, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

S. 35—INTRODUCTION OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference, the Alaska Native Claims Settlement Act of 1971. The text of the measure as introduced is identical with the text of the bill as amended and passed by the Senate in the 91st Congress on July 15, 1970.

Hearings will be held on this legislation early in this session of Congress for the purpose of bringing up to date the voluminous hearing record which the Senate Committee on Interior and Insular Affairs compiled on this subject in the 90th and 91st Congresses.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes, introduced by Mr. JACKSON, for himself and other Senators, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 36—INTRODUCTION OF A BILL TO PRESERVE AND PROMOTE THE RESOURCES OF THE CONNECTICUT RIVER VALLEY

Mr. RIBICOFF. Mr. President, I introduce a bill to create the Connecticut Historic Riverway. This legislation is a vital step in the efforts to preserve one of this Nation's greatest natural resources—the Connecticut River Valley.

The Connecticut River flows south through New England for nearly 400 miles to Long Island Sound. Flowing from small lakes near the New Hampshire-Canadian border, it is a swift, cold water stream dropping almost 900 feet in the first 30 miles. It then widens slowly, passing small, quiet New Hampshire and Vermont villages and farms. In Massachusetts, the river forms a wide valley floor with extensive flood plains which stretch as far south as Hartford,

Conn. It is in this area with its large population centers that the river is subjected to the heaviest industrial development and suffers the most damage.

South of Middletown, Conn., the river reenters an upland terrain with steep banks and little or no valley floor. The southern-most reaches of the river are surrounded by low lying marshes as well as forested hills. The river flows by scenic and historic Connecticut towns and villages and then becomes a broad estuary, dotted frequently with islands and offshore rocks.

It is significant that the Connecticut River flows through one of the most populated areas in the Nation and yet has still managed to remain close to its natural state. Except for the Massachusetts-Connecticut plain, the river has experienced limited development along its banks and most of the 400 miles of shoreline remain heavily forested. Because of a quirk of nature, which placed constantly shifting sandbars in its estuary, the Connecticut is the only major American river which still has no large city at its mouth.

But how long this will be is a question of great importance. More than 6 million people live within 50 miles of the river. The clean salt marshes at its mouth lie less than 100 miles from the center of Manhattan. Seven interstate or limited access highways serve the Connecticut River corridor. Now the trout filled headwaters on the Canadian border are only a few hours drive for New Yorkers and Bostonians.

While with few exceptions, the river's shoreline and surrounding countryside have not been marred by commercial developments, the river itself is seriously polluted in many sections and has been for several years. Yet, this very pollution has discouraged developers and other businessmen from seeking to tamper with the beauty of the river and the river valley.

But the pollution problem, thanks to Federal and State programs, is being solved and hopefully the river will be clean again in a few years. And once the purity of the waters of the Connecticut is restored, careless, uncontrolled development projects may begin. That is why we must move quickly to preserve and protect the river and the river valley.

Development is progressing with increasing intensity near the proposed Connecticut Historic Riverway. The small valley towns south of Middletown are expanding with residential and industrial development. The lower Connecticut valley cannot sustain intensive development of any kind for long periods. With this in mind, the Senate delegation from Vermont, New Hampshire, Massachusetts, and Connecticut sponsored in 1966 a measure authorizing a full-scale study of the Connecticut River Valley. The Department of the Interior's fine report, "New England Heritage," specifically recommended the establishment of a three-unit national recreation area—one in the southern Connecticut Valley, another in the central Massachusetts plain and a third in the northern most reaches of the river near its source.

Last year the Subcommittee on Parks and Recreation of the Interior Committee, led by the distinguished Senator from Nevada (Mr. BIBLE), made an inspection trip of the whole river valley.

In October, the Interior Committee reported out and the Senate passed without dissent, a bill I had introduced to create the first unit along the southern-most stretch of the river. Unfortunately, the House of Representatives did not consider the legislation before the Congress adjourned.

The bill I am introducing today is identical, except for a few minor technical changes, to that approved last October. It is my hope that action can be taken on it as soon as possible this year.

In 1966, testifying before the House subcommittee considering the bill which authorized the initial study, I said:

> It took eons to build the beauty of the Connecticut River Valley. The slash of bulldozers can rapidly take it away. Only constant vigilance safeguards our natural heritage—only far-sighted planning will make sure that future generations will enjoy the precious aspects we will retain today. We must act now to safeguard the future.

Four years have passed since then—and the need for action is now more urgent.

The bill I am introducing recognizes that development of the valley will occur in time. My legislation, however, places controls over the development in order to insure the continued beauty of the river valley.

The Connecticut Historic Riverway would encompass 23,500 acres along an 11-mile stretch of the river from Old Saybrook to Haddam, Conn. Within the riverway, the Secretary of the Interior would be authorized to acquire up to 5,000 acres. The preliminary studies reveal that only 4,100 need be bought and that almost all of it is still undeveloped. In fact, 870 acres will be tidal marshland which, while of limited economic value, is essential to the survival of aquatic and marine wildlife.

Acquisition of privately owned lands within the Connecticut Historic Riverway is estimated to cost $18,200,000. The total cost of the development of the federally owned lands, including their acquisition, will be $23 million.

The cost estimates have been reached following extensive consultations with local and State officials, including the Connecticut Commissioner of Agriculture and Natural Resources, who administers the State parks and State fisheries. The Park Service has also undertaken field surveys within the proposed riverway.

The remaining 17,500 acres would constitute a conservation zone and would remain in private ownership exempt from condemnation as long as zoning standards approved by the Secretary are effectively administered.

Similar conservation zones have been put into effect with success at the Cape Cod and Fire Island Seashores.

The Interior Committee believes that "these zones should not be a vehicle to stifle normal and reasonable commercial and industrial development, but that they can be employed as an effective method to permit continued use of the land while respecting the area's scenic and historical nature."

This belief, which I share, is in line with the view taken by the Department of the Interior report, "New England Heritage," which stated:

> The program recommended in this report does not seek to bar future development, but rather to assure that it will be done in a way that respects and enhances the beauty of the Connecticut River Valley.

The bill establishes a local advisory committee to assist in the administration of the riverway. This committee would consist of representatives from the several towns adjacent to the area as well as representatives from the State and regional planning commissions. Consultation with the Secretary of the Interior on matters relating to the development and administration of the area would be on a regular basis. This advisory committee would provide residents of the proposed riverway direct access to those charged with administering the Federal area.

Crucial to the legislation is the concept of the Connecticut Valley corridor. The corridor includes the first tier of Connecticut towns adjacent to the river and the Connecticut portion of the river itself. The authorization of this corridor will permit coordinated planning and conservation efforts by State, local, and Federal agencies in the Connecticut portion of the river valley.

In addition, all Federal projects affecting the river and corridor will be subject to the review of the Secretary of the Interior.

Although only the riverway itself is under direct Federal control, the Secretary will be authorized to assist local and State efforts to enhance the recreation resources within the corridor which are outside of the riverway.

Mr. President, I cannot stress too much the need for this program. Each time I return to this section of my State I see that new buildings have been erected and new developments are being planned. If something is not done to control this expansion, it will soon reach the river's edge.

The shoreline of a river is more than a mere boundary. To quote Dr. Richard G. Lillard of the California State College at Los Angeles, who has studied the Connecticut River:

> It is a life zone, an area of varying width, a vital ecological fringe.
>
> Like streamside lands it is valuable to natural creatures and to human beings to a degree that is out of all proportion to acreage.
>
> It is like the narrow, but indispensable, growing layer inside the bark of a tree. It is fragile, easily cut, injured, infected.

It would be a tragedy for us to allow this narrow strip of land and water to be cut, injured, and infected. The damage can be prevented if we act without undue delay. I hope that my colleagues share this concern and will join me in assuring prompt approval of this bill.

Mr. President, at this point I ask unanimous consent that the full text of the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection the bill will be printed in the RECORD.

The bill (S. 36) to preserve and promote the resources of the Connecticut

River Valley, and for other purposes, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 36

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

STATEMENT OF POLICY

SECTION 1. The Congress finds that the Connecticut River and the first tier of towns bordering the river in the States of Connecticut, Vermont and New Hampshire, and the Commonwealth of Massachusetts, as generally depicted on the map entitled "Connecticut River Valley corridor", numbered NSR–CON–91,000 and dated August 1970, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior, possess unusual scenic, ecological, scientific, historic, recreational, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress further finds that it is in the best interests of the citizens of the United States for the United States to take action to preserve and promote such values for the enjoyment of present and future generations, to preserve the natural ecological environment and develop the recreational potential of the area, and to encourage maximum complementary action by State and local governments and private individuals groups, and associations.

CONNECTICUT HISTORIC RIVERWAY

SEC. 2. In order to provide for conservation of the scenic, scientific, historic, ecological, and other values contributing to public enjoyment, as well as the public outdoor recreation use and enjoyment of the Connecticut River Valley corridor, consistent with the well-being of present and future residents of the area, there is hereby established the Connecticut Historic Riverway (hereinafter referred to as the "Riverway"). The boundaries of such Riverway shall be as generally delineated on the map numbered NR–CON–40,000, and dated July 1970. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the Riverway from time to time with a view to carrying out the purposes of this Act, with the approval of a majority of the advisory committee for such unit, as established and described in Section 6 of this Act and hereinafter referred to as the "Committee", but the total acreage within the revised boundaries of the unit shall not exceed twenty-three thousand five hundred acres.

ACQUISITION OF PROPERTY FOR THE CONNECTICUT HISTORIC RIVERWAY

SEC. 3. (a) Within the boundaries of the Riverway, the Secretary may acquire without the consent of the owner not to exceed five thousand acres of privately owned lands, waters, and interests therein which he determines are presently needed to carry out the purposes of this Act: *Provided*, That the Secretary may acquire a fee title only in cases where, in his judgment, the acquisition of scenic easements or other less-than-fee interests would not be adequate to carry out the purposes of this Act. The remaining privately owned property within such unit may not be acquired by the Secretary without the consent of the owner or owners (hereinafter referred to as "owner") for one year following the date of enactment of this Act, and thereafter so long as an appropriate local zoning agency shall have in force and applicable to such a property a duly adopted, valid zoning ordinance approved by the Secretary. In order to carry out the provisions of this section, and following public hearings, the Secretary shall issue regulations, specifying standards that are consistent with the purposes of this Act. Such regulations and amendments thereto must receive the approval of a majority of the Committee before issuance.

(b) The standards specified in such regulations shall have the object of (i) regulating new commercial or industrial uses of such property consistent with the purposes of this Act, and (ii) promoting the protection and development for purposes of this Act of such property by means of acreage, frontage, setback design, and subdivision controls and by prohibiting the cutting of timber, burning of undergrowth, removing soil or other landfill, and dumping or storing refuse in such a manner that would detract from the natural or traditional riverway scene: *Provided*, That such standards shall not discourage the constructive development and use of land for industrial and commercial purposes which are consistent with the purposes of this Act.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (i) contains any provisions that he considers adverse to the protection and development of such property in accordance with the purposes of this Act, or (ii) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this section, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may terminate the suspension of his authority to acquire such property by condemnation: *Provided*, That the owner of any such property shall have ninety days after written notification from the Secretary to discontinue the variance, exception, or use referred to in such notification.

(f) The Secretary shall furnish to any party in interest, upon request, a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

ADDITIONAL PROPERTY ACQUISITION PROVISIONS

SEC. 4. (a) The Secretary is authorized to acquire the lands, waters, and interests therein (including scenic easements) within the Riverway by donation, negotiated purchase with donated or appropriated funds, transfer, exchange, or condemnation except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically provided in section 3 of this Act.

(b) With the exception of any lands which the Secretary determines are presently needed for public use facilities to carry out the purposes of this Act, any owner of improved property within the unit on the date of its acquisition by the Secretary may elect, as a condition to such acquisition to retain a right of use and occupancy of the improved property for noncommercial residential and agricultural purposes for a period ending at the death of the owner or his spouse, whichever occurs later, or for a fixed term not to exceed twenty-five years. The Secretary shall pay to the owner the fair market value of the property on the date of its acquisition less the fair market value on such date of any right retained by the owner. Any retained right of use and occupancy may be transferred or assigned. Whenever the Secretary finds that the property or any portion thereof has ceased to be used for noncommercial residential purposes, he may terminate the right of use and occupancy upon tendering to the holder thereof an amount equal to the fair market value of the portion of said right which remains unexpired on the date of termination.

(c) As used in this section, the term "improved property" shall mean a one-family dwelling the construction of which was begun before July 1, 1970, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling and land for noncommercial residential or agricultural purposes, together with any structures accessory to the dwelling which are situated on the land so designated: *Provided*, That the Secretary may exclude from the land so designated any water bodies together with so much of the adjacent land as he deems necessary for public access thereto.

(d) Any property or interests therein within the Riverway which are owned by a State or by any political subdivision thereof or permanently preserved for conservation purposes under the ownership of a nonprofit, nonstock organization may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the Riverway may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration by him as part of the recreation area.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Secretary shall administer and protect the riverway with the primary aim of conserving the natural resources located within it and preserving the area in as nearly its natural state and condition as possible. No development or plan for the convenience of visitors shall be undertaken in the riverway which would be incompatible with the overall lifestyle of residents of the area, accepted ecological principles, the preservation of the physiographic conditions now prevailing, or with the preservation of such historic sites and structures as the Secretary may designate.

(b) The riverway shall be administered, protected, and developed by the Secretary in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), except that the Secretary may utilize any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the riverway in accordance with the applicable laws of the States concerned and of the United States, except that the Secretary may designate zones where, and establish periods when, no hunting, no fishing, or trapping shall be permitted for reasons of public safety, fish or wildlife management, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary prescribing any such restrictions shall be issued only after consultation with the appropriate agency of the State concerned.

(d) The Federal Power Commission shall not authorize the construction, operation, or maintenance within the riverway of any dam,

water conduit, reservoir, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already licensed.

(e) Designated National Park Service employees of the riverway may make arrests for violations of any Federal laws or regulations applicable to the area, and they may bring the accused person before the nearest magistrate, judge, or court of the United States having jurisdiction in the premises.

ADVISORY COMMITTEE

SEC. 6. (a) There is hereby established the Connecticut Historic Riverway Advisory Committee.

(b) Such Committee shall be composed of members appointed for a term of two years by the Secretary as follows:

(1) a member appointed to represent the State of Connecticut. Such appointments shall be made from recommendations of the Governor of the State of Connecticut;

(2) a member appointed to represent the appropriate regional planning commissions or agencies of Connecticut. Such appointments shall be made from recommendations of the heads of such commissions or agencies;

(3) a member appointed to represent each town referred to in section 1 of this Act that is directly affected by the establishment of the Riverway and such appointments shall be made from recommendations of the governing body of such towns; and

(4) a member to be designated by the Secretary; and

(5) a member to be designated by the Administrator of the Environmental Protection Agency or other such Federal agency which assumes the responsibility for the protection of the environment by change of law or by executive order, unless that agency is under the administrative jurisdiction of the Secretary of the Interior.

(c) The chairman of the Committee shall be elected by the membership thereafter for a term of not to exceed two years. Any vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(d) All members of the Committee shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Committee in carrying out their responsibilities under this Act on the presentation of vouchers signed by the chairman.

(e) The Secretary or his delegate shall consult regularly with the Committee with respect to all matters relating to the development and administration of the Riverway, and with respect to carrying out the provisions of this Act, including but not limited to matters relating to the acquisition of lands, the issuance of regulations specifying standards for zoning ordinances, and the administration of the Riverway.

(f) The Committee shall make available to the Secretary an annual report reviewing matters relating to the development of the Riverway, including land acquisition and the zoning standards policies, and shall make recommendations thereto.

CONNECTICUT RIVER VALLEY CORRIDOR

SEC. 7. (a) The Secretary, in accordance with authority contained in the Act of May 28, 1963 (77 Stat. 49), and in consultation with the New England River Basin Commission and the Advisory Committee established by section 6 of this Act, shall encourage coordinated planning for the conservation and development of the scenic, ecological, scientific, historic, and recreational resources of the Connecticut River Valley corridor which is defined for the purpose of this section as that part of the Connecticut River Valley corridor depicted on the map referred to in section 1 of this Act which is located within the State of Connecticut. The Secretary shall give particular attention to encouraging and coordinating the conservation and development of the outdoor recreation resources of the corridor that are outside the boundaries of the Riverway, and he is authorized to provide technical assistance to State and local governments and private individuals, groups, and associations with respect to the conservation and development of such resources. The Secretary is authorized to establish a regional office of the Bureau of Outdoor Recreation within the boundaries of the Connecticut River Valley corridor in order to facilitiate the planning and coordination under this section.

(b) The Secretary shall encourage State, regional, county, and municipal bodies to adopt and enforce adequate master plans and zoning ordinances which will promote the use and development of private owned lands within the corridor in a manner consistent with the purposes of this section, and he is authorized to provide technical assistance to such bodies in the development of such plans and ordinances.

(c) The Secretary shall cooperate with the appropriate State and local agencies to provide safeguards against pollution of the Connecticut River and unnecessary impairment to the scenery thereof.

(d) In order to avoid, insofar as possible, decisions or actions by any department, agency or instrumentality of the United States which could have a direct or adverse effect on the outdoor recreation resources of the corridor, all departments, agencies, and instrumentalities of the United States shall consult with the Secretary concerning any plans, programs, projects and grants under their jurisdiction within the corridor. Any Federal department, agency, or instrumentality before which there is pending an application for a license for any activity which could have such effect on the outdoor recreation resources of the corridor shall notify the Secretary, and, before taking final action on such application, shall allow the Secretary ninety days to present his views on the matter.

(e) The Secretary of Agriculture shall study means of preserving the agricultural, forest, and rural open space character of the corridor, and shall submit a report of his findings and recommendations to the President and Congress within one year after the date of this Act.

SHORELINE EROSION CONTROL

SEC. 8. The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for shoreline erosion control of the Connecticut River; and any protective works for such control undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of this Act.

APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated not to exceed $23,000,000 to carry out the provisions of this Act.

S. 37—INTRODUCTION OF A BILL TO PROVIDE FOR ORDERLY TRADE IN TEXTILE ARTICLES AND ARTICLES OF LEATHER FOOTWEAR, AND FOR OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on behalf of the Senator from New Hampshire (Mr. McINTYRE), that I may be able to introduce a bill for him to provide for orderly trading of textile articles and articles of footwear and for other purposes, and that I also be permitted to have printed in the RECORD a statement by the Senator from New Hampshire, together with extraneous matter in connection therewith.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection the statement will be printed in the RECORD.

The bill (S. 37) to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes, introduced by Mr. BYRD of West Virginia, for Mr. McINTYRE, was received, read twice by its title and referred to the Committee on Finance.

The material presented by Mr. BYRD of West Virginia, for Mr. McINTYRE, is as follows:

STATEMENT OF SENATOR McINTYRE

Mr. McINTYRE. Mr. President, last week the U.S. Tariff Commission issued its long awaited report on nonrubber footwear. The Commission split 2 to 2, on the question of whether the tremendous increase in imports of footwear into the United States had been caused by trade concessions granted to foreign producers in the past.

There was no disagreement, however, on the issue of whether there has been a vast increase in footwear imports. All four commissioners recognized the step-up in imports, and all seemed to agree that the domestic shoe industry is in seriously ill condition.

Also last week, the American Footwear Manufacturers Association released its periodic report on imports. In the first eleven months of 1970, imports jumped by over 20% measured by numbers of pairs, by 27% in value. I ask unanimous consent that this report be printed in the RECORD at the conclusion of my remarks.

In the last session of the Congress, legislation which would provide needed relief to the workers in American shoe plants and the communities in which they live was passed by the House of Representatives and reported out by the Senate Finance Committee. As my colleagues know the lateness of the Senate's consideration of this legislation led in the closing days of the session to a situation in which shoe quota legislation could not be finally acted upon.

In order that this legislation will be before us promptly this year, I am today reintroducing the quota legislation which I submitted last year. Like last year's bill, this one will also provide similar protection for textile workers.

Mr. President, I send this bill to the desk and ask that it be appropriately referred.

Mr. President, I hope that the Congress can act promptly to consider this bill. It is sound in construction and clear in intention. It has been passed by the House already, and I hope that it can soon be favorably considered by the Senate.

IMPORTS, JANUARY–NOVEMBER 1970

With 16,347,200 pairs of nonrubber footwear imported into this country in November, the first eleven months of the year showed a staggering total of 215,850,800 pairs—a 20% increase over the same period in 1969. The f.o.b. value of this footwear amounted to $500,171,800 for the eleven months, representing a 27% increase over the comparable period last year.

AFMA's early estimates and constant warnings concerning the bombardment of imports during 1970 have been sadly realized. Imports of nonrubber footwear for 1970:

(1) will total 235,000,000 pairs.

(2) will be worth $550,000,000 at the f.o.b. level.

(3) will be worth $891,000,000 at the whole sale level.

(4) will be worth $1,782,000,000 at the retail level.

Following is a summary of imported nonrubber footwear by major types and by principal sources for eleven months 1970.

Type of footwear	Percent change 11 months 1969–70 (pairs)	Average dollar value per pair	Estimate retail dollar value
Men's, boys' leather	+14.1	$4.52	$14.64
Men's, boys' vinyl	+68.0	1.31	4.24
Women's, misses' leather	+25.7	3.32	10.76
Women's, misses' vinyl	+9.4	.95	3.08
Children's, infants' leather	+28.3	1.50	4.86
Children's, infants' vinyl	+4.2	.83	2.69

Major sources	Pairs (thousands)	Value f.o.b. (thousands)	Average dollar value per pair
Italy	73,053	238,421	$3.26
Japan	54,249	55,155	1.02
Taiwan	36,198	25,011	.69
Spain	18,948	69,746	3.68
Hong Kong	4,140	3,377	.81

S. 41—INTRODUCTION OF THE NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED ACT OF 1971

Mr. DOLE. Mr. President, I introduce today the National Information and Resource Center for the Handicapped Act. On several occasions I have called attention to the many areas of life in which the handicapped confront particularly difficult and frequently unique problems. Common to each of these areas of difficulty is the problem of information. It appears that the greater the availability and coordination of knowledge, the more progress the handicapped have made toward achieving meaningful solutions and progress. It is the intent of this bill to provide this coordination and availability of information.

For our Nation's 42 million handicapped persons and their families, yesterday, today, and tomorrow are not filled with "everyday" kinds of problems which can be solved or soothed by "everyday" kinds of answers. Their daily challenge is: accepting and working with a disability so that the handicapped person can become as active and useful, as independent, secure, and dignified as his ability will allow.

Too many handicapped persons lead lives of loneliness and despair; too many feel and too many are cut off from our work-oriented society; too many cannot fill empty hours in a satisfying, constructive manner. The leisure most of us crave can and has become a curse to many of our Nation's handicapped.

Employment is universally recognized as an area in which the handicapped are underutilized and often unjustifiably restricted. Numerous organizations and programs have sought to stimulate employment of handicapped workers and to open greater opportunities for them in the mainstream of life.

The economic problems which a handicap often generates are to a certain degree understood by the general public, but the full impact on the lives of the afflicted and their families is frequently unappreciated. Some resources and financial benefits are available both through governmental and private channels, but often they are difficult to obtain or of only taken significance.

The availability and access of needed health care facilities and personnel looms large in the lives of the handicapped. This is a matter which usually receives scant attention from the great mass of people, because they have no comparable needs in their lives. In a similar sense, rehabilitation services can be tremendously significant to the handicapped and disabled, but the public is largely unaware of the critical nature of this need. In rehabilitation, the Department of Health, Education, and Welfare said recently that roughly 25 percent of America's disabled have not received rehabilitation services and do not know where to seek such help. They estimate at least 5 million may be eligible for assistance.

Also, in the field of education, the handicapped pose special difficulties in requirements of methodology, facilities and curricula. Slight attention and publicity have been given these matters outside fairly narrow corridors of concern and involvement.

Architectural, transportation, and housing problems are areas that cause tremendous concern for our handicapped. Again, these problems require special consideration. The many services provided by the Federal Government in conjunction with the State governments in financial assistance, rehabilitation, research, education, and training of the handicapped have helped many disabled Americans live as normal, as full and rich lives as possible.

Much has also been done to aid the handicapped through the great voluntary agencies. It is difficult to properly assess the many effects of the private sector—in health care, education, employment; in research, employment; in research, rehabilitation, by fund-raising drives and through professional groups for the handicapped.

Our private economy and the resources of our people have combined to improve the quality of life in America in ways and for persons the Government could not begin to match.

In the framework of the presently available resources for our handicapped citizens, we must insure our efforts and money are not misplaced or misdirected—that they actively fill the needs. It is the design of this bill to insure that all the knowledge and information regarding services be consolidated and made available to the handicapped person in the form he can use and when he most needs it. Presently, no one source exists. There is a lack of coordination and centrally available information. For example, information on rehabilitation facilities and services is incomplete and often available only through professional channels.

Much the same can be said for information on employment, health care, and economic aid. In other words the knowledge about resources, research findings, technical assistance, reports, and information about what other governmental units, private concerns, communities, businesses, and colleges have done to accommodate handicapped people is diffused and completely lacking in centralization or coordination. The National Information and Resource Center for the Handicapped will provide a point of contact for individual citizens, families of the handicapped, the handicapped themselves, as well as private organizations, professional organizations, city, and State officials who desire information or direction.

This concept of a national center to coordinate information pertinent to the disabled has met with widespread support from all sectors of the handicapped community. The handicapped can be helped. We have the know-how and the resources to restore many more of the disabled to productive lives than are being served at present. The tragedy lies in the fact few Americans are aware of the capabilities and extent of services of modern public and private programs for the handicapped. They are also unaware of the nature and extent of disability, of the human and economic loss it imposes, and the great potential for improving the lives of the disabled through modern, comprehensive services. The problem is particularly acute when handicapped persons and their distraught families have no knowledge of where to turn when disability strikes.

The creation of this center will fill this great void. It is an answer to a specific and well-defined need, and it will meet this need at a reasonable cost. In 1969, I proposed the creation of a Presidential Task Force on the Handicapped to review efforts in the public and private sectors on a broad basis in order to determine how to best assist the handicapped to achieve maximum independence, security, and dignity.

I was highly gratified when President Nixon appointed two task forces to study the physically and mentally handicapped. The task force on the physically handicapped, composed of highly dedicated and experienced individuals from Government, industry, and private organizations, recommended the establishment of a central, national information reception and distribution network to provide a source of information regarding services for all handicapped individuals.

The center will not duplicate the function of any programs in either the Government or private sectors. Rather, its function will be coordination of information relating to all programs to the benefit of the handicapped. A small staff will be available to direct inquiries to specialized contacts—to universities, individuals, organizations, and agencies which have special knowledge or have successfully worked on aspects of these problems. The 42 million Americans who belong to the handicapped minority will be the immediate and long-term beneficiaries of the center's services. America will be the ultimate beneficiary through increased contribution, well-being, and personal fulfillment of the handicapped.

This field truly knows no partisanship. Working together, we in the Congress as well as all interested individuals and

organizations can do much to promote meaningful and productive lives for the handicapped. I urge my colleagues to support the establishment of this center.

Mr. President, I ask unanimous consent that the National Information and Resource Center for the Handicapped Act be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 41) to provide for the establishment, within the Department of Health, Education, and Welfare, of a National Information and Resource Center for the Handicapped, introduced by Mr. DOLE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 41

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Information and Resource Center for the Handicapped Act".

SEC. 2. (a) There is hereby established, within the Department of Health, Education, and Welfare, a National Information and Resources Center for the Handicapped (hereinafter referred to as the "Center").

(b) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this Act.

SEC. 3. (a) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops or technical consultation) information and data related to the particular problems caused by handicapping conditions, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting individuals who are handicapped, and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped. It shall further be the duty and function of the Center to cooperate with and assist other appropriate information sources with a view to coordinating and promoting the effective and economical provision to interested parties of the information and data referred to in the preceding sentence.

(b) The information and data with respect to which the Center shall carry out its duties and functions under subsection (a) shall include (but not be limited to) information and data with respect to the following—

(1) medical and rehabilitation facilities and services;

(2) day care and other programs for young children;

(3) education;

(4) vocational training;

(5) employment;

(6) transportation;

(7) architecture and housing (including household appliances and equipment);

(8) recreation; and

(9) public or private programs established for, or which may be used in, solving problems of the handicapped.

SEC. 4. (a) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(b) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(c) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

SEC. 5. There is authorized to be appropriated for carrying out the purposes of this Act for the fiscal year ending June 30, 1972, the sum of $300,000, and for each fiscal year thereafter such sums as may be necessary.

S. 43—INTRODUCTION OF A BILL TO CREATE U.S. CONSERVATION SAVINGS BONDS

Mr. STEVENS. Mr. President, in July of 1970, I introduced a bill to create the U.S. conservation savings bonds. Subsequent to the bill's introduction, the concept was endorsed by then Secretary of the Interior Walter J. Hickel. Additionally, other legislative proposals with a similar intent were introduced in this body.

I introduced this legislation in response to the concern of many Americans interested in preserving the quality of environmental life in our country. This bill would give all Americans a new option.

Many Americans, patriotic to our Nation, still think of savings bonds as defense bonds. While not supporting particular aspects of foreign policy, they still love the United States and want to contribute to its growth and preservation. Other Americans, strong in their belief that this country must continue its technological experimentation and advancement, still cherish the clean air, clean water, and quality of life that make this country unique.

My bill will establish the conservation trust fund. Proceeds from the sale of conservation savings bonds will go into this trust fund and may be expended only for conservation purposes.

Passage of this legislation will enable Americans who fear their voices are not being heard to actively participate in one segment of our democratic process.

I ask unanimous consent that my bill be printed in the RECORD immediately following my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 43) to authorize the issuance of U.S. conservation savings bonds in order to afford an opportunity for the people of the United States, through the purchase of such bonds, to participate in the financing of programs to conserve and improve the Nation's environment introduced by Mr. STEVENS, was received, read twice by its title referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

S. 43

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section 22B be added to the Second Liberty Bond Act to read as follows:

"SEC. 22B. (a) In addition to United States savings bonds, and retirement and savings bonds authorized to be issued under sections 22 and 22A of this Act, respectively, the Secretary of the Treasury is authorized to issue, from time to time United States conservation savings bonds, the proceeds of which shall be deposited in the trust fund created by subsection (b) of this section. Conservation savings bonds shall bear such rates of interest, shall be in such forms, shall be offered in such amounts, subject to the overall debt limitation imposed by section 21 of this Act, shall be issued in such manner, and shall be subject to such terms and conditions, including any restriction on their transfer, as the Secretary of the Treasury may from time to prescribe.

"(b) There is hereby created within the Treasury of the United States a conservation savings bond trust fund hereinafter referred to as the fund. All proceeds from the sale of conservation savings bonds shall be deposited in the fund. Amounts in the fund are hereby authorized to be appropriated without fiscal year limitation, for expenditures for conservation purposes."

S. 44—INTRODUCTION OF THE FEDERAL MARINE WAYS GRANT AND LOAN PROGRAM

Mr. STEVENS. Mr. President, on October 8, 1970, I introduced S. 4449, a bill relating to a Federal marine ways grant and loan program.

The pressing urge of business precluded consideration of this legislative proposal during the last Congress. Accordingly, I am reintroducing this legislation.

The fishing industry in Alaska is the large private employer in my State. More Alaskans are directly or indirectly dependent on fishing than on any other industry. It is second only to oil in the amount of revenue it brings into the State.

Fishing in Alaska involves thousands of independent fishermen living in dozens of small towns scattered over thousands of miles of Alaskan coastline. Should one of these fishermen have trouble with his boat, he is immediately in serious financial trouble, because his boat is likely to be out for the entire fishing season.

The reason for the seriousness of the consequences of so ordinary a problem as having a boat in need of repair is that there are too few places where the repairs can be effected. The owner will often have to take his boat to the "south 48" to have it repaired and the journey to and from a point so distant from Alaska will consume almost the entire fishing season.

The solution to this problem is simple. Facilities for the repair and maintenance of vessels should be built at several of the fishing communities where the boats are moored. But, as is so often the case in these small communities, there simply is not enough capital available to finance the large investment required to provide adequate marine ways facilities.

I am introducing a bill today which will provide for Federal grants covering up to 50 percent of the cost of such facilities with Federal loans for the remainder. The Bureau of Commercial Fisheries already provides for loans for fishing vessels from the fisheries loan fund, the life

of which Congress has just extended. The loan portion of the marine ways facilities would be made from the same fund. Additional capital would be added to the fund to compensate for the additional demand the marine ways program would generate.

The grant portion of the program would be financed by $5 million appropriation and would be operated by the Bureau of Commercial Fisheries. Grants would be made only to communities which were located at least 100 statute miles by sea from the nearest existing marine ways facilities adequate to their needs. This requirement would limit the program to those areas which have great need, but have thus far been unable to find the required capital.

Mr. President, the present lack of marine ways facilities in my State makes a malfunction in a vessel that would normally be an annoyance into a financial disaster bringing hardship to the fisherman, his family, and the State. The program I am proposing will generate the capital necessary to allow these fishermen to help themselves by collective action in their local communities.

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

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 44) to provide for grants and loans to communities for construction, maintenance, and operation of marine ways facilities, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

S. 44

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Act of 1956 is amended by adding at the end thereof a new section as follows:

"FEDERAL MARINE WAYS GRANT AND LOAN PROGRAM

"SEC. 13(a)(1) There is authorized to be appropriated the sum of $5,000,000 for the fiscal year ending June 30, 1972, for grants to carry out the provisions of this subsection. From the sum available therefor, the Secretary of the Interior is authorized to make grants to any community or communities to enable it or them to construct marine ways facilities for the maintenance and repair of fishing and fish processing vessels.

"(2) Such grants shall be limited to 50 per centum of the actual cost of site acquisition, planning and design, and construction of such marine ways facilities, and shall be made on such conditions as the Secretary determines necessary to carry out the provisions of this subsection: except that such grants shall be made only to a community or communities which, on the date of the enactment of this section, does not have adequate maintenance and repair facilities for fishing and fish processing vessels, and is located at least one hundred statute miles by the most direct sea route from any existing marine ways facilities. Payments under this subsection may be made in advance or by way of reimbursement, as determined by the Secretary.

"(b)(1) The Secretary of the Interior is authorized, under such rules and regulations and under terms and conditions prescribed by him, to make loans for the financing and refinancing of the construction, maintenance, renovation, repair and operation of such marine ways facilities with respect to which assistance was provided under subsection (a) of this section, including the remaining portion of the cost of any such facility receiving a grant under such subsection.

"(2) Any loans made under the provisions of this subsection shall be subject to the following restrictions:

"(A) Bear an interest rate of not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (ii) such additional charge, if any, toward covering other costs of the loan program carried out under this subsection as the Secretary of the Interior may determine to be consistent with its purpose; and

"(b) Mature in not more than twenty-five years.

"(c) Loans made pursuant to this subsection shall be made from the fisheries loan fund established pursuant to section 4 of this Act. There are authorized to be appropriated to the fund the additional sum of $10,000,000 to provide additional capital."

S. 45—INTRODUCTION OF A BILL TO FORGIVE A PORTION OF THE GOOD FRIDAY EARTHQUAKE LOANS

Mr. STEVENS. Mr. President, last year, I introduced for consideration S. 4058, a bill which would have extended SBA loan forgiveness to the Good Friday earthquake.

This bill, which extends partial forgiveness for Small Business Administration loans to those made as a result of the Good Friday earthquake, which devastated large areas of my State on March 27, 1964, was considered as an amendment to other legislation late in 1970.

Although the amendment failed to pass, I feel that reconsideration of this important concept by this body will lead to a different result. With the passage of the Disaster Relief Act of 1969, Congress recognized "that a number of States had experienced extensive property loss and damage as a result of recent major disasters and that there is a need for special measures designed to aid and accelerate the efforts of these affected States to reconstruct and rehabilitate the devastated areas."

The Disaster Relief Act of 1969 provided this special measure of aid by partial forgiveness of SBA loans incurred from disasters since July 1, 1967.

During the Good Friday earthquake and the ensuing tidal waves, the State of Alaska suffered damages totaling millions of dollars. Fatalities and tidal damage occurred as far south as Crescent City, Calif., and the Small Business Administration subsequently granted 1,325 loans for a total of $90,930,000 to assist in reconstruction. This earthquake was the most severe seismic disturbance ever registered in this country, and many of the victims of this disaster have not yet recovered. The bill I am introducing will match the provisions of section 7 of the Disaster Relief Act of 1969 and provide a forgiveness of SBA loans not to exceed $1,800 per loan.

I ask unanimous consent that the full text of this bill be printed immediately following my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 45) to forgive a portion of some Small Business Administration loans granted as a result of the Good Friday earthquake of 1964, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Banking and Urban Affairs and ordered to be printed in the RECORD, as follows:

S. 45

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of any loan made pursuant to section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636 (b)), as a result of the Good Friday earthquake, which occurred on March 27, 1964, the Small Business Administration shall, at the borrower's option, on that part of any loan in excess of $500, cancel (i) the interest due on the loan, (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800.

S. 46—INTRODUCTION OF A BILL REGARDING FOREIGN FISHING ACTIVITY

Mr. STEVENS. Mr. President, today I am introducing legislation which is designed to meet the threat posed by foreign fishing activity off the coasts of the United States.

Specifically, my bill would widen the present U.S. contiguous fisheries zone. Currently, the fisheries zone has as its inner boundary the outer limit of the territorial sea and as its seaward boundary a line drawn so that each point on the line is 9 nautical miles from the nearest point on the inward boundary. The measure which I am introducing today would retain the present inward boundary, but would extend the outer limit so that each point on the boundary line would be 200 nautical miles from the nearest point on the inner line or at a point corresponding to a depth of 550 meters, whichever alternative produces the greater breadth. This formula would be used to compute the contiguous zone everywhere except in the Bering Sea off the coast of Alaska. In this area, the outward boundary would be the International Dateline.

Such an extension would accomplish several very important goals. First, the bountiful American fishery would be protected from the depredations of foreign fishermen. In the past, foreign fishing activities have seriously threatened our marine resources. The effects have been most acute in the fisheries located off the coasts of my home State of Alaska. Alaskan fishermen are required to adhere to very stringent laws and regulations respecting the time, place, and manner governing fishing activities. However, foreign fishermen are subject to no such restrictions. As a result, the Alaskan salmon run has been threatened several times in the past few years by foreign fishermen using harvesting tech-

niques which are forbidden to our own fishermen. Thus, the legitimate conservation interests of the State of Alaska and the United States have been seriously jeopardized.

Foreign fishing activity only a few miles off the coasts of the United States has also posed a severe economic threat for American commercial fishermen. Partly because of this activity the United States ranks a poor sixth among the world's fishing nations in spite of our advanced technology and vast wealth. The economic consequences of foreign fishing are felt throughout the United States—from Gloucester to San Diego and from the Gulf Coast ports to Alaska. However, the most deleterious effects are experienced in my State of Alaska, where fishing is the second greatest revenue producing industry and where commercial fishermen represent a large percentage of the overall work force. These men and women look to the sea as their sole source of income, and many depend on the Alaskan fishery for a large part of their diet. Thus, foreign fishing activity taking place at the edge of the present 12-mile contiguous fishery zone is justifiably viewed with great concern.

Mr. President, in the past few years, many alternatives to extending the contiguous zone to 200 miles have been discussed and tried. Most regrettably, these efforts have been relatively unsuccessful. Thus, the United States has been unable to negotiate fisheries treaties with many of the nations whose fishermen have been active off the coasts of the United States. Moreover, the present 12-mile limit has not insured the protection of anadromous fish, such as salmon, which spawn in the fresh water streams of the United States. Foreign nationals who fish at the edge of the 12-mile limit unimpeded by American conservation laws and regulations have the capability of wiping out the fish population of an entire stream or river through the use of fishing techniques which are prohibited by the coastal State. In addition, the present 12-mile limit is too narrow for adequate enforcement of our fishing laws. Foreign fishermen frequently come very close to shore under cover of darkness or in dense fog and then escape to the open sea upon detection or when their vessels are filled to capacity. There is simply not a large enough expanse of open water within which to detect and apprehend offending vessels. Unfortunately, stringent penalties, such as heavy monetary fines and the confiscation of cargo and gear, have not proved to be a sufficient deterrent. Many foreign fishermen are willing to accept the risk of punishment in view of the monetary rewards which can be expected.

For the reasons outlined above, I believe that an extension of the present U.S. contiguous fisheries zone is the only viable alternative. This view has been echoed by thousands of American commercial fishermen who have now turned to the Federal Government for assistance. Recognizing the dire plight of the fishermen in my State, the Alaska State Legislature has passed a resolution requesting the Congress to extend the present 12-mile limit to 200 miles.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 46) to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966, introduced by Mr. GRAVEL, was received, read twice by its title and referred to the Committee on Commerce.

S. 62—INTRODUCTION OF A BILL TO PROVIDE TAX RELIEF FOR POLICEMEN AND FIREFIGHTERS

Mr. TAFT. Mr. President, I am today introducing legislation which will provide much needed tax relief for a beleaguered group of Americans—our policemen and firefighters. My bill would provide for an exclusion of up to $200 per month from gross income, for Federal income tax purposes.

It is very easy, in these days which are filled with a rising fear of crime, to talk about law and order. It is not as easy, but far more helpful, to do something about the problem. This bill assists firemen and policemen where they most need help—financially. The salaries which these men receive, when considered in light of all that we call upon them to do, are far from adequate.

A police officer, if he is to function properly, must simultaneously act as an alert detective, an informed criminal lawyer, an able assistant to those in need, an expert marksman, and an apprehender of fleeing criminals. The lot of the fireman is no more enviable. They are called to a burning building and as they arrive they are often bombarded with rocks and other missiles. Occasionally they are even fired upon by snipers.

It should therefore be quite obvious that if we are to expect so much from our police and firemen we should be able to adequately compensate them. The cities and States recognize the need for higher pay for these men, but they are unable to generate sufficient funds for that purpose.

Eventually, and hopefully very soon, this situation will be corrected by the passage of President Nixon's revenue sharing proposal, of which I have long been a supporter. But in the case of firemen and policemen, we simply cannot wait for the revenue sharing program to go into practice, or for the States to establish their priorities as to the allocation of Federal revenues.

Therefore, this bill is a very timely one. It permits us to provide a financial break to our policemen and firefighters, and we can provide it now. This bill has the enthusiastic support of firefighters and police groups throughout the country. I recommend it to you in the hope that it will receive your favorable consideration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 62) to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time enforcement officers and firemen employed by State and local governmental instrumentalities, introduced by Mr. TAFT was received, read twice by its title, and referred to the Committee on Finance.

S. 64—INTRODUCTION OF "FEDERAL TAX-SHARING ACT OF 1971"

Mr. HOLLINGS. Mr. President, the first piece of legislation that I presented to this body was the Tax Sharing Act of 1967, a measure by which State and local governments could share in the revenues collected through Federal taxation. I stated on that occasion that time was fast running out on State and city agencies all across the land. The problem was urgent then. It is totally compelling now. Each morning's newspaper warns of impending bankruptcies and governmental breakdown on the State and local levels. And each morning's newspaper tells of the inability of an over-blown Federal bureaucracy to bring order out of its self-created chaos. Government has grown away from the people, and the people have reacted by withdrawing their trust from an unresponsive Federal bureaucracy. It is long past time that we turn things around by bringing Government back to the people.

State and local problems must be solved at the State and local levels. Police protection and law enforcement, street maintenance and sanitation, housing and education—these are what spell the difference between the good life and the bad, between a decent and a squalid environment. In all of these areas, local planning and supervision are essential. If we neglect to turn these problems over to the people, the problems will continue to fester, and the confidence of our citizens will continue to erode. That is why revenue sharing is so vitally important.

To say that State efforts have not been enough in the past is to beg the issue. Of course, State and local agencies have not done enough. How could they, given the limitations of their finances? The fact is that State and city governments have tried, but the cards and dollars have always been stacked against them. Even against the overwhelming odds, some areas have made progress. In my own State, for example, we instituted a program of technical training that has been praised by governmental leaders all over the Nation. It is efficient and effective. With State managed programs such as this, we can at long last begin to arrest the trend toward ever expanding centralized management. And by working together, the State and Federal governments can revive the dynamic federalism envisioned by the founding fathers.

Today I am reintroducing my proposal for a Tax Sharing Act. It is, Mr. President, the product of wide consultation. Although I had intended it originally to apply only to Federal-State revenue sharing, the late Senator Robert F. Kennedy persuaded me of the wisdom of including the subdivisions of State government. Many of the problems I have enumerated are more appropriately dealt with on the local level.

I urge the Congress to act speedily on this proposal. We will be dealing with no more important problem during this

just-convened session of the legislature. Old ways have been tried and found wanting. Now it is time to try anew, and upon the success of our endeavor much depends.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 64) to assist the States and their political subdivisions to meet their needs for increased revenues by sharing with them a portion of the revenues derived from the Federal individual income tax, introduced by Mr. HOLLINGS, was received, read twice by its title, and referred to the Committee on Finance.

S. 68—INTRODUCTION OF A BILL TO ESTABLISH QUOTAS ON CERTAIN TEXTILE AND FOOTWEAR ARTICLES

Mr. HOLLINGS. Mr. President, the plight of the American textile industry grows worse by the day. During the past year alone, over 85,000 textile jobs have been lost because of the encroachments of foreign goods. In the first 11 months of 1970, our imports of textile fibers, yarn, fabrics, and apparel soared to $2.1 billion. In the same period, we exported only $0.7 billion, for a whopping overall deficit of $1.4 billion. And unless action is taken now to rectify the disadvantages under which our domestic firms operate, next year's statistics will be even worse.

Textile manufacturing is a vital part of the American economy. Out of a total of approximately 20 million jobs available to our citizens in manufacturing, nearly 2.5 million are in the textile industry—in other words, well in excess of 10 percent of all our manufacturing jobs. We simply cannot allow this important source of employment to be steadily eroded by excessive imports.

Today our unemployment rate is running at 6 percent. In the face of American job losses, the administration has steadfastly refused to trigger the mechanisms available to it to curtail textile imports and thereby safeguard our job opportunities. Then, in the closing weeks of the past year, the American people were subjected to the sad spectacle of the textile workingman being caught in the vise of political controversy. Nothing was done to remedy the deplorable handicaps under which he and his employers must live. Now the Congress must act. We must adhere to our constitutional duty to promote the general welfare by the sane regulation of foreign commerce. Therefore, I am today reintroducing the textile footwear section of the social security bill of 1970 as a separate bill. It deserves to be considered as a separate amendment and without the Christmas tree ornaments which loaded down the trade bill of the last session.

This is a forward-looking bill. Those who argue that we seek to turn the clock back to the days of Smoot-Hawley are ignoring both our goals and all the many changes which have occurred in world trade since the 1930's. We seek not the building of insurmountable trade barriers, nor do we envision a world of decreased trade activity. Our goal is reciprocity. The United States has been carrying the primary burden of world economic reconstruction since the dark days of the Second World War. Now we deserve some consideration for those years of sacrifice. We are not demanding a monopoly in the American market; we are asking only the reciprocity without which lowered overall tariffs are impossible. The American workingman expects no less. Surely he deserves no less.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 68) to establish quotas on certain textile and footwear articles, introduced by Mr. HOLLINGS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

S. 69—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO CONDUCT A PILOT FEDERAL-STATE COOPERATIVE PROGRAM RELATING TO FIRES IN RURAL AREAS

Mr. DOLE. Mr. President, firefighting forces to protect rural people, their property, their businesses, and the quality of their environment are either inadequate or have not been organized in many States. Lives, homes, farm property, and small communities suffer heavy losses annually within rural areas. Local self-help has not been sufficient to meet the need. Property, scenic, and resource values are high in these areas. A national program is needed to provide leadership and bring adequate fire protection within reach of all rural people.

The bill I introduce today, the Rural Fire Protection Act, will provide a new program to meet dual objectives of providing rural areas, first, adequate fire protection for rural people and their resources, and, second, the capability for defense against fire from nuclear effects in the event of war or other extreme fire emergency.

A 3-year trial period is provided during which time local needs and program acceptance and effectiveness will be determined. It will afford the opportunity to test and evaluate operational procedures and will contribute valuable basic information which can be correlated with the work of the 20-member National Commission on Fire Prevention and Control established by Public Law 90–259—Fire Research and Safety Act of March 1, 1968.

Each State will be given the opportunity to enter the trial program at a minimum base level. Subsequent program expansion in participating States will vary in accordance with established need and demonstrated ability to help accomplish program objectives.

As proposed, the program is essentially a State-local effort financed through cooperative cost-sharing arrangements with Federal support. It provides for the organization, training, and equipping of local fire control forces to prevent and suppress wildfires in rural areas, including improvements thereon, now under no organized protection or having only limited protection. A major emphasis of the program will be on the creation of a strong peacetime protection force that will, in turn, create effective civil defense capability for rural areas.

It is proposed that program direction and guidance at the local level be provided by the State forester or other appropriate State official designated by the Governor under provisions of agreements with the Secretary, USDA. It is further proposed that overall supervision and administration at the Federal level be assigned to the USDA-Forest Service. This Agency already administers the cooperative forest fire control program on other watershed lands as authorized by section 2 of the Clarke-McNary Act, and has an active fire research program underway.

The area this legislation is designed to serve is rural America—containing 420 million acres of unprotected land in crops, pasture, farmsteads and other farm uses and rural communities too small to have a fire protection unit now. This is a small start in rural development. Protection against fire is one requisite to making rural America a better place—a more attractive place to live.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 69) to authorize the Secretary of Agriculture to conduct a pilot Federal-State cooperative program for the prevention, control, and suppression of fires in rural areas, and for other purposes, introduced by Mr. DOLE, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 70—INTRODUCTION OF RURAL TELEPHONE BANK BILL

Mr. DOLE. Mr. President, last year I introduced, with 11 cosponsors, legislation creating a rural telephone bank (S. 2202). After holding hearings on that bill and similar legislation, the Senate Agriculture Committee reported and the Senate unanimously passed S. 3387 which would have assisted in providing better telephone service to rural America. Unfortunately, the House of Representatives did not take action on the bill passed by the Senate or the bill favorably reported by the House Agriculture Committee (H.R. 7); however, we have received assurance recently that the House will seriously consider legislation this year authorizing supplemental financing for rural telephone systems.

It is important that we continue to press for creation of a Rural Telephone Bank. The Nation's farms receiving telephone service have risen from 38 percent in 1949 to approximately 82 percent today. REA loans have helped build and improve more than 500,000 route miles of telephone service to approximately 2,300,000 subscribers in rural areas. But more remains to be done.

REA originally established a standard of eight subscribers per rural line, but with the increased use resulting from dial service, these systems must now be upgraded. At present there are 1,148,078 subscribers with more than two parties on their telephone line. While REA telephone borrowers have received loans for over $1.8 billion since the beginning of

the program, they will need more than twice that amount in the next 15 years.

The number of loan applications to the REA has steadily increased. The present REA 2-percent lending program is being maintained at about $125 million per year. If the 2-percent program alone were to bear the burden of the expected future capital requirements, it would mean doubling current appropriations, something the Congress will not do during a time of fiscal restraint. As a result, the backlog of applications has increased from $296.5 million on December 31, 1968, to $457.3 million on December 31, 1970. I ask unanimous consent to insert in the RECORD at this point a complete breakdown on the telephone program prepared by the Rural Electrification Administration. These figures are not an entirely accurate reflection of the need for a new approach to supplemental financing. For, while applications received during the first 6 months of fiscal year 1971 totaled only $45.6 million, this relatively low figure reflects the fact that borrowers see no point in submitting applications when they cannot possibly be acted on for 3 or 4 years. REA officials indicate the rate of application will undoubtedly increase markedly as soon as there is some possibility of getting loans approved.

But the need is there. REA telephone systems cannot go directly into the private money market because of their very low subscriber density. REA telephone borrowers have an average subscriber density of 3.8 subscribers per route mile as compared to a subscriber density of 16 per mile for all independent telephone companies and over 40 per mile for the Bell System companies.

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

TELEPHONE PROGRAM STATISTICS

[Dollars in millions]

	1966	1967	1968	1969	1970
Number of borrowers December 31:					
Cooperatives	229	231	231	235	238
Commercial	631	640	636	630	624
Total	860	871	867	865	862
Number of subscribers served December 31	1,827,909	1,945,346	2,067,904	2,186,156	[1] 2,296,156
Number of subscribers served, but with more than 2 parties on the line December 31	1,142,443	1,165,262	1,164,229	1,147,732	[1] 1,148,078
Applications on hand December 31:					
Cooperatives	$99.3	$104.1	$113.6	$135.4	$136.8
Commercial	159.3	161.6	182.9	258.8	320.8
Total	258.6	265.7	296.5	394.2	457.6
Applications received in fiscal year:					
Cooperative	62.8	70.7	77.8	55.5	46.7
Commercial	105.9	126.8	84.3	116.3	158.2
Total	168.7	197.5	162.1	171.8	204.9
Loans in fiscal year:					
Cooperative	42.2	48.3	57.2	52.0	48.2
Commercial	58.7	70.7	62.7	73.0	76.8
Total	100.9	119.0	119.9	125.0	125.0

Note: Financial data Dec. 31, 1970:	
Cumulative loans made	$1,815,554,646
Cumulative principal repayments, not including advance payments	244,484,889
Cumulative interest repaid	200,753,974
Advance payment balance	24,531,932
Delinquency (Nov. 30, 1970)	449,005
Delinquency as percent of loans	0.025

[1] Estimate.

Mr. DOLE. Mr. President, under the provisions of this bill those systems with the lowest density would be able to continue to secure 2-percent financing, while those systems able to pay higher rates of interest would obtain their financing by borrowing directly from the Rural Telephone Bank. The Rural Telephone Bank would be patterned after the highly successful Federal land banks which have operated for over 50 years and have long since reimbursed the Federal Treasury for the Government capital and have become totally borrower owned and controlled.

Through borrowings in the private money market and the mix of moneys from stock purchased by borrowers along with the Government investment in the capital stock, the bank will supplement the present 2-percent program.

Mr. President, today I reintroduce legislation creating a Rural Telephone Bank along with my distinguished colleague from Georgia (Mr. TALMADGE), chairman of the Senate Agriculture Committee's Agricultural Credit and Rural Electrification Subcommittee. I believe this legislation offers a constructive approach to meeting the growing capital needs of our small telephone systems and will contribute to the development of rural America. We hear much talk about rural development, but as of yet we see few substantive results. This program is fiscally responsible and will provide specific benefits to those who live or want to live in rural America.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, introduced by Mr. DOLE (for himself and Mr. TALMADGE), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 71—INTRODUCTION OF A BILL TO STRENGTHEN SCORE AND ACE PROGRAMS OF ASSISTANCE TO SMALL BUSINESS

Mr. DOLE. Mr. President, the Small Business Administration has for many years, aided, counseled, and assisted small businessmen in accordance with the mandate of the Small Business Act. One of the agency's most valuable services is through the service corps of retired executives—SCORE. Established in 1964, this organization of successful, retired businessmen volunteers time and know-how to aid those who are struggling to succeed in businesses. It has produced an outstanding record of success.

In the same vein and in an effort to increase the availability of management counseling to small businessmen, SBA has recently established the Active Corps of Executives—ACE—whose members perform similar advisory services while engaged in the operations in their own businesses.

SECTION 1

Today I am introducing a bill which seeks to strengthen the SCORE and ACE programs by facilitating expansion and flexibility in their operations. Section 1 would further this goal by exempting SBA from the present prohibition against acceptance of voluntary services in the case of the SCORE and ACE programs. Presently SCORE and ACE volunteers render their services directly to the small business community. In expanding this assistance, it is contemplated that volunteers could be used profitably in other roles, such as manning interview desks and conducting management ability evaluations. Assumption of such functions, however, might blur the distinction between rendering their volunteer services to the small businessman rather than to SBA. Any questions that might arise through such expanded operations would be avoided by amending section 5(b)(9) of the Small Business Act to remove the general prohibition against acceptance of voluntary services by Federal agencies in the case of SCORE and ACE volunteers.

SECTION 2

Section 2 of the bill is directed largely toward improving the conditions under which SCORE and ACE volunteers work and establishing more equitable reimbursement arrangements for out-of-pocket expenses. My proposal would allow SBA to furnish the volunteers office facilities, parking space, and other support not otherwise available. Under the Small Business Act, as amended, SBA is permitted to reimburse these volunteers for travel and out-of-pocket expenses only when incurred in connection with travel to points more than 50 miles from their homes. In urban areas the distances between the volunteer and the small businessman being assisted is usually less than 50 miles, but the out-of-pocket expenses imposed on the volunteer are significant, due to such factors as parking, public transportation, tolls, or cabfare. SBA cannot at present reimburse volunteers for these legitimate expenses, and it is unfair to expect them to assume such financial burdens. Another provision would authorize expenditures for adver-

tising and other publicity to alert small businessmen to the availability of SCORE and ACE services in their communities.

Mr. President, I send to the desk the text of my proposed amendments to the Small Business Act. I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

I would point out that this measure passed the Senate during the 91st Congress as an amendment to the bill raising the SBA's debt ceiling. Unfortunately, the House did not accept the proposal.

So, given this history of Senate support, I am hopeful that during the 92d Congress this bill can receive a full and favorable committee study and obtain the approval of both bodies.

I will soon be circulating a letter soliciting the support and cosponsorship of other Senators, and I would encourage them to join in this effort to expand and strengthen these two valuable programs and thereby the Small Business Committee in America.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 71) to amend the Small Business Act to increase the availability of management counseling to small business concerns, introduced by Mr. DOLE, was received, read twice by its title, referred to the Committee on Banking, Housing and Urban Affairs, and ordered to be printed in the RECORD, as follows:

S. 71

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(b)-(9) of the Small Business Act (15 U.S.C. 634(b)(9)) is amended to read as follows:

"(9) accept and utilize the services and facilities of Federal, State, and local agencies and groups, both public and private, and accept gratuitous, voluntary, and uncompensated services and facilities without regard to the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b))."

SEC. 2. Subparagraph (B) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's available office facilities, parking space, and related materials and services as the Administration deems appropriate; (ii) to rent for the use of such an individual or group such office facilities, parking space, and related materials and services as would not otherwise be available for the purpose and as the Administration deems appropriate; (iii) to pay, as the Administration deems appropriate, the expenses of disseminating through advertising media information to small business concerns respecting the availability of such individuals or groups; (iv) to pay, as the Administration deems appropriate, the expense of placing in telephone directories an independent listing of the telephone numbers of such individuals or groups; (v) to reimburse any such individual for the cost incurred in making any telephone call from his home in furtherance of the purposes of subparagraph (A); and (vi) to pay the transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, to any such individual or group for travel and subsistence expenses incurred at the request of the Administration in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration;".

S. 118—INTRODUCTION OF A BILL TO ESTABLISH THE BIG THICKET NATIONAL PARK IN TEXAS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to insert in the RECORD a statement and text of a bill by the able Senator from Texas (Mr. BENTSEN), which is with respect to a bill authored by him to establish the Big Thicket National Park in Texas.

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

There being no objection, Senator BENTSEN's statement and bill were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BENTSEN

Mr. President, I introduce for appropriate reference a bill to establish a Big Ticket National Park in southeast Texas.

I am proud to offer this legislation as my first legislative initiative in the 92nd Congress. During my campaign for the Senate, I promised the people of Texas that I would attach a high priority to the preservation of the unique environmental features of this remarkable area of southeast Texas, which contains some of the last of the once-vast southern hardwood forest.

The bill I introduce today is identical to the bill which passed the Senate last session under the sponsorship of Senator Yarborough.

During this session of Congress, I am hopeful that the House will follow the lead of the Senate and act to create the Big Thicket National Park. Indeed, Mr. President, the Congress cannot afford to delay this action any longer.

At one point, the Big Thicket comprised a vast wilderness area in East Texas, stretching over 100 miles east to west and 50 miles north to south. The area covered over 3 million acres of swamp, woodland, and river. Today that area includes but 300,000 acres, and even that size is diminishing daily.

Mr. President, the Big Thicket is often called "the biological crossroads of North America." Within its shrinking boundaries, one can find elements common to the Everglades, the Appalachian Region, the Piedmont forests and the Okefenokee swamp. It is truly an "environmental laboratory", where students of ecology can observe many of the plant communities common to our continent within a limited area.

But the Big Thicket is not simply a preserve; it is also an area which has potential as a recreation site for tourists who visit Texas each year, as well as the residents of nearby metropolitan areas of Dallas and Houston.

Aside from the abundance of wild animals and vegetation within the confines of the present 300,000 acres, there are also numerous connecting waterways, which can serve as havens for float trips, canoe trips, and as primitive camping areas.

Ideally Mr. President, the Big Thicket Park would preserve some important ecological features which are a treasured part of our heritage and open other sections to tourists who come to enjoy the recreational advantages of the region.

Legislation to establish the Big Thicket was originally introduced in the 89th Congress. It was re-introduced in the 90th Congress, and acted upon favorably by the Senate in the 91st Congress.

The 92d Congress should complete the work begun in these earlier sessions. We have had ample time to study the feasibility of the Big Thicket Park; now it is time to take the final step and to preserve this biologically unique section of our country for our children and the children who follow them.

The text of the bill is as follows:

A bill to establish the Big Thicket National Park in Texas

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership an area in the State of Texas possessing outstanding botanical and zoological values together with scenic and other natural values of great significance, the Secretary of the Interior shall establish the Big Thicket National Park, consisting of land and interests in land not to exceed one hundred thousand acres in Hardin, Liberty, San Jacinto, and Tyler Counties, Texas.

SEC. 2. (a) To establish the Big Thicket National Park, the Secretary of the Interior may acquire land or interests therein by donation, purchase with donated or appropriated funds, exchange, or in such other manner as he deems to be in the public interest. Wherever feasible, land shall be acquired by transfer from other Federal agencies.

Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner.

(b) In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary of the Interior may acquire land which lies adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as he may deem necessary, for privately owned land located within the park. The Secretary may accept cash from or pay cash to the grant or in such exchange in order to equalize the values of the properties exchanged.

SEC. 3. When title to all privately owned land within the boundary of the park, other than such outstanding interests, rights, and easements as the Secretary determines are not objectionable, is vested in the United States, notice thereof and notice of the establishment of the Big Thicket National Park shall be published in the Federal Register. Thereafter, the Secretary may continue to acquire the remaining land and interests in land within the boundaries of the park.

SEC. 4. The Big Thicket National Park shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

SEC. 5. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purposes of this Act.

S. 120—INTRODUCTION OF A BILL TO MAKE ASSAULTS ON STATE AND LOCAL LAW ENFORCEMENT OFFICERS, FIREMEN, AND JUDICIAL OFFICERS A FEDERAL CRIME

Mr. SCHWEIKER. Mr. President, I introduce a bill to make assaults on State and local law enforcement officers, firemen, and judicial officers a Federal crime. I ask that it be appropriately referred.

During the 91st Congress I introduced legislation similar to the bill I am sub-

mitting today. This legislation makes it a Federal crime to assault, injure, or kill any State or local law enforcement officer, fireman, or judicial officer because of his official position. Let me emphasize that this legislation is designed to apply to situations where an official is singled out and attacked as a symbol of the establishment because of his official position—for example, killing a policeman simply because he is a policeman.

Increasingly in recent months, we have witnessed brutal and often fatal attacks on State and local policemen by radical revolutionaries. These attacks have been essentially politically oriented, conceived by the twisted minds of individuals bent on destroying law and order in our society. We must declare in no uncertain terms that such attacks are intolerable and that we intend to stand by and protect the loyal men and women who serve in these capacities in our government. Existing legislation covers Federal employees in these capacities, but no similar provisions cover State and local officials.

Under my bill, in any case where an individual has traveled in interstate commerce or used any instrumentality of, or facility for interstate commerce with the intent of assaulting, injuring or killing such officials, or where a dangerous or deadly weapon which has been transported in, or is customarily distributed in, interstate commerce is used to commit the crime, Federal officials would be able to assist local authorities in investigating the crime and tracking down the criminals. The crime would be punishable under Federal statutes.

During the 91st Congress, the Senate Internal Securities Subcommittee held hearings on my bill, and also proposals submitted by Senators WILLIAMS, EASTLAND, and Dodd. Regrettably, due to the shortness of time available, the Judiciary Committee was unable to report out legislation subsequent to the hearings. Witnesses at the hearings presented convincing evidence of the fact that this is a nationwide problem, and that there is substantial justification for Federal legislative action. I am pleased that the Honorable Francis V. Burch, president of the National Association of Attorneys General, urged passage of the legislation which I submitted. Mr. Burch stated that:

> S. 4348 . . . would make it a crime not only to assault, injure or kill police officers, firemen or judicial officers, but also would make it actionable for anyone to attempt to inflict such harm, and would further make it illegal for anyone to aid, abet or encourage any other person to commit such an act.

This bill also makes it a violation of Federal law to transport or aid another to transport, in interstate commerce, any dangerous or deadly weapon for these murderous purposes. I believe that all of these provisions are the legitimate subject of Federal action, and I urge the passage of that measure. I am pleased that my legislation was also wholeheartedly supported by the Fraternal Order of Police, the International Conference of Police Associations, and the International Association of Firefighters.

The bill which I introduce today has been redrafted and is, I believe, an improvement over the legislation I submitted last year, in that I have included provisions covering conspiracies to kill or injure police officers, firemen, and judicial officers. Testimony by many of the witnesses at the hearings last fall emphasized the clear existence of a conspiracy situation. For that reason, conspiracy would be punishable under the legislation I propose, and I believe that the testimony of many witnesses at the hearings with regard to the conspiracy problem should give added impetus to the need for Federal legislation early in the 92d Congress.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 120) to prohibit assaults on State law enforcement officers, firemen and judicial officers, introduced by Mr. SCHWEIKER was received, read twice by its title and referred to the Committee on the Judiciary.

S. 127—INTRODUCTION OF A BILL TO DESIGNATE THE GROS VENTRE WILDERNESS, TETON NATIONAL FOREST, WYO.

Mr. HANSEN. Mr. President, for many years I have been concerned about the management and preservation of a truly unique area in northwestern Wyoming known as the Gros Ventre. This area is near my hometown of Jackson, Wyo., and because of this, it is an area with which I am personally very familiar.

Over the years, concern has been expressed that there would be some road building or timber cutting in the area which would desecrate the area. There is no doubt but that this would be a genuine tragedy. Attempts have been made to protect the area by administrative designation, so for some time the Gros Ventre has been referred to and managed as a "near natural" area. The Forest Service has done a fine job in managing the area to protect its pristine qualities. But it is my feeling that legislation should be enacted which would permanently protect and provide for this area to remain in its natural state.

Because of this strong feeling, I today introduce legislation to provide for the establishment of the one hundred forty-five thousand, five hundred fifty acre Gros Ventre Wilderness.

Prior to introduction of this bill, I spent considerable time with local Forest Service officials as well as various interested parties working out the details of this proposal. The boundaries suggested in my legislation are the result of consultation between myself and other interested and knowledgeable individuals completely familiar with the area.

Mr. President, it is my hope that we can now move rapidly to establish this means of providing permanent protection for the area.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 127) to designate the Gros Ventre Wilderness, Teton National Forest, in the State of Wyoming, introduced by Mr. HANSEN, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 141—INTRODUCTION OF A BILL TO ESTABLISH THE FOSSIL BUTTE NATIONAL MONUMENT, WYO.

Mr. McGEE. Mr. President, I introduce a bill to authorize the establishment of the Fossil Butte National Monument in Lincoln County, Wyo.

This bill is similar to S. 726, which I introduced in the 91st Congress. It is intended to preserve for the benefit and enjoyment of the people some outstanding paleontological sites and geological phenomena near Kemmerer, Wyo. Establishment of the monument has been endorsed by the Secretary of the Interior, and local differences chiefly over the size of the monument and its boundaries have been resolved.

Mr. President, it is my hope that this bill will be given early consideration by the Senate and passed this session so that the truly significant fossil remains to be found here will be safeguarded for the future.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, introduced by Mr. McGEE, for himself and Mr. HANSEN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, the proposed Fossil Butte National Monument in southwestern Wyoming represents a truly significant piece of legislation. It is almost impossible to go into any fossil or natural history museum across the Nation without finding some remarkable specimens of fossil fish, bird, or insect from Fossil Butte, Wyo. To those of us who have lived in Wyoming all our lives, the Fossil Butte area represents yet another source of pride because the fossils from this area are truly world famous. Without a doubt the area is deserving of national monument status.

When the proposal was first introduced, there was considerable discussion over just what could be done to provide some type of protection for the grazing and water rights which were to be included within the 8,200 acre area. I felt very strongly that something had to be worked out whereby the ranchers in the area who have relied on these lands to provide sustenance for their livestock for three-quarters of a century would not now be completely shut off from any use of the area.

Time has passed since the original proposal was made to establish this monument. The matter has been discussed at great length with national park officials, business people and livestock ranchers. The people of that area have worked very hard to iron out the differences between the groups involved. They are certainly to be commended.

Just prior to the start of this Congress I had a representative of my office visit the area and talk to the livestock people as well as members of the business community that would be involved. Since that time we have also been in contact with national park officials. The time is now right to move on this legislation.

As introduced, I believe this proposal will provide a truly significant national monument without creating a great hardship for any single group. The legislation will protect those with livestock permits in the area for 30 years, as long as such use does not interfere with the administration of the monument. Also included in this bill is a new provision under which livestock use of the area could continue after the 30-year period if it is determined by the Secretary of the Interior that this does not interfere with the development of the area. This is important in that the initial development of the monument includes four separate development sites totaling about 2,500 acres of the proposed 8,200 monument area.

Mr. President, Congressman RONCALIO has joined with Senator MCGEE and myself in introducing this legislation. It is my sincere hope that this bill will receive early attention by both Houses of Congress.

S. 144—INTRODUCTION OF A BILL TO AMEND THE GUN CONTROL ACT OF 1968

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to eliminate the burdensome, time consuming, and costly recordkeeping requirements adopted by the Internal Revenue Service as they apply to the purchase of ammunition under the Gun Control Act of 1968. My amendment is identical to the bill which I introduced last session. It would simply eliminate the ammunition recordkeeping requirements only as they apply to .22 caliber rimfire ammunition. This is the most popular type of ammunition commonly used in rifles by sportsmen.

The 91st Congress, as you know, during the first session, passed an amendment which eliminated shotgun and rifle ammunition from the requirements of the act. I and many of our colleagues were disappointed when that bill was amended to exclude .22 caliber rimfire ammunition. During the second session last year, the Senate Finance Committee favorably reported an identical companion measure which had earlier passed the House of Representatives overwhelmingly, which would also have eliminated .22 caliber ammunition from the 1968 Act.

The most common type of .22 caliber ammunition costs only approximately $1 for a small box of 50 cartridges. Each time a sale of a box of these shells is made, the licensed dealer must obtain from the purchaser and record several items of information in a permanent record. This process naturally adds substantial costs to the retail businessman's operation and indirectly adds substantially to the price of ammunition, which, in most cases, is being purchased by bona fide sportsmen for lawful purposes. I am advised that since passage of the Gun Control Act the price of ammunition has continued to increase at a much faster rate. Last year alone three separate price increases were announced. This, in my opinion, is unfair and punitive in that the persons really affected so adversely are law-abiding citizens who pursue shooting as a hobby or a form of recreation. Also, many small retail outlets are disappearing.

The regulations also hamper training programs which have been established for safety purposes by our high schools, universities, and private shooting clubs. These programs are important especially to our youth who are learning to use this ammunition with a reasonable degree of safety. Certainly .22 caliber ammunition is by far the most popular and economical type used for these purposes.

The Internal Revenue Service, pursuant to the requirements of the 1968 Gun Control Act, has issued and established regulations pertaining to the sale of ammunition which still apply to .22 caliber rimfire ammunition. In order to illustrate the cumbersome procedure which is required to purchase a box of .22 shells, I would like to state the relevant parts of the regulations (Code of Federal Regulations, Section 178.125 (a), (c), and (d)):

(a) Each licensed dealer shall maintain records of all ammunition he receives for the purposes of sale or distribution. Such record may consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records he maintains, and be readily available for inspection. Such record shall (1) show the name of the manufacturer and the transferor, and the type, caliber or gauge, and quantity of the ammunition acquired in the transaction, and the date of such acquisition, and (2) be retained on the licensed premises of the dealer for a period of not less than two years following the date of the acquisition."

(c) The sale or other disposition of ammunition, or of an ammunition curio or relic, shall, except as provided in paragraph (d) of this section, be recorded in a bound record at the time such transaction is made. The bound record entry shall show (1) the date of the transaction, (2) the name of the manufacturer, the caliber, gauge or type of component, and the quantity of the ammunition transferred, (3) the name, address, and date of birth of the purchaser (transferee), and (4) the method used by the licensee to establish the identity of the purchaser (transferee). The bound record shall be maintained in chronological order by date of sale or disposition of the ammunition, and shall be retained on the licensed premises of the licensee for a period of not less than two years following the date of the sale or disposition of the ammunition recorded therein. The format required for the bound record is as follows:

Date	Manufacturer	Caliber, gage, or type of component	Quantity	Name	Address	Date of birth	Mode of identification: Driver's license (X) other (specify)

(d) When a commercial record is made at the time of sale or other disposition of ammunition, or of an ammunition curio or relic, and such record contains all information required by the bound record prescribed by paragraph (c) of this section, the licensed dealer or licensed collector transferring the ammunition, or ammunition curio or relic, may, for a period not exceeding 7 days following the date of such transfer, delay making the required entry into such bound record: *Provided*, That the commercial record pertaining to the transfer is: (1) maintained by the licensed dealer or licensed collector separate from other commercial documents maintained by such licensee, and (2) is readily available for inspection on the licensed premises until such time as the required entry into the bound record is made.

This bill would exclude only .22 caliber ammunition from these recordkeeping requirements. It is important to note, however, that persons engaged in the business of selling ammunition must still be licensed and otherwise comply with terms of the 1968 act. A licensed dealer would have the responsibility of not selling ammunition to any person who they know or have reasonable cause to believe is a felon, under indictment for a crime punishable by imprisonment for a period exceeding 1 year, a fugitive from justice, an unlawful user of drugs, mentally incompetent or under 18 years of age. Furthermore, all types of handguns still come within very restrictive provisions of the 1968 Gun Control Act. With these safeguards, I believe it is reasonable and desirable to adopt the amendment which I propose today.

Mr. President, the recordkeeping provisions for rifle and shotgun ammunition have been eliminated for more than a year with no serious adverse effects. This bill is another step toward perfecting the Gun Control Act by removing from it provisions which have their most serious impact on legitimate sportsmen. Two years of experience under the Gun Control Act have demonstrated that ammunition recordkeeping requirements have the sole effect of imposing troublesome redtape on sportsmen, retail dealers and other law-abiding citizens but have no effect on criminals and do not effectively deter crime. I am advised by ammunition manufacturers that there is no available equipment that could appropriately mark the hundreds of millions of pieces of ammunition with a code or serial mark. It is, therefore, impossible to trace ammunition from the ultimate consumer back to the manufacturer or the retailer. Even if it were possible, the costs of keeping such records would be prohibitive.

For these reasons, I opposed the 1968 Gun Control Act. Instead, I support measures which directly deter crime, such as laws which would impose mandatory additional penalties and prison terms for offenses committed while possessing or using firearms. By removing these burdensome recordkeeping requirements as they apply to .22 caliber rimfire ammunition, we would not weaken the drive against crime. We would, however, be removing a very real and unnecessary inconvenience for law abiding citizens.

Mr. President, I ask unanimous consent that the report submitted by the Senate Finance Committee during the last session on this legislation be included

in the RECORD at this point for the benefit of those who have not had the opportunity to review it.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the report will be printed in the RECORD.

The bill (S. 144) to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements, introduced by Mr. MCGEE, for himself and other Senators, was received, read twice by its title and referred to the Committee on Finance.

The material furnished by Mr. MCGEE is as follows:

MODIFYING AMMUNITION RECORDKEEPING REQUIREMENTS

I. SUMMARY

The bill, H.R. 14233, adds .22 caliber rimfire ammunition to the list of other sporting-type ammunition presently exempt from the reporting requirements under the Gun Control Act of 1968. This means that the sale of .22 caliber rimfire ammunition, as well as the sale of ammunition already exempt from the reporting requirements (shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, or the component parts for this ammunition), will not require the licensee (seller) to make a record of any information about the purchaser.

The Treasury Department has indicated that it favors the enactment of this bill.

II. REASONS FOR BILL

A provision of the Gun Control Act of 1968 (18 U.S.C. 922(b)(5)) made it unlawful for a licensee (under that act) to sell or deliver a firearm or ammunition without making a record showing the name, age, and residence of the purchaser. Another provision of that act (118 U.S.C. 923(g)) required all licensees to "maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms and ammunition" as may be provided by regulations. Treasury Department regulations (26 CFR 178.125) required a licensee who sells ammunition to record: (1) the date of the transaction; (2) the name of the manufacturer, the caliber, gauge or type of component, and the quantity of the ammunition transferred; (3) the name, address, and date of birth of the purchaser; and (4) the method used by the licensee to establish the identity of the purchaser.

In 1969, Congress added a provision (sec. 4182(c)) to the Internal Revenue Code (in the Interest Equalization Tax Extension Act of 1969, Public Law 91-128) which, in effect, repealed the above requirements in the Gun Control Act with respect to sales of (1) shotgun ammunition, (2) ammunition suitable for use only in rifles generally available in commerce, and (3) component parts for these types of ammunition. This exemption does not, however, cover .22 caliber rimfire ammunition.

The committee notes that the legislation it reported in 1969, which was enacted as Public Law 91-128, did include exemption for .22 caliber rimfire ammunition, but this feature was omitted from the bill before it passed the Senate. In reporting this bill, the Committee on Finance reiterates the position it took in 1969.

The types of ammunition exempted under present law from the registration requirements are those used largely in sporting types of firearms. Congress provided this exemption because it believed that the reporting requirements for ammunition for firearms of sporting types created a large and unnecessary administrative burden on the Treasury Department, on firearms dealers, and on the Nation's sportsmen who purchase this type of ammunition.

The exemption from the recordkeeping requirements provided by the 1969 legislation was not applied to .22 caliber rimfire ammunition. The recently repealed Federal Firearms Act (15 U.S.C. 901(7)), excluded .22 caliber rimfire ammunition from a classification of ammunition for pistols and revolvers. Futhermore, the committee understands that .22 rimfire ammunition has become the most popular sporting ammunition for use in rifles in the United States. Moreover, a Treasury Department representative testified before the Committee on Ways and Means of the House that he knew of no instance where any of the recordkeeping provisions relating to sporting-type ammunition (including .22 caliber rimfire ammunition) had been helpful in law enforcement. He also reported that because of the volume of transactions in this ammunition, the recordkeeping requirements have become so burdensome that they tend to detract from the enforcement of other provisions of the firearms laws. Moreover, a representative of the Department of Justice advised that "there is not a single known instance, as we have learned from our discussions with IRS, with the firearms people there, not a single known instance where any of this recordkeeping has led to a successful investigation and prosecution of a crime."

III. EXPLANATION OF BILL

The bill adds .22 caliber rimfire ammunition to the existing provision (sec. 4182(c) of the code) exempting certain ammunition from the recordkeeping requirements under the Gun Control Act of 1968. Under the provision, as amended, a Federal licensee is not to be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, .22 caliber rimfire ammunition, or the component parts for these types of ammunition.

The committee believes that this bill is consistent with the objectives of the exemption provided in 1969; that is, to relieve ammunition dealers and sportsmen from unreasonable burdens in the purchase of sporting-type ammunition, and to continue protecting the public safety by retaining recordkeeping requirements with respect to the purchase of ammunition designed primarily for handguns.

This bill does not affect existing controls of interstate shipments and sales of ammunition of any types by a licensee to certain classes of people such as juveniles, drug addicts, felons, and others subject to the provisions of the Gun Control Act of 1968 (chapter 44 of title 18 of the United States Code).

This provision is to be effective after the enactment of the bill.

IV. CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman):

SECTION 4182 OF THE INTERNAL REVENUE CODE OF 1954

SEC. 4182. EXEMPTIONS.

(a) MACHINE GUNS AND SHORT BARRELLED FIREARMS.—The tax imposed by section 4181 shall not apply to any firearm on which the tax provided by section 5811 has been paid.

(b) SALES TO DEFENSE DEPARTMENT.—No firearms, pistols, revolvers, shells, and cartridges purchased with funds appropriated for the military department shall be subject to any tax imposed on the sale or transfer of such articles.

(c) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, *.22 caliber rimfire ammunition*, or component parts for the aforesaid types of ammunition.

S. 163—INTRODUCTION OF A BILL TO AMEND THE FEDERAL REGULATION OF LOBBYING ACT

Mr. DOLE. Mr. President, over the years lobbying, influence peddling, public relations, interest groups, and associated phenomena surrounding the legislative process have come in for a great deal of publicity. This publicity has generated considerable confusion, uncertainty, and misunderstanding over the activity which is broadly described as lobbying and the role which it plays in the legislative process.

THE TRADITIONAL CONCEPT

In the most general sense lobbying is any activity which is intended to influence the passage or defeat of any legislation before Congress. Perhaps, when the practice of lobbying is mentioned, the picture which first comes to mind is that of an individual, who acts as a salesman for a particular point of view, making appeals to a legislator on behalf of his viewpoint. These appeals may be by such individual in his own behalf, on the part of his employer, or for a client.

This type of activity has been present since the gavel sounded for the First Congress and it has been recognized as both a useful and proper endeavor. Indeed, the constitutional guarantees of free speech and right of petition are fundamentally intertwined with the lobbying function.

There is another type of lobbying which differs from the sort just described. It is not carried on directly, lobbyist-to-legislator, but indirectly, lobbyist-to-public-to-legislator. Numerous causes and positions are promoted through this method. It usually takes the form of a print and broadcast media campaign to stimulate public interest and channel that interest into a letterwriting or visitation campaign directed at Members of Congress.

Those who generate lobbying efforts of either the direct or indirect type have historically been almost anyone and everyone who would be affected by the passage or defeat of legislation. Conservation groups, labor unions, business interests, education organizations, even the executive branch of Government, and countless others have sought to persuade the Congress of the United States to enact or defeat an almost infinite variety and number of legislative proposals.

Those who are elected to the Congress expect, or at least they soon learn to expect, to be focal points for both direct and indirect lobbying efforts. Sometimes the volume of mail urging defeat or passage of bills and the list of people wishing appointments to discuss upcom-

ing legislation is nearly overwhelming. But most Congressmen and Senators realize that exposure to the efforts of contending and competing interests to convince, persuade, and promote is part of the job—and an extremely important part. It is a legislator's function to analyze and weigh these differing viewpoints and exercise his best judgment on the merits of each issue in casting his vote. It is necessary to realize that these expressions are part of the American system and are exercises of the fundamental rights to petition the Government and free speech. It is equally important that, to the greatest extent possible, consonant with these fundamental rights, a Member of Congress should be aware of the real partisan interest behind lobbying efforts.

PRECAUTIONS AGAINST ABUSE

It is unfortunate, but true, that in any system providing for the exercise of liberties there is also opportunity for abuse of those liberties, and the matter of lobbying is no exception.

There have been from the beginning those who would subvert the system and pursue mean, narrow personal ends at the expense and in the guise of the public interest. As the legislative process has grown more complex and more far-reaching, the consequences of lobbying abuse have become increasingly significant. In recognition of past abuses and potential for harm, the Congress has from time to time enacted legislation to regulate the lobbying process. The current statutory provisions are found in the Federal Regulation of Lobbying Act, 2 U.S.C. 261–270. The primary thrust of this legislation is to require identification of both those who lobby and of those who raise funds to support lobbying activities.

In the major court decision interpreting this act, the U.S. Supreme Court said in the 1953 case United States against Harriss:

> Present day legislative complexities are such that individual Members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet full realization of the American ideal of government by elected representatives depends in no small extent on their ability to properly evaluate such pressures. Otherwise the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal.

No attempt was intended in enacting the Federal Lobbying Act to limit, restrict, or chill the free exercise of fundamental rights. But, as the Court, through then Chief Justice Warren, said in Harriss:

> Congress is not constitutionally forbidden to require the disclosure of lobbying activities. To do so would be to deny Congress in large measure the power of self-protection."

I have no desire to see lobbying activities of any interest group or individual inhibited, but I believe the Supreme Court spoke to a very important issue when it identified the necessity for identification of the lobbying pressures to which Congress is subjected.

The present Lobbying Act, while deficient in several respects, has made a start at requiring identification. But one especially wide loophole exists, and developments during the 91st Congress gave cogent testimony to the need to have it closed.

CONGRESSIONAL CUSTOM

Mr. President, as Members of Congress, we have come to expect mail and visits from just about anyone on almost every subject, but as sort of a fraternity we have circled our wagons and weathered the onslaughts, evaluated the competing advocacies, and cast our votes in the Senate and House as best we saw fit.

Each of us has on occasion enlisted the cooperation of his colleagues in opposing or promoting various legislative proposals. Sometimes cosponsorship of bills is sought by letter or formal announcement; sometimes cooperation is urged in private conversations; and not infrequently vigorous attempts to change our colleagues' minds are made in floor debate and committee deliberations. But throughout all these endeavors are seen the threads of respect for our colleagues' independence of judgment, recognition of their integrity, and cognizance of their burdens and weight of their responsibilities. In sum perhaps it could be said that congressional practice has been that, while Members often seek to persuade their colleagues, they have not endeavored to create or stimulate additional, outside pressures which will be specifically turned on them.

I realize that Senators and Congressmen undertake to promote causes which eventually may result in some general stirring up of public or private interest and consequently have some impact on the Congress. But in general these activities have not had the primary design or intention of increasing the lobbying pressures with which other Members must contend. At least, after serving 8 years in the House of Representatives and some 17 months in the Senate, such was my understanding of the customs of practice within the Congress.

A RADICAL DEPARTURE

But in May of 1970 an effort was undertaken which if not in violation of accepted standards of congressional conduct was at the very least a radical departure from prior practice. I am referring specifically to activities of several Senators and Congressmen in behalf of a many-versioned proposal which was given the popular caption "the amendment to end the war." Since primary public attention was given to the Senators involved in these activities, I shall limit my remarks chiefly to the senatorial aspects of this matter, but these remarks could likely be applied with equal force to the House.

On May 12, 1970, five U.S. Senators purchased one-half hour of prime time on a major television network to promote the passage of this so-called amendment to end the war. I shall not go into the details of their presentation other than to say that it was an emotional and unrealistic appeal to the frustrations and anxieties of a war-weary American people. Such an appeal on an issue of public interest was not unknown to American history, and countless distortions and misrepresentations are unleashed on the public every year—whether in advertising mouthwash, political candidates, or washday detergents. The truly remarkable and revolutionary aspects of this broadcast were to be found in its closing minutes when the following statements were made:

Senator No. 1:

> If you want to cast your vote to end the war in Indochina, there is something you must do in the next few days. Write your Congressman or your Senator, just the simple words "I vote for the amendment to end the war in Southeast Asia."

Senator No. 2:

> And there's something else you can do. Take a sheet of paper and write at the top: "We, the undersigned, favor the amendment to end the war." Leave room for names and addresses; and then go out to work, to the church, to the supermarket, wherever you can collect signatures, and get people to sign who agree with you. Send those petitions to your Congressman and to your Senators.

With these words, these Senators undertook directly and explicitly to generate public pressure—lobbying—on their colleagues to secure passage of a legislative proposal in which they, as cosponsors, had a primary and vested interest. Never before, so far as I have been able to determine, had a similar frontal attack on Members of Congress been launched by other Members.

But this appeal was followed by another which was even more astounding than the first:

Senator No. 3:

> The President of the United States rightfully can command all media to bring a message to the people of the United States any time he deems he has a message of importance. For those of us who have differing viewpoints, and wish to express those to you, the American people, it requires that we seek your assistance.

Senator No. 4:

> Remember that 66 cents out of every tax dollar goes for war. A dollar for peace could go a long way. So send your contribution, whatever it may be, in order that we can continue to speak out. Make your checks out to "Amendment to End the War," Post Office Box 1A, Ben Franklin Station, Washington, D.C. 20024.

So with two swift strokes, these Senators wrote a new chapter in the book of congressional comity and conduct. Not only did they actively solicit and seek to stimulate public pressure on their colleagues, but they sought funds with which to further increase and generate such pressure.

That their efforts had spectacular results is a matter of vivid recollection to every Senator and Congressman. Millions of pieces of mail on their amendment flooded Washington in the following weeks, and thousands of people came to discuss it with their elected representatives. But these five Senators achieved spectacular results in another way, for their efforts produced something in the neighborhood of one-half million dollars in contributions. And they used this money to launch a massive, nationwide advertising campaign—along with 19 other Senators and an interlocking and

somewhat nebulous coalition of "citizen" groups—to further pressure Members of the House and Senate on this spurious, illusory, and misleading amendment. Their advertising campaign compared with any ever devised to push a new model automobile, tout a more powerful headache remedy or publicize the latest household cleanser. Their campaign was run in approximately 60 market areas, chiefly in the form of television spot commercials and newspaper advertisements.

MANY QUESTIONS RAISED

This whole range of activities raises serious and far-reaching questions. Is congressional participation and collaboration in an organized lobbying campaign proper? Is it proper for Members of Congress to form a committee, such as the amendment-to-end-the-war committee, to solicit money from the public for the purpose of persuading citizens and organizations, to lobby other Members of Congress to vote for certain legislative proposals?

Over the years lobbying has been a matter of recurrent concern to Congress. While in most instances lobbying is an exercise of the rights of free speech and petition, its demonstrated potential for abuse has at times threatened the integrity of the legislative process.

In 1929 the Senate adopted a resolution censuring Senator Bingham of Connecticut for his direct personal involvement in lobbying activities. He had hired a lobbyist for manufacturing interests as one of his clerks and then brought the man into committee deliberations on pending tariff legislation. The Senate's action condemning the Senator's use of his official position to assist in lobbying certainly stands as a strong precedent, and it strongly suggests that participation by Senators in any lobbying activities is questionable.

The nature of the legislation which is the subject of lobbying activities is not relevant to the context in which the propriety of congressional conduct should be weighed. The crucial context is the proper functioning of our constitutional system and particularly the roles of Members of Congress in relation to the Senate and House on the one hand and private person on the other.

The basic problem is the preservation of the Congress as a deliberative branch of Government. To preserve the Congress' deliberative character, no Member can permit his involvement with outside groups to override his obligations as a Member of Congress.

The problem is a complex one requiring careful study and inquiry, because there are many ways in which Members can and should relate to outside groups interested in pending legislation.

But, on the other hand, is it satisfactory to say that a Senator or Congressman is a citizen and thus has the rights of all citizens to engage in lobbying? Judges are citizens, military men are citizens, civil servants are citizens, yet all must recognize various legal or ethical restraints against activities open to the ordinary citizen. It is generally recognized that there are inhibitions that must be respected if our system is to function properly, and it would seem that Members of Congress as bearers of a particular public trust might be held to more stringent standards than an ordinary private citizen.

WHAT HAT TO WEAR

If it is ethically permissible, for instance, for Senators to join in collecting and spending money on TV and newspaper advertising aimed at pressuring other Senators, what limits are there?

Might not a Senator decide that, in addition to spending money on advertising to get other people to lobby his fellow Senators, the best lobbyist would be the Senator himself, or a Senator with similar views who should be retained with the collected funds to urge the position in question upon other Senators?

And regardless whether a Senator may receive remuneration from privately contributed funds, does not the fact that he may be approaching his colleagues as the agent for an outside group undermine the mutual confidence that should exist between them? Is it proper for a Senator to seek to influence other Senators by drumming up outside pressure on them, or by seeking to influence them himself while acting in the dual capacities of Senator and lobbyist? Does such a dual role depreciate his functioning as a Senator? And does it give him, as a lobbyist, an unfair advantage not enjoyed by spokesmen for opposing views who are not Senators?

No criticism of any Member of Congress is intended by these questions, Mr. President, but they are questions deserving of answers—for the important thing is to protect our system and the role of the Congress in our system of government.

MEMBERS OF CONGRESS AS LOBBYISTS

The Supreme Court's criteria for applying the Federal Lobbying Act are these: First, the lobbyists must have solicited, collected, or received contributions; second, one of the main purposes of such contributions must be to influence the passage or defeat of legislation by Congress; and third, the intended method of accomplishing this purpose must have been through direct communication with Members of Congress.

It is a fact that Senators involved in promoting the amendment to end the war did solicit and collect contributions. It is a fact that the main purpose of the contributions was to influence the vote on the amendment.

One question stands out in this analysis: Was the method they employed direct communication with Members of the Congress? Certainly the amendment to end the war committee used indirect communications, and members of the committee used direct communications to lobby for the end the war amendment. The TV and newspaper ads asked the American people to pressure Senators; and members of the committee, when they discussed the issue, were, in effect, lobbyists.

The question then is, Should members of this or any other committee, who undertake similar endeavors and who are also Members of Congress, be required to register as lobbyists?

Mr. President, regardless of the merits, if any, of the end the war amendment, there is no doubt that its sponsors broke new ground in the field of lobbying. I believe, however, that it is more quicksand than solid ground, and that they have inaugurated a practice which is fraught with danger to the Congress. I believe that in their eagerness to promote their cause they did a disservice to the Congress by fomenting pressures on their colleagues and by soliciting money to bring additional pressures against their colleagues.

A LEGISLATIVE SOLUTION

These activities occurred in a relatively untested and murky legal realm, and one cannot say with any firm authority that statutory provisions or ethical standards have been violated. However, I am today proposing legislation to clarify this area because the public interest demands that firm lines of demarcation be drawn and currently existing loopholes be closed.

Our democracy affords a free and unobstructed opportunity for citizens to petition the Government for redress of their grievances as well as the right to express their views to their elected representatives in the Congress. At the same time, however, if the integrity of the legislative function is to be maintained and preserved, identification should be required of parties seeking to influence the passage or defeat of legislation by direct appeals to the Congress or by stimulation of the public intended to produce direct communication with the Congress.

I send this bill to the desk and ask unanimous consent that it be printed in full at the conclusion of my remarks.

The legislation specifically imposes the full requirements of lobbying disclosure on Members of Congress who engage in this activity.

There is more at stake here than merely the passage or defeat of individual pieces of legislation. At stake is whether the House of Representatives and the Senate are to remain deliberative bodies or become the basis of operations for 535 elected lobbyists.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 163) to amend the Federal Regulation of Lobbying Act with respect to certain activities of Members of Congress, introduced by Mr. DOLE, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Regulation of Lobbying Act (2 U.S.C. 266) is amended by adding at the end thereof the following new paragraph:

"The provisions of this title also shall apply to any Member of Congress who directly or indirectly solicits, collects, or receives money or any other thing of value to be used principally to solicit or aid in the solicitation of communications to be made by members of the public to one or more other Members of Congress for any of such purposes".

S. 166—INTRODUCTION OF A BILL TO DESIGNATE THE STRATIFIED PRIMITIVE AREA AS A PART OF THE WASHAKIE WILDERNESS AREA

Mr. HANSEN. Mr. President, I introduce a bill and ask that it be referred to the appropriate committee. This legislation is designed to designate the Stratified Primitive Area in northwestern Wyoming as a part of the Washakie Wilderness heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming.

Mr. President, this legislation, cosponsored by myself and Senator McGEE, is the result of several years consultation and work by the various parties involved. The bill has been introduced in several preceding Congresses, and was passed by the Senate for the first time during the second session of the 91st Congress.

Although the bill was passed so late that it was not able to be considered by the House of Representatives, it is my hope that this legislation will be agreed to by both Houses of Congress during the early part of this session so as to establish a wilderness which will protect over 240,000 acres of the finest land in the West.

The legislation as introduced is the result of several years consultation and work. The bill, as reported, includes a compromise worked out between Senator McGEE and myself whereby the actual wilderness will contain 208,000 acres of Forest Service land with an additional 35,000 acres to be included within a special management section outlined in the bill.

The original Washakie Wilderness legislation was introduced in 1967. Hearings were held on this legislation in Wyoming as well as in Washington. In the 91st Congress, I again introduced the legislation which was developed after considering the information and suggestions derived from the previous hearings.

As introduced, this bill represents a further refinement describing what should be included within the boundaries of the Washakie Wilderness. The legislation in its present form represents the final product of several meetings between myself and Senator McGEE in which special management provisions were developed to be included within this legislation which would serve to protect an additional 35,000-acre tract, known as the DuNoir area, west of the proposed Washakie Wilderness.

There can be no doubt but that the DuNoir is an unusually scenic area which deserves protection from additional encroachment, but because of early tie hack harvesting as well as four-wheel drive access roads which cross the area, the DuNoir does not qualify within the congressional directives established in the 1964 Wilderness Act.

I realize that there are some who feel the boundaries are not precisely right, or that some small area should have been added to the wilderness, or that some phrase relating to the directives of the DuNoir should have been adjusted. Be that as it may, the truth is that a great many divergent interests and feelings have been reconciled and compromised in order to arrive at the bill as it was reported to the Senate. It is my sincere hope that it would now proceed to be approved by this 92d Congress.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes introduced by Mr. HANSEN, for himself and Mr. McGEE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SENATE JOINT RESOLUTIONS 2 AND 3—INTRODUCTION OF JOINT RESOLUTIONS PROPOSING ALTERNATIVE PLANS FOR ELECTORAL COLLEGE REFORMS

Mr. ERVIN. Mr. President, today I am introducing two alternative plans for electoral college reform—Senate Joint Resolutions 2 and 3. These measures are not new. Senate Joint Resolution 2, the proportional plan, passed the Senate in 1950 and Senate Joint Resolution 3, the automatic plan, was proposed in the Senate by Senator John Kennedy in 1957. Recently, Senate Joint Resolution 3 has been referred to as the "Katzenbach" plan because of the ardent support given the measure in 1966 by then Attorney General Nicholas Katzenbach.

These measures cover the broadest possible spectrum of electoral college reform. Senate Joint Resolution 2 is closest to the direct election of the President proposal in that it divides a State's electoral votes in proportion to the popular vote cast for each candidate in each State. This would rid the election of the President by the unit rule which so many find unacceptable. In addition to a mandatory proportional division of each State's electoral vote, Senate Joint Resolution 2 would require the election to be decided by the Senate and the House in joint session with each Senator and Representative having one vote if no candidate receives 40 percent of the total electoral vote.

Senate Joint Resolution 3, the automatic plan, would make very little change in the present system with none of the possible dangers which many have warned could result from an untried and different method of electing the President. Briefly, Senate Joint Resolution 3 would, first, eliminate the "faithless elector" and would insure that a State's electoral votes would be cast for the plurality winner in the State, and, second, if no nominee had an electoral vote majority, the deadlock would be broken by a vote taken at a joint session of Congress on the basis of one vote for each Member of the House and Senate.

Thus, Senate Joint Resolutions 2 and 3 present the Senate with two theories for electoral college reform which, I believe, are superior to either direct election or the present system. Both Senate Joint Resolutions 2 and 3 get rid of the "faithless" elector and both provide a substantially better method of determining deadlocks than the present system. Admittedly, the mechanics of Senate Joint Resolutions 2 and 3 are different—one espouses the unit rule and the other divides the electoral votes. However, even though their basic thrusts seem far apart, I personally can support either Senate Joint Resolution 2 or 3 because of one overriding characteristic they have in common and which I deeply feel is the sine qua non of electoral college reform—they both attempt to preserve the identity of the States in the presidential electoral process. As a result of the great compromise which made the formation of the United States possible, each State was entitled to at least two electoral votes because membership in the Senate was allotted on a geographical basis. Senate Joint Resolutions 2 and 3 would retain this basic representation which each State now has, and I believe it is necessary to our concept of a federal system and for the protection of the interest of the smaller States.

There are 35 States which receive proportionally larger representation in Presidential election because of the present system. Personally, I do not believe these 35 States will ratify any plan which dilutes their voice in Presidential elections. The proposed abolition of the present system by direct election advocates places, I feel, a substantial obstacle in the way of electoral college reform.

Also, adherents of direct popular election would substitute the concept of having the President and Vice President represent those who happen to vote on the particular election day, for the principle established by the framers of having them represent population and States regardless of how large or how small the actual vote might be on that election day. Both Senate Joint Resolution 2 and 3 retain the concept of electoral votes representing population—including nonvoters—within States. In erasing this concept, direct election would replace it with a theory of representation based solely upon a percentage of voters who happen to vote at a particular election.

Regardless of how one may divide them, electoral votes do reflect people, and both Senate Joint Resolution 2 and 3 recognize the fact. As long as a candidate for the Presidency secures the requisite number of electoral votes he represents that portion of the people which is considerably larger than the actual popular vote total which he may have amassed.

Mr. President, the two proposals which I am introducing today give the Senate very realistic choices for reform; and I earnestly hope we can take some action in this area in 1971.

Mr. President, I ask unanimous consent that Senate Joint Resolution 2 and Senate Joint Resolution 3 be printed at this point in the RECORD.

The PRESIDENT pro tempore. The joint resolutions will be received and appropriately referred; and, without objection, the joint resolutions will be printed in the RECORD.

The joint resolutions (S.J. Res. 2) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President and (S.J. Res. 3) proposing an amendment to the Constitution reforming the electoral college method of electing the President, introduced by Mr. ERVIN, were received, read twice by their titles, referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

S.J. RES. 2

Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by three-fourths of the legislatures of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"The office of elector of the President and Vice President, as established by section 1 of article II of this Constitution and the twelfth and twenty-third articles of amendment to this Constitution, is hereby abolished. The President and Vice President shall be elected by the people of the several States and the district constituting the seat of government of the United States. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein. The electors in such district shall have such qualifications as the Congress may prescribe. The places and manner of holding such election in each State shall be prescribed by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The place and manner of holding such election in such district shall be prescribed by the Congress. Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. Such district shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which such district would be entitled if it were a State, but in no event more than the least populous State.

"Within forty-five days after such election, or at such time as Congress shall direct, the official custodian of the election returns of each State and such district shall make distinct lists of all persons for whom votes were cast for President and the number of votes for each, and the total vote of the electors of the State or the district for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State and such district shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President. In making the computation, fractional numbers less than one one-thousandth shall be disregarded. The person having the greatest number of electoral votes for President shall be President, if such number be at least 40 per centum of the whole number of such electoral votes. If no person has received at least 40 per centum of the whole number of electoral votes, or if two persons have received an identical number of electoral votes which is at least 40 per centum of the whole number of electoral votes, then from the persons having the two greatest numbers of electoral votes for President, the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.

"The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of death of any of the persons from whom the Senate and the House of Representatives may choose a Vice President whenever the right of choice shall have devolved upon them. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 2. This article shall take effect on the 10th day of February next after one year shall have elapsed following its ratification."

S.J. RES. 3

Joint resolution proposing an amendment to the Constitution reforming the electoral college method of electing the President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The President and the Vice President shall be elected as provided in this article. No person constitutionally ineligible for the office of President shall be eligible for that of Vice President.

"SEC. 2. On the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin, unless the Congress shall by law appoint a different day, there shall be held in each State and in the District of Columbia an election in which the people thereof shall cast their votes for President and for Vice President. In such election, each voter shall cast a single vote for two persons, one a candidate for President and the other a candidate for Vice President, who shall have consented to the joining of their names on the ballot. The places and manner of holding the election shall be prescribed in each State by the legislature thereof but shall be subject to regulation by the Congress. The voters in each State shall have the qualifications requisite for persons voting for members of the most numerous branch of the State legislature. The voters in the District of Columbia shall have the qualifications prescribed by the Congress.

"There shall be cast for the persons receiving the greatest number of votes for President and for Vice President in each State a number of electoral votes equal to the whole number of Senators and Representatives to which that State may be entitled in the Congress. There shall be cast for the persons receiving the greatest number of votes for President and for Vice President in the District of Columbia a number of electoral votes equal to the whole number of Senators and Representatives to which the District would be entitled in the Congress if it were a State, but in no event more than the number cast by the least populous State.

"Within forty-five days after the election, or at such other times as the Congress may direct, the official custodian of the election returns of each State and of the District of Columbia shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and a separate list of all persons for whom votes were cast for Vice President. Upon each such list there shall be entered the number of votes cast for each person whose name appears thereon, the total number of votes cast for all such persons, and the name of the person for whom the electoral votes of such State or District are cast.

"SEC. 3. On the 6th day of January following the election, unless the Congress shall by law appoint a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the electoral votes shall then be counted. The person having the greatest number of votes for President shall be the President, and the person having the greatest number of votes for Vice President shall be the Vice President, if such number be a majority of the whole number of electoral votes. If no person has a majority of the whole number of electoral votes for President or for Vice President, then from the two persons receiving the highest number of electoral votes for such office the Senate and the House of Representatives sitting in joint session shall immediately choose such officer by ballot. A quorum for this purpose shall consist of three-fourths of the whole number of the Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded, and in addition there shall be cast for the person for whom the electoral votes of the District of Columbia were cast a number of votes equal to the number of such electoral votes. The person receiving the greatest number of votes shall be chosen.

"SEC. 4. If, at the time fixed for the counting of the electoral votes as provided in section 3, the person who would have been entitled to receive a majority of the electoral votes for President shall have died, the person who is entitled to receive the majority of the electoral votes for Vice President shall be President.

"The Congress may by law provide for the case of the death of any of the persons for whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them; for the case of the death of both the persons who, except for their death, would have been entitled to

become President and Vice President; and for the case of the death or withdrawal, prior to the election provided for in section 2, of a candidate for President or for Vice President.

"SEC. 5. The Congress shall have power to enforce this article by appropriate legislation."

SENATE JOINT RESOLUTION 4—INTRODUCTION OF A JOINT RESOLUTION RELATING TO "SCHOOL BUS SAFETY WEEK"

Mr. JAVITS. Mr. President, I introduce, for myself and Senators CRANSTON, PELL, and PROUTY, a measure to designate the period of April 19 through 23, 1971, as School Bus Safety Week. This measure is similar to the resolution which passed the House last year but which, unfortunately, the Senate was unable to consider before the April date set for School Bus Safety Week.

Each day some 18 million American youngsters—one out of every four school children—travel to and from school in more than 200,000 school buses. This total may be expected to mount as suburban education systems grow and as our population expands. However, as the number of school bus passengers increases, the accident rate climbs still faster.

The Senate Committee on Labor and Public Welfare, commenting on my schoolbus safety amendment to the Elementary and Secondary Education Act, declared in 1967 in its report that "school bus safety standards throughout the Nation are spotty, substandard, and lax." This finding gives further force to the statement of the president of the Physicians for Automotive Safety who observed that, in the area of school transportation, not a single State is doing all that safety authorities believe must be done to protect human life on the highway. He also indicated shock in discovering that safety measures to safeguard young people in school vehicles are largely being ignored at the local level.

The National School Bus Safety Week Committee is seeking to focus needed public attention on improved school bus safety.

President Nixon, in endorsing the week early in 1969, said:

> This week focuses public attention on the need for skilled, responsible drivers, and on the importance of effective inspection and reliable repair services for these vehicles. And finally, it reminds each of us that it is the duty of every motorist to cooperate with school bus drivers to make our highways as safe as possible for the one out of every four American pupils who ride buses to and from school each day.

I am not suggesting that school bus transportation is unsafe. It is not. School bus drivers have by and large a good safety record. However, the increasing accident rate and the fact that each year more and more children travel on school buses makes it imperative that the safety record of school buses be as near perfect as humanly possible—indeed, the safest form of transportation in the Nation.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 4) to authorize and request the President to proclaim the period April 19 through 23, 1971, as "School Bus Safety Week," introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 5—INTRODUCTION OF A JOINT RESOLUTION RELATING TO MARTIN LUTHER KING BIRTHDAY

Mr. BROOKE. Mr. President, on April 4, 1968, this Nation and the world lost a great leader of men.

Dr. Martin Luther King, Jr., rose from pastor of a small church in Alabama to the embodiment of a dream, the chief pilgrim on the pathway of equality.

On Friday, January 15, we commemorated his birth and his life. On the day when he would have been 42 years old, schools closed around the country, the poor people's campaign was reenacted in the streets of the Nation's Capital, businesses and Government employees paused to pay tribute to the ideals by which he lived.

Mr. President, that was a fitting way to remember the goals toward which Martin strove. But let us make such commemoration the official policy of this Nation.

Let us reiterate each year, by Presidential proclamation, our commitment to the goals of freedom and equality. Let each community mark, in its own way, its reverence for these goals and the man who strove to reach them. And let each of us, in his heart, remember that so long as we shall live, he shall not die.

I am introducing again this year, as I did in 1968 and 1969, a joint resolution making the birthday of Martin Luther King, Jr., a national day of commemoration. I ask unanimous consent that the text of this resolution be printed at this point in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 5) designating January 15 of each year as "Martin Luther King Day" introduced by Mr. BROOKE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 5

Whereas the United States of America was deeply grieved by the vicious and senseless act which ended the life of the Reverend Martin Luther King, Junior, this country's apostle of nonviolence;

Whereas the United States of America, and its Senators and Representatives in Congress, recognize and appreciate the immense contribution and sacrifice of this dedicated American;

Whereas the American people are determined that the life and works of this great man shall not be obscured by violence and anger, but rather that they shall remain a shining symbol of the Nation's nonviolent struggle for social progress;

Whereas it is incumbent upon us to recognize that violence, hatred, and national division do no honor to the man who has been taken from us;

Whereas mutual respect and a firm commitment to the ideals of nonviolence for which he labored will be the most lasting memorial to the life of the Reverend Doctor Martin Luther King, Junior;

Whereas it is fervently hoped that his death may serve to reconcile those among us who have harbored hatred and resentment for their fellow Americans, to the end that our country may at last realize the ideal of equality set forth in our Constitution: Therefore it is hereby

Resolved, That, in honor of the Reverend Doctor Martin Luther King, Junior, who was born on January 15, 1929, January 15 of each year is hereby designated as "Martin Luther King Day". The President is authorized and requested to issue a proclamation each year calling upon the people of the United States to commemorate the life and the service to his country and its citizens of the Reverend Doctor Martin Luther King, Junior, and to observe that day with appropriate honors, ceremonies, and prayers.

SENATE JOINT RESOLUTION 6—INTRODUCTION OF A JOINT RESOLUTION RELATING TO FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Mr. KENNEDY. Mr. President, on behalf of myself, Senators BAYH, BROOKE, COOK, CRANSTON, EAGLETON, HARRIS, HART, HATFIELD, HUGHES, HUMPHREY, INOUYE, JAVITS, MATHIAS, MCGOVERN, MONDALE, MUSKIE, NELSON, PROXMIRE, RANDOLPH, RIBICOFF, STEVENSON, and TUNNEY, I submit a resolution to amend the Constitution to provide representation in Congress for the District of Columbia. The purpose of this resolution is to amend the U.S. Constitution to provide full voting representation in Congress for the District of Columbia—two Senators and the number of Representatives—probably two—to which the District would be entitled on the basis of its population.

Last summer, when Congress was considering electoral reform, I was deeply concerned about ways to gain congressional approval granting the franchise to District residents. I said then that—

> At a time when we in Congress are considering a change in one of the fundamental aspects of democracy—the way we choose our President—it is fitting that we also consider one of the most glaring additional flaws in our democracy—the lack of representation in Congress for the citizens of the Nation's Capital.

To reach that goal, I stressed that perhaps the best method to achieve this properly deserved measure of democracy for the people of Washington would be to add it as an amendment to other measures offered on the Senate floor.

The measure I am introducing today is intended to be referred to the Committee on the Judiciary. I am hopeful that effective action on this measure will bring the franchise to the District of Columbia quickly.

The current activity to elect a nonvoting Delegate to Congress from the District establishes a fitting background for launching renewed efforts to achieve full voting rights for Washingtonians. The nonvoting Delegate election is the first step in the struggle to attain the franchise. However, the status of the Dele-

gate must not be allowed to deteriorate into that of a permanent nonvoting representative. Rather, along with my distinguished colleagues who are cosponsoring this measuring, I expect to work in concert with the soon-to-be-elected District of Columbia congressional Delegate to obtain full voting rights for the city's residents.

District of Columbia representation in Congress is more than just a prize for the citizens of the District. It is a symbol of the problems and aspirations of the Nation as a whole. For the United States, the world's greatest democracy, to deny the right of representation to the people of its Capital is unconscionable, and the shame of the denial is compounded by the bitter racial emotions to which it gives rise. I shall work vigorously to remedy this injustice as swiftly as possible.

I hope that Congress will act at the earliest opportunity to adopt the constitutional amendment granting the franchise to Washington, and submit it to the States for ratification. During the debate on the amendment, the District will have the active voice of the nonvoting delegate, who will be a forerunner in Congress for the voting Senators and Congressmen who will come after him.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 6) proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia, introduced by Mr. KENNEDY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 7—INTRODUCTION OF A JOINT RESOLUTION TO AMEND CONSTITUTION TO PERMIT 18-YEAR-OLDS TO VOTE IN ALL ELECTIONS—CONGRESS HAS A DUTY TO PASS A CONSTITUTIONAL AMENDMENT TO PERMIT 18-YEAR-OLDS TO VOTE—SENATE JOINT RESOLUTION 7 HAS 85 SUPPORTERS

Mr. RANDOLPH. Mr. President, today I begin anew the efforts to amend our Constitution to insure that All Americans on attaining the age of 18 have the right to participate in the selection of persons for elected offices at all levels of government. The Congress has effectively recorded its support for the inclusion of these young adults in the democratic process by our action last year in amending the Voting Rights Act. However, the recent decisions of the U.S. Supreme Court require that our action be supplemented to allow 18-year-olds to vote in State and local elections.

Limiting 18- to 21-year-olds to voting only for Federal officials will place a significant burden on our State and local officials responsible for election practices and procedures—separate voting rolls, and separate ballots in primary and general elections. Clearly, this will be a cumbersome and, I believe, costly process.

With regard to the difficulties involved in dual election systems, the able chairman of the Senate Subcommittee on Constitutional Amendments (Mr. BAYH) is compiling a report from State election officials. This report will provide valuable information—and I am certain compelling practical reasons—in support of immediate congressional approval of a constitutional amendment. At this point in time, however, there have been indications by State officials of the impact of the current situation.

For example, the president of the board of elections in Chicago has stated that a dual system may cost the city as much as $200,000. The New York Times recently quoted the city's board of elections president as indicating that New York's cost in the first year would be a minimum of $5 million. The chairman of the Missouri Election Laws Study Commission, as noted by the St. Louis Post Dispatch, has stated:

> We are going to have to reach a decision soon. The longer this drags on, the bigger the mess will be. It will create some real headaches for these county clerks and election boards.

While officials may place estimates on the costs of dual election systems, I think the confusion which will result is incalculable.

Mr. President, States are being forced to make critical decisions on how to proceed in accordance with the decisions of the Supreme Court. Their determinations will be costly. They should not be confronted with the prospect of having the Congress submitting a constitutional amendment for ratification after they have made these decisions. The time for Congress to act is now—in concert with current planning by the States. Other than proceeding to establish dual systems, there is little the States can do quickly to alleviate the present difficulties unless the Congress approves a constitutional amendment.

In the States which do not now allow 18-year-olds to vote—this is all but three of the 50 States—expeditious action to rectify this situation is not possible. All States must amend their State constitutions to effect a lower voting age. All State constitutions, except in Delaware, require referendum—voting by the people—for approval of a State constitutional amendment. In several States the legislatures must approve the proposed amendment in two succeeding legislative sessions prior to its submission to a referendum. This could almost be described as an endless process.

As I stated in my testimony before the Constitutional Amendments Subcommittee during its hearings on my resolution last year:

> It is my belief that action by the Congress would place this matter four-square before the States. States could then take immediate action either to accept or reject this amendment.

Mr. President, I am gratified that we have opened the door to participation of America's youth in the voting process. As I have indicated in both the House and Senate, many times since 1942, I look on them as a welcome addition to our democratic system and believe that they have fully earned the right to be heard through the ballot box. Although I have stressed the very real problems of the States in implementing the Supreme Court decisions, I do not lessen my concern for the substantive issue of a lower voting age. That persons who have attained the age of 18 should have the right to vote is the overriding issue. The Congress debated the issue at length last year. The Congress intended that our young people should have the right to vote in all elections. The commitment which we made last year must now be fulfilled.

The joint resolution I introduce will write into the Constitution of the United States the privilege of voting for all our citizens 18 years of age and older in all elections—Federal and State. It is heartening to report that 84 of my colleagues have joined as cosponsors, including many Senators who have been in the forefront of this endeavor. I appreciate the cooperation and efforts of the cosponsors of our resolution.

A greater number of Senators are cosponsoring the resolution than I was privileged to have as cosponsors of the resolution in the 91st Congress. Many Senators have shown that they are ready and willing to act as I have indicated. I believe this problem is one of highest priority in the 92d Congress. We must press for early and favorable action on this legislation in the Senate and in the House of Representatives.

I have had the opportunity this afternoon of discussing this matter with the chairman of the Committee on the Judiciary, the Senator from Mississippi (Mr. EASTLAND). He has indicated that in this Congress, as he indicated in the 91st Congress, he is against 18-year-old voting, either from the statute or the constitutional approach; but he is ready to move such legislation from his committee, and there will be no delay. I appreciate the attitude of the able chairman of that committee (Mr. EASTLAND).

I would recall that in the 91st Congress there was a hearing on my resolution in the Subcommittee on Constitutional Amendments, the chairman of which, as I previously mentioned, is the able Senator from Indiana (Mr. BAYH). He has indicated that the subcommittee, having reported the resolution favorably last year, is ready to report the resolution favorably in the 92d Congress.

I stress the fact that there are 85 sponsors of the joint resolution introduced today providing for a constitutional amendment, which is absolutely necessary if we are to fulfill the pledge of the Congress in providing the opportunity and the responsibility for youth to share in the voting process for Federal, State, and local officials in the United States.

Mr. President, I do not wish to take the time to read the names of the 84 Senators who are joining in cosponsorship of the joint resolution. I ask unanimous consent that the names appear in the RECORD at this point.

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

LIST OF COSPONSORS

The Senator from Vermont (Mr. Aiken).
The Senator from Alabama (Mr. Allen).

The Senator from Colorado (Mr. Allott).
The Senator from Maryland (Mr. Beall).
The Senator from Tennessee (Mr. Baker).
The Senator from Indiana (Mr. Bayh).
The Senator from Oklahoma (Mr. Bellmon).
The Senator from Nevada (Mr. Bible).
The Senator from Delaware (Mr. Boggs).
The Senator from Tennessee (Mr. Brock).
The Senator from Massachusetts (Mr. Brooke).
The Senator from North Dakota (Mr. Burdick).
The Senator from West Virginia (Mr. Byrd).
The Senator from Nevada (Mr. Cannon).
The Senator from New Jersey (Mr. Case).
The Senator from Florida (Mr. Chiles).
The Senator from Idaho (Mr. Church).
The Senators from Kentucky (Mr. Cooper and Mr. Cook).
The Senator from New Hampshire (Mr. Cotton).
The Senator from California (Mr. Cranston).
The Senator from Kansas (Mr. Dole).
The Senator from Colorado (Mr. Dominick).
The Senator from Missouri (Mr. Eagleton).
The Senator from Arizona (Mr. Fannin).
The Senator from Hawaii (Mr. Fong).
The Senator from Arizona (Mr. Goldwater).
The Senator from Alaska (Mr. Gravel).
The Senator from Michigan (Mr. Griffin).
The Senator from Florida (Mr. Gurney).
The Senator from Wyoming (Mr. Hansen).
The Senator from Oklahoma (Mr. Harris).
The Senator from Michigan (Mr. Hart).
The Senator from Indiana (Mr. Hartke).
The Senator from Oregon (Mr. Hatfield).
The Senator from South Carolina (Mr. Hollings).
The Senator from Nebraska (Mr. Hruska).
The Senator from Iowa (Mr. Hughes).
The Senator from Minnesota (Mr. Humphrey).
The Senator from Hawaii (Mr. Inouye).
The Senator from Washington (Mr. Jackson).
The Senator from New York (Mr. Javits).
The Senator from Idaho (Mr. Jordan).
The Senator from North Carolina (Mr. Jordan).
The Senator from Massachusetts (Mr. Kennedy).
The Senator from Washington (Mr. Magnuson).
The Senator from Montana (Mr. Mansfield).
The Senator from Maryland (Mr. Mathias).
The Senator from Arkansas (Mr. McClellan).
The Senator from Wyoming (Mr. McGee).
The Senator from South Dakota (Mr. McGovern).
The Senator from New Hampshire (Mr. McIntyre).
The Senator from Montana (Mr. Metcalf).
The Senator from Iowa (Mr. Miller).
The Senator from Minnesota (Mr. Mondale).
The Senator from New Mexico (Mr. Montoya).
The Senator from Utah (Mr. Moss).
The Senator from Maine (Mr. Muskie).
The Senator from Wisconsin (Mr. Nelson).
The Senator from Oregon (Mr. Packwood).
The Senator from Rhode Island (Mr. Pastore).
The Senator from Kansas (Mr. Pearson).
The Senator from Rhode Island (Mr. Pell).
The Senator from Illinois (Mr. Percy).
The Senator from Vermont (Mr. Prouty).
The Senator from Wisconsin (Mr. Proxmire).
The Senator from Connecticut (Mr. Ribicoff).
The Senator from Delaware (Mr. Roth).
The Senator from Ohio (Mr. Saxbe).
The Senators from Pennsylvania (Mr. Scott and Mr. Schweiker).
The Senator from Maine (Mrs. Smith).
The Senator from Alabama (Mr. Sparkman).
The Senator from Virginia (Mr. Spong).
The Senator from Alaska (Mr. Stevens).
The Senator from Illinois (Mr. Stevenson).
The Senator from Missouri (Mr Symington).
The Senator from Ohio (Mr. Taft).
The Senator from Georgia (Mr. Talmadge).
The Senator from South Carolina (Mr. Thurmond).
The Senator from California (Mr. Tunney).
The Senator from Connecticut (Mr. Weicker).
The Senator from New Jersey (Mr. Williams).
The Senator from North Dakota (Mr. Young).

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older, introduced by Mr. Randolph (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 9—INTRODUCTION OF A JOINT RESOLUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

Mr. COOK. It is an incredible fact that in this year of 1971 the Constitution of this Western democracy gives just one constitutional right to its women—the right to vote. The attainment of that single constitutional right in 1920 required a persistent organized 72-year effort of women before it was approved.

Still today the Constitution fails to extend to the female, half of our population, the fundamental rights to life, liberty, property, and equal protection of the laws. The original Constitution, plus all its amendments still reserve equal rights and protection to the male population. The 92d Congress should unhesitatingly put an end to this illogical and invidious inequality by voting its approval of submitting to the State for ratification the proposed equal rights amendment for men and women which I introduce today as Senate Joint Resolution 9. In the simplest and clearest of words, the amendment would read:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

This amendment or ones substantially similar have been introduced in every Congress over a period of 47 years.

The amendment calls for equality of rights for both sexes. It is generally referred to as equal rights for women because, and only because, the great bulk and body of discriminatory statutes apply alone to women, not to men. There are practically no statutes which discriminate against the male now nor are there likely to be any passed in the future in States where the legal bedrock is the common law. Advocates of the amendment point out and recommend elimination of such male discriminatory laws as can be found; for example, such as the failure to give a husband curtesy—dower—rights in property and failure under Social Security laws to give survivorship benefits to a husband.

The time has come to act on the equal rights amendment. The case was made in the 91st Congress. Let us now pledge that the 92d Congress will see its passage.

Full hearings were held before the Judiciary Committee of this body in May and September 1970 reported in over 1,200 pages of printed testimony.

The House of Representatives took decisive action on August 10, 1970, by voting 350 to 15 to submit this amendment to the States for ratification. The House-passed House Joint Resolution 264 was placed on the Senate Calendar, debated, and nullified by crippling amendments proposed by Senator Ervin to permit exempting women from the draft and by Senator Baker to attach the "prayer" amendment. The latter amendment I supported because it would have been submitted separately to the States for ratification not in any way detracting from the equal rights amendment, the passage of which I favored without change. The Senate never took a final vote on the measure as thus deformed, and it was shelved at the request of women's organizations which were the principal advocates of the amendment.

Debates in this body in August, September, and October have put into the record the views of some of the proponents and opponents. The legislative history has been established during the second session of the 91st Congress. It is now time for a vote for or against the women of this Nation and there is no reason for further delay by this body.

The original Constitution of 1787, founded on the English common law, gave no recognition whatever to women. They were wholly outside its protections. The framers can scarcely be charged with having affirmatively and deliberately excluded women since they were beyond the pale of existence under then established law. They were mere property and chattels; they were not legal "persons" nor can it be said that they are such today. In all 183 intervening years the only constitutional recognition extended to them is that of the 19th amendment insuring the right to vote without regard to sex. As to that, the Supreme Court has said:

> The rights and responsibilities of women in our public life . . . has achieved constitutional compulsion on the States only in the grant of the franchise by the 19th amendment. (*Fay* v. *New York* (1947) 332 U.S. 261, 189).

The 14th amendment guarantees privileges and immunities of U.S. citizenship to all "persons"; forbids the taking of life, liberty or property without due process of law; and extends the equal protection of laws to every "person." The 14th amendment, like all other provisions of the Constitution means what the Supreme Court says it means. Over the years the Court has extended the perimeter of its provisions to include as

persons entitled to legal rights thereunder corporations, juveniles, schoolchildren and criminals. It is an incredible and no longer tolerable fact that the Court has limited these guarantees to male individuals only.

The Supreme Court has never opened the doors of employment opportunity to any individual female despite its zeal in upholding the right of a male citizen and of a male alien to work at any lawful occupation of his choice. In 1884, the Court declared that—

> The right to follow any of the common occupations of life is an inalienable right, formulated as such under the Declaration of Independence; to deny it is to invade one of the fundamental privileges of the citizen, contrary not only to common right, but to the express words of the Constitution. It is what no legislature has the right to do. (*Butchers Union Slaughter House, etc.,* 111 U.S. 746, 762).

Later decisions extended the protection of the 14th amendment to strike down a San Francisco ordinance which denied license to operate laundries to Chinese aliens—*Lick Wo* v. *Hopkins* (1886) 118 U.S. 356. In 1914 the Court outlawed a Texas statute which operated to deny the promotion of a fireman-engineer to become freight train conductor (*Smith* v. *Texas,* 233 U.S. 630) and, in 1915 it invalidated an Arizona statute which restricted an alien Austrian cook from working in a restaurant (*Traux* v. *Raich,* 239 U.S. 33), the Court declared that—

> It requires no argument to show that the right to work for a living in the common occupations of the country is the very essence of the personal freedom and opportunity that it was the purpose of the amendment (14th) to secure.

This, however, was not the view of the Court when in 1872 it upheld Illinois denial to a female attorney of the right to be admitted to the practice of law—*Bradwell* v. *Illinois,* 83 U.S. 130. Also, it was not the view of the Court when in 1894 it reaffirmed such denial by the State of Virginia in the case of Belva Lockwood—*In re Lockwood,* 154 U.S. 1161 (1894).

And, as late as October 1968 the Supreme Court refused to accept direct appeal of the issue of whether an individual woman assembly line worker was denied equal protection of the law under the 14th amendment because of the California 8-hour law limiting employment of females only—*Mengelkoch* v. *Industrial Welfare Comm. and North American Aviation Co.,* 393 U.S. 83.

On the other hand, the Supreme Court has applied the 14th amendment to limit, restrain, and restrict employment for women by giving its repeated stamp of approval to statutes applying to female workers but not to males similarly employed, limiting hours of work, applying weight-lifting limitations and barring certain occupations. In 1908 in the far-reaching landmark decision of Muller against Oregon the Court resorted to the Shibboleth that "sex is a reasonable classification" principle to justify denial of equal protection to assembly line working women and to uphold hours laws which limited them to lower paying jobs.

This Supreme Court principle stands to this day, and has been used to uphold a State university's denial of admission to a woman student for courses not elsewhere obtainable; to justify lesser social security benefits and enforced earlier retirement ages for women; and even to justify heavier criminal sentences upon female offenders.

The Court needs a new constitutional yardstick upon which to hold that the 54-percent segment of our country which had the misfortune to be born female is, in fact, entitled to equality of treatment under the law.

Other examples abound. For example, the economic welfare of women is far from being promoted or protected under State laws governing the property rights of married women. A woman's competence to convey and manage her property is unquestioned under the law so long as she remains single. Upon marriage she is divested of her competency and must have the assent of her husband and submit to his right to take over management of her property. Upon widowhood, she is reinvested, under the law, with competence only to again lose her ability should she marry a second time.

Forty-two States are founded on the common law principles, under which earnings and property acquired therewith are the sole property of the spouse who earns. The homemaker, wife, and mother, with no outside earnings, acquires no property. In the eight community property States, however, such wife owns one-half the earnings of her husband, and he has similar rights to hers. In many States the assent of the husband is a prerequisite to the right of a wife to convey, even her separate inherited property. In the community property States the husband alone has the right of management of community or of the separate property of his wife.

In 1968, the Supreme Court of Louisiana held that a divorcing wife, though she had a vested right in community property, had no right to more than a partial accounting of property from her husband who concealed his earnings; and the U.S. Supreme Court refused certiorari.

However, there are some encouraging signs of change emanating from the States. In 1968 Texas modernized its laws to insure full and equal management rights to married women. In 1968 the new Florida constitution eliminated the distinction between men and women as to disposition of property and necessity of joinder of the other spouse in conveyance of separate property. That same year, Texas revised its laws to give each spouse management and control of that part of the community property which he or she would have owned if single, and removed necessity of joinder or assent in a disposition by the wife of her separate property.

These are certainly encouraging signs as I said earlier. Unequal treatment of women under the law can no longer be tolerated when women are educated and millions work in the business world. Our proposed equal rights amendment would establish female competency under the law, as well as male, to manage their property and would give impetus to other States to update their laws and eliminate outmoded and inequitable property restrictions.

Practically all jurisdictions make the husband liable for support of his wife. This duty stems from the common law under which a wife had only a right to "bed and board" while her husband lived, and a right to dower—a lifetime share in income from his property—if he died without a will.

As stated by one State supreme court in 1965, the wife at common law took the degrading position of "a combination vassal, chattel, and household drudge" her services becoming the property of her husband. She, therefore, had no standing in that common law jurisdiction to claim for loss of consortium when her husband was incapacitated when struck by a railway locomotive. In *Baldwin* v. *State*—Vermont Sup. Ct. 1965—215a 2d 492, the court stated that with one exception, all American courts so hold. The law was not concerned with whether the wife had the ability to support a disabled husband, although a husband can recover for loss of consortium of his wife.

These support laws, carrying civil and criminal penalties, are resorted to in the administration of public assistance and aid to dependent children benefits, to require deserted mothers to file criminal charges against a father, who may be otherwise law abiding, but unable to earn enough for support of his family.

Equal rights advocates maintain that the duty of support should be reciprocal, with each spouse responsible for the other in accordance with need and ability. We believe State laws should reflect this economic partnership principle as a matter of equality under the law and as a recognition of the reality that working wives today number in the millions. A wife who lacked ability to earn support for a husband would be in no better or no worse situation than a low-income husband is today. Each spouse should have liability for support of children. My equal rights amendment would require this kind of equal treatment under the law.

The principle of the equal rights amendment would support alimony running to either spouse, and equitable division of marital property upon dissolution of marriage.

The Uniform Marriage and Divorce Act, just approved August 14, 1970, by the prestigious commissioners on uniform laws, presages future recodification of State laws respecting age of marriage, grounds for divorce, maintenance instead of alimony, custody of children, definition of marital property, and provision for its division, without regard to marital misconduct in proportions determined by the court on the basis of specified factors set forth in the law. In essence, marital property excludes separate property inherited or gifted, and would divide that acquired during marriage by efforts of the spouses on a 50–50 basis.

Under the equal rights amendment, the selective service law would include women, subject to the same exemptions and classifications as men. Like drafted

men, they would not be required to serve where not fitted. Like men, certain occupations and ages would be exempted. Military service benefits, especially for the young with limited education or training would also be available to women. Since October 1966 some 246,000 young men who did not meet the normal mental or physical requirements have been given opportunities for training and correcting physical problems while such opportunities are not open to their sisters. Presently, only girls who have completed high school can volunteer, a higher standard than for men, which would be eliminated by the amendment. If pending legislation to abolish the draft is passed by this Congress, the drafting of women will become a moot topic.

Our equal rights amendment would be the yardstick for invalidation of any remaining State statutes which impose longer prison terms upon female criminals, than upon males for the same offense. It was not until 1968 that the Supreme Court of Pennsylvania and the U.S. District Court of Connecticut declared such State statutes invalid. Over 200 women were released from the State prison in Pennsylvania following the 1968 decision, having already served the time which a male offender would have had to serve. The Federal court took umbrage with the 1908 landmark decision in Muller against Oregon and its principle that "Sex is a reasonable classification."

Our equal rights amendment would also remove remaining restrictions upon jury service by women. While women are eligible in all States, there still remain statutory limitations in 24 States, in 11 of which a woman may be excused solely on the basis of her sex.

In many States, women are disqualified to serve as fiduciaries or the statutes specify preference to males before females can qualify. Appeal has recently been filed in the U.S. Supreme Court challenging such a law of Idaho—*Reed* v. *Reed,* Idaho sup. ct. 1970, 465p 2d 635.

Only five States permit a married woman to establish separate domicile. Our equal rights amendment would remove this inequality.

The American Law Institute's statement of essential human rights declares that—

> Everyone has the right to protection against arbitrary discrimination in the provisions of law because of race, religion, sex . . .

and that—

> Barring an individual or group from the exercise of any right on the grounds of who they are (e.g. women, negroes, catholics) as distinguished from what they have done (e.g. criminals or mental incompetents) would constitute arbitrary discrimination.

Today, in this country, that principle is applied to everyone except women. This is precisely why we push ahead with our equal rights amendment.

The opposition bemoans the "tremendous burden which would be thrown upon the courts" to interpret the proposed amendment and its application to the laws of the States. This alleged burden is greatly exaggerated. It required but two or three definitive decisions of the Supreme Court to result in the application of the 19th amendment giving women the right to vote, although compliance involved both revision of State constitutions as well as statutes. The Court simply ruled that wherever voting was limited to "males" the amendment transformed it to "persons."

Moreover, it will require but one decision of the Supreme Court challenging one State's hours laws to invalidate all such hours laws, even as it took but one devision to sustain their enactment. After 100 years of failure to apply the present constitution to women, the equal rights amendment would provide a clear and unambiguous constitutional yardstick for extension of those rights now, the 15th and 19th amendments are examples of no-chaos. The same as anticipated after passage of the equal rights amendment.

Second, I would quote from Congressman VANIK, that—

> The burden on our courts should never constitute a barrier to the establishment of rights under our Constitution.

And from Congresswoman GREEN that—

> The applicability of the 5th and 14th amendments in cases involving racial bias has been repeatedly tested and sustained which has taken years and cost millions. Do millions who oppose equal rights of women suggest we should not have had those cases, should not have spent those millions?

The most outspoken opponents of the equal rights amendment have been the male-controlled unions of the AFL–CIO. Their opposition should, however, be evaluated in light of today's economic conditions, and bearing in mind the fact that the AFL–CIO speaks only for a fraction of the workingwomen affected—its ranks number less than 3½ million women in unions, compared with some 26 million other women working outside the home. The AFL–CIO speaks against only a fractional area of laws, whereas equality is sought not only as to labor standards laws but as to laws governing property rights, civil rights, and political rights. The AFL–CIO speaks for only a fraction of all women within its own union ranks, as clearly evidenced by Federal court suits which its members have had to institute at their own expense and risk in order to seek enforcement of title VII of the Civil Rights Act of 1964. The AFL–CIO does not speak for all trade unions, large or small, and it certainly does not speak for the powerful United Automobile Workers and its affiliates who strongly support the adoption of the equal rights amendment.

I have cited numerous examples of unequal treatment based upon sex which we believe makes necessary the equal rights amendment. In closing, let me sum up my case for the need for this great amendment.

The purpose of this amendment is to end the unequal treatment under the law to which women have been subjected since the Constitution was first adopted. It is important to note that the only kind of sex discrimination which this would forbid is that which exists in law. Interpersonal relationships and customs of chivalry will, of course, remain as they always have been, a matter of individual choice. The passage of this amendment will neither make a man a gentleman nor will it require him to stop being one.

Although there is now little disagreement upon the merits of the goal of equal rights for women, there is quite some difference of opinion as to how it can best be achieved. Opponents argue that the 14th amendment equal protection clause and title VII of the Civil Rights Act of 1964 which prohibited discrimination on account of sex are sufficient safeguards. The problem with this analysis is that the courts have been in some cases slow and in others completely derelict in interpreting either of these provisions as striking down irrational sex discrimination in law.

Another "red herring" which opponents raise is that all State "protective" laws for women will be nullified. This ignores recent court decisions in analogous situations in which the courts have not nullified other types of discriminatory State laws but rather extended the "protection" afforded to one class to the other, thereby providing equality of treatment under the law. The passage of this amendment is important because it will provide a mandate for the courts to strike down irrational sex-based discrimination wherever it is found in law.

In conclusion, it should also be remembered that this is not just an equal rights amendment for women. It will also benefit men, as there are many sex discriminations in law which penalize males. Equal treatment for men and women under the law is indeed an idea whose time has come.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 9) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, introduced by Mr. COOK, for himself and other Senators, was received, read twice by its title and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 10—COSPONSORSHIP OF A JOINT RESOLUTION RELATING TO DESIGNATION OF "NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION"

Mr. TOWER. Mr. President, I am pleased to join with my colleagues today in offering a resolution calling for the designation of a National Week of Concern for our servicemen who are prisoners of war or missing in action. Some of these men have been held captive since early 1964, almost 7 years ago. Many families have remained long years in anxiety and doubt without knowing the fate of their loved ones.

Despite repeated demands for compliance with the Geneva Convention regarding prisoners of war by the United States, the United Nations, the International Red Cross, and many others, the North Vietnamese Government persists in its refusal to permit the free flow of mail to and from prisoners, to repatriate the sick and wounded, to permit the in-

spection of prisoner facilities by an impartial observer and to provide for repatriation or internment in a neutral country of those who have endured an extended period of captivity. These basic considerations spring from fundamental human decency and go beyond politics or philosophy. We of the U.S. Congress have on prior occasions unanimously reaffirmed our support for the principles asserted in the Geneva Convention of 1949. Whatever our many and varied perceptions of the conflict in Vietnam have been, we in the Congress have concurred vigorously in the humane precepts of this convention.

We must continue to focus our attention on this most grave problem of prisoners of war. We are and must be concerned throughout the year and until such time as these men are safely returned to their homes. But the designation of this national week of concern will serve to bring to the forefront of national and international attention the plight of our servicemen held captive half a world away. I urgently commend this proposal to the Congress.

SENATE JOINT RESOLUTION 11—INTRODUCTION OF A JOINT RESOLUTION RELATING TO STUDENTS' WEEK AGAINST DRUG ABUSE

Mr. HATFIELD. Mr. President, I send to the desk a joint resolution to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse." I ask unanimous consent that the resolution be received and appropriately referred.

Mr. President, I am extremely pleased by the enthusiastic support of my colleagues for this legislation prior to its introduction and ask unanimous consent that the cosponsors be printed at this point in my remarks: the Senator from Maryland (Mr. BEALL), the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), 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 Rhode Island (Mr. PELL), the Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), the Senator from California (Mr. TUNNEY), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from North Dakota (Mr. YOUNG).

Mr. President, when I was contacted by the drug abuse committee of Oregon State University School of Pharmacy, I was particularly proud and enthusiastic to learn of the program that is being initiated and developed by the pharmacy students on the OSU campus. It is the intention of the committee to present their program to the national meeting of the Student American Pharmaceutical Association in March of 1971. Oregon State University's committee has begun already to coordinate their program with the national Student APhA headquarters here in Washington.

Through the cooperation of the national office, the observance will be extended to all of the 74 chapters of the Student American Pharmaceutical Association, most of which are already involved in effective drug abuse education programs. In addition, Student APhA will seek support of the observance by other student professionals through their liaison with the National Student Nurses' Association, the Student American Dental Association, the Student American Medical Association and the Law Student Division of the American Bar Association.

Student APhA will seek even more diverse support by soliciting the assistance of the National Coordinating Council on Drug Abuse Education and Information, Inc., an organization of 98 national governmental, professional, educational, law enforcement, service, religious, and youth organizations in which the Student American Pharmaceutical Association and its parent organization, the American Pharmaceutical Association, hold charter membership.

The implications of this program are most encouraging. A letter from Miss Evelyn Crockett, chairman of the Drug Abuse Committee at OSU and their speakers bureau policy give a good description of the intentions of the committee in their efforts. I ask unanimous consent that a letter Miss Crockett sent me earlier this year, her synopsis of projected OSU activities, and items of policy be printed at this point in my remarks. And also, a letter from Ronald L. Williams, executive secretary of Student American Pharmaceutical Association.

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

STUDENT AMERICAN
PHARMACEUTICAL ASSOCIATION,
January 5, 1971.

Honorable MARK O. HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: The Student American Pharmaceutical Association, a subdivision of the American Pharmaceutical Association, is the national professional society of pharmacy students with over 12,000 members in 74 chapters on the campuses of our schools and colleges of pharmacy.

Student APhA has long been active and interested in the institution of effective drug abuse education programs, so we have followed with interest your cooperative efforts with pharmacy students from the Oregon State University College of Pharmacy to have the week of April 19–23, 1971, designated as "Students' Week Against Drug Abuse".

Our organization fully supports your action to introduce a joint resolution to accomplish this, and we hereby offer our support in the following ways:

1. Encourage all Student APhA Chapters to actively promote and participate in the observance by providing informative materials in regard to the objectives of the week as well as suggested methods of establishing and coordinating activities on the various campuses.

2. Enlist the support and assistance of other student professionals through our liaison activities with the national student organizations of dentistry, medicine, nursing and law.

3. Encourage support of the student program by pharmacy practitioners by publicizing it in the publications of the American Pharmaceutical Association and in the general pharmaceutical press at the regional, state and national levels.

4. Encourage wide-spread and diverse participation in the observance by soliciting the support of the National Coordinating Council for Drug Abuse Education and Information, Inc., an organization of 98 national governmental, professional, educational law enforcement, service, religious and youth organizations in which both Student APhA and the American Pharmaceutical Association hold charter membership.

5. Provide time on the agenda of the Yearly Meeting of the Student American Pharmaceutical Association, March 26–28, 1971, in San Francisco, to further explain the observance and finalize details of participation by Student APhA Chapters.

We look forward to working with you and the pharmacy students of Oregon State University in obtaining national recognition and implementation of this most worthwhile program.

Sincerely,
RONALD L. WILLIAMS, R.Ph.,
Executive Secretary.

JANUARY 1, 1971.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: Our proposal is simply to change the present date of the Drug Abuse Prevention Week from the week of May 29 to an earlier date—the week of April 19.

We would designate this week "Student's Week Against Drug Abuse". Hopefully with advance publicity and careful planning, this event would gain national recognition and thereby achieve the attention that it deserves.

It appears to us that it would be far more effective to have students sponsor a program of this magnitude rather than a government agency, judging from the success of another student sponsored project of a year ago. I am referring to "Earth Day". Furthermore, an extensive program involving the students of *pharmacy* across the nation would be extremely ideal, as we occupy a unique position: we are young enough to appeal to the youth of our nation, while at the same time, possess the necessary drug background.

Our reason for the change of date is simply to allow more involvement. Around May most Universities and Colleges are nearing the end of a school year. Consequently, students are involved with final examinations, preparation for graduation and the like. Therefore an earlier date would be more desirable to allow as much student participation as possible. We propose that the "Student's Week Against Drug Abuse" be held in the Spring (April) rather than an even earlier date in the school year to allow adequate time to plan an effective program. One needs to secure speakers, obtain films, display area, etc., well in advance in order to insure a successful program.

If we knew that the April Week could be so named, "Student's Week Against Drug Abuse", we could begin working toward making this a truly "national" affair. We would contact all of the other colleges of pharmacy in the United States through their student chapters of the American Pharmaceutical Association to tell them of the approaching

week and its significance in relation to public education. Most of these pharmacy colleges are already involved in drug abuse education. In our letter we will urge them to plan programs to be held in their communities and on their campus to concur with the April date. Furthermore we would urge them to contact students of other universities and colleges in their state to help them plan programs for those campuses and communities that do not have a pharmacy school. This is similar to what we hope to do in Oregon.

I might add that we don't intend to exclude the "establishment". There is a wealth of knowledge and experience that the responsible citizens of this country possess. Hopefully, they will make this knowledge available to us and be willing to add us in any way they can. We will be more than happy to accept assistance from the many government agencies, the American Medical Association, the American Pharmaceutical Association, and so on. In fact, we will gladly welcome anyone willing to lend a hand in making this a successful program. It is through cooperative effect that programs of this magnitude are of such value to our society.

Respectfully,

EVELYN CROCKETT,
Chairman, Drug Abuse Committee, Oregon State University, School of Pharmacy.

SYNOPSIS OF PROJECTED OSU ACTIVITIES

1. The Speakers Bureau of the Drug Abuse Committee—OSU School of Pharmacy was established on the concept that pharmacy students have the necessary drug background for Drug Abuse Education and are young enough to appeal to younger students of Junior and Senior High School age.

2. The Speakers Bureau is composed of active, interested, and involved fourth and fifth year students of the Oregon State Univ. School of Pharmacy.

3. The Speakers Bureau represents the Drug Abuse Committee, a student organization of the School of Pharmacy.

4. The Speakers Bureau is experienced and prepared to present programs to fit the needs of the group involved, whether children, older students, parents, or adults.

5. A team approach is suggested for each presentation and will involve three or four pharmacy students in one team. Each member of the team will handle information on one or two of the various areas of drug abuse: marijuana; hallucinogens; narcotics; barbiturates and amphetamines.

6. The primary objective of the program-presentation will be the open discussion and question-and-answer period following short introductions by each member of the team.

7. The Speakers Bureau has found that "scare tactics" and "half-truths" are undesirable in Drug Abuse Education. The Bureau advocates "telling it like it is", that is, to present the facts of drug abuse as they are known.

8. It is suggested that members of the Speakers Bureau refrain from the expression of personal opinions, especially when those opinions cannot be backed up by known facts.

9. In order to get the fullest utilization of group dynamics, the Speakers Bureau suggests that the following be met:

a) The group receiving the program be limited to forty people or less.

b) For classroom situations, the presence of teachers be avoided during the question-and-answer period, as an authoritative presence may hinder the spontaneity of open and frank discussion.

(Miss) EVELYN CROCKETT,
Chairman, Drug Abuse Committee, OSU School of Pharmacy, Corvallis, Oreg.

Mr. HATFIELD. Mr. President, the presentation of facts, not opinions, and the complete rejection of "scare techniques" have been generally accepted as appropriate and most fruitful approaches to drug abuse education and prevention. In spite of great publicity, America is just beginning to awaken at the grassroots level to the problems of drug abuse that have plagued the urban ghettos for so long a time. Middle class America and small towns are just beginning to experience the "drug shock" and its agonies firsthand. It is imperative that this awareness be nurtured so that the problem may be combated in every segment of our society.

Young people have a respect for facts, for "telling it like it is," and they have a great facility for communicating with each other. This program that is being conducted by pharmacy students and directed to young people is encouraging because of the special effectiveness that will accompany the absence of a "generation gap," a technical expertise in drugs, and the concern of our youth who do not use drugs—those who seldom make national headlines.

At Oregon State University, the pharmacy students participating in the committee are well aware that the problem is people—not drugs. The problem is one of young individuals trying to find themselves among social ills—those on the national and international scale, and those that filter down to the community and family level. This attempt of students trying to give personal support and information to others is a very positive move toward combating not only a feeling of despair and neglect of the individual, but also simple ignorance of what drugs can do to people.

Though these programs would be in progress throughout the year, Students' Week Against Drug Abuse would be designated as a national week to reemphasize seriousness of the problem, to encourage and strengthen existing efforts in combating the problem and to stimulate the involvement of students in new programs. I sincerely hope that my colleagues will take prompt and favorable action on this resolution for I believe that this is a program signifying great hope and responsibility on the part of the youth of our Nation.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 11) to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse; introduced by Mr. HATFIELD (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE RESOLUTION 9—SUBMISSION OF A RESOLUTION TO AMEND RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. CHURCH. Mr. President, I submit, on behalf of myself, the Senator from Kansas (Mr. PEARSON), and a large number of Senators whose names will hereafter be disclosed, a resolution to amend rule XXII of the Standing Rules of the Senate.

The effect of this proposal would be to reduce from two-thirds to three-fifths the number of Senators present and voting required to close debate. I ask unanimous consent that the resolution go over under the rule.

Mr. President, in accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby send to the desk a notice in writing that I shall hereafter move to amend rule XXII as I have previously stated, and I ask that it be received and read.

The PRESIDENT pro tempore. What is the Senator's request with reference to the resolution? That it be referred?

Mr. CHURCH. I ask unanimous consent that it be read, and go over under the rule, as required by rule XIV, so that it may be taken up tomorrow, on the next legislative day, for consideration and debate.

The PRESIDENT pro tempore. The notice will be stated.

The assistant legislative clerk read as follows:

NOTICE OF MOTION TO AMEND CERTAIN SENATE RULES

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXII of the standing rules in the following particulars:

Resolved, That rule XXII of the Standing Rules of the Senate is amended to read as follows:

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending be-

fore the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"3. The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate."

The purpose of the proposed amendment is: To provide for bringing debate to a close under certain circumstances by vote of three-fifths of the Senators present and voting.

The resolution reads as follows:

S. RES. 9

Resolved, That rule XXII of the Standing Rules of the Senate is amended to read as follows:

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. Notwithstanding the provisions of Rule III or Rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"3. The provisions of the last paragraph of Rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate."

The PRESIDENT pro tempore. The resolution will go over until tomorrow.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CHURCH. As matters now stand, will the resolution that I have just introduced to amend rule XXII be the pending business before the Senate tomorrow when the legislative business is laid before the Senate?

The PRESIDENT pro tempore. It will be laid down after the routine morning business before the end of the morning hour, and subject to debate until the end of the morning hour, when it will go to the calendar.

Mr. CHURCH. After the routine business, it will then be the order of business for consideration by the Senate?

The PRESIDENT pro tempore. The Senator is correct.

Mr. CHURCH. I thank the Chair.

SENATE RESOLUTION 10—SUBMISSION OF A RESOLUTION TO DESIGNATE JANUARY 22 AS UKRAINIAN INDEPENDENCE DAY

Mr. SCHWEIKER submitted the following resolution (S. Res. 10); which was referred to the Committee on the Judiciary:

S. RES. 10

Resolution to designate January 22 as Ukrainian Independence Day

Whereas Ukraine, with a population of forty-seven million, is the largest non-Russian nation both in the Union of Soviet Socialist Republics and in Eastern Europe; and

Whereas this nation occupies a significant geographic and economic position in the context of Eurasia, with prominent dimensions toward central Asia, the Caucasus, the Middle East, and central Europe; and

Whereas this second largest Slavic people, with a national history extending back to the ninth century, has made substantial contributions to world culture and today possesses immense potentialities and promise for further universal cultural advancement; and

Whereas, in partial recognition of these cultural contributions toward civilization and peace, the Eighty-sixth Congress of these United States of America passed the Shevchenko Memorial resolution, leading to the erection of a statue of Taras Shevchenko, the poet of Ukraine, on public grounds in our Nation's capital; and

Whereas the critical importance of this non-Russian nation in world affairs has been obliquely reflected in the original charter membership of the U.S.S.R.; that is, the Ukrainian Soviet Socialist Republic, in the United Nations; and

Whereas the contemporary status of Ukraine has been reflected in the Captive Nations Week Resolution passed by the Eighty-sixth Congress in July 1959, and signed by President Dwight D. Eisenhower into Public Law 86-90; and

Whereas for the past two decades the Congress, Governors of our major States, and mayors in our largest cities have consistently observed the indomitable spirit of independence and creative assertions of the Ukrainian people; and

Whereas the independent Ukrainian National Republic, which was established by democratic, popular vote and national self-determination on January 22, 1918, was one of the first to proclaim freedom for its people in the area of the traditional Russian Empire: Now, therefore, be it

Resolved, That the President is authorized and requested to issue a proclamation designating January 22 of each year (the anniversary of the proclamation which declared Ukraine to be a free and independent republic) as Ukrainian Independence Day, and inviting the people of the United States to observe such day with appropriate ceremonies.

SENATE RESOLUTION 11—SUBMISSION OF A RESOLUTION TO PROVIDE ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

Mr. ELLENDER submitted the following resolution (S. Res. 11); which was referred to the Committee on Appropriations:

S. RES. 11

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-Second Congress, $50,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

HONEST ELECTIONS REFORM ACT

Mr. PEARSON. Mr. President, it is a great pleasure to join today with my distinguished colleague, the junior Senator from Alaska (Mr. GRAVEL), and other cosponsors in introducing a comprehensive bill designed to reform the methods by which our campaigns for public office are financed and regulated. Entitled the Honest Elections Reform Act of 1971, this legislation represents a vital first step in restoring much of the faith and confidence that the American people have lost in their election process and as such deserves the earliest possible consideration.

This far-reaching legislative proposal attempts to deal with all four of the major problem areas in the field of campaign finance which have led to today's great public concern: First, the base of contributions; second, the use and cost of the mass media, particularly radio and television; third, the extent and effectiveness of the law governing the reporting of campaign expenditures; and fourth, the uniformity and thoroughness of procedures that are applied to those campaign finance reports that are filed with the appropriate repositories.

First, Mr. President, let us consider the problem of the base of contributions. Today that base is too narrow. It is not simply a question of providing more money. There also is a need to provide more sources of funding in order to lessen the dependence many candidates feel on those few who now so often represent such a disproportionate share of the massive campaign funds required by today's "electronic elections." Though more and more citizens are making political contributions, their growing number still lags

far behind the quantum jump in campaign costs that has occurred over the past decade. The fact still remains that approximately 90 percent of the campaign contributions come from one percent of the population. And this fact should be a cause for concern by all Americans. It means that too many of their public officials are likely to owe too much to too few. It means that their interest in seeing candidates elected who are unobligated is not being protected. It means that the candidates themselves must devote an undue amount of energy and attention to caring for the concerns of their "special" backers rather than looking toward the concerns of their constituents as a whole.

For these and other reasons, then, the public has a clear incentive to develop the broadest possible financial base on equal terms for all those who choose to compete for the responsibilities of public office. The devices employed must not only be effective in generating funds, but they also should be of such a character as to give every candidate equal opportunity and to encourage direct voter participation in the process. This latter point, too, is vital if we are not to break the link between the candidate and the contributor. This link is vital in helping to keep the officeseeker responsive to the constituents he is to represent. This principle is basic to our system of government and only becomes pernicious when a few special groups gain undue influence by dominating campaign funding completely—a danger the Honest Elections Reform Act is designed to avert. The lack of any direct role by the voter that would deny him the fundamental right of determining who will receive his financial support—such as through direct appropriations—would also have the unfortunate effect of discouraging political involvement and encouraging apathy.

Mr. President, I realize that the magnitude of today's campaign finance problems has led many knowledgeable people to look toward direct appropriations as the answer. I respect their experience and their views. They may be right. But I do not think so and in any event other methods such as those contained in the legislation now being introduced deserve a full trial before resorting to any more extreme remedies. Thus, as is true of the campaign finance proposals which I advanced in earlier Congresses, this bill provides for tax incentives for campaign contributions as the principal method of stimulating a broader base of political funds. I am as loathe as the next person to lightly add more special exceptions to our already overburdened patchwork of tax regulations. But the use of tax incentives is fully justified in this case, not only because of their effectiveness and the seriousness of the need, but also because they are particularly well suited to preserve the element of volunteerism and voter choice in the allocation of subsidized contributions.

Two types of alternative incentives are provided by the bill we submit today and the contributor may choose whichever one he finds most appealing. One is a 50-percent tax credit for political donations which aggregate up to $50 in any one year. The other is a tax deduction of up to $100. In either case, the tax incentive applies to any political donation(s) made to any political candidate(s) at any level of government. The voter may give to as many people as he chooses and get a tax benefit, provided his donations do not aggregate more than the modest limits established by this legislation. In the event they should total more, then the amount above the ceiling would not qualify for any incentives.

Mr. President, these tax measures would apply to contributions made in primaries as well as to those made in general election campaigns for the influence of money is certainly as great if not greater in primary contests as it is in the November races. They would also be applicable to donations made to local, State, and National campaign committees on a year-round basis so as to further encourage the proliferation of revenue sources during election periods.

The cost of these incentives would certainly not appear to be prohibitive, though admittedly no prior experience exists thus making any estimates extremely hazardous. And in any event the benefits for all citizens that would flow from the use of these incentives would surely warrant the rather modest expense they might entail. The public obviously has as great an interest in encouraging the election of unobligated candidates for high public offices as it does in furthering the growth of educational, religious, and charitable programs which it is already subsidizing through the use of tax incentives.

An additional benefit that would result from the adoption of this proposal would be to give official sanction and hence greater social acceptance to the practice of political donation. Political campaigns have not been as successful in raising funds as have certain types of charity and community service programs in part because of the differing degrees of social respectability accorded them. Regrettably, political donations are viewed with a jaundiced eye and politics is considered a tainted profession. This attitude is deplorable for it tends to create the very situation it decries. Political office should not only be regarded as being respectable, but should also be considered as being in the highest traditions of public service. Thus official approval of the practice of giving to the candidates of one's choice could go far toward eliminating the self-fulfilling cynical view of public life that so often hinders any effort to broaden citizen participation in campaign finance.

Mr. President, the 50 percent credit which amounts to $25 per person is designed to encourage small donations while the $100 deduction is designed to stimulate medium contributions. Both will be needed if the growing dependence felt by many candidates on a wealthy few donors is to be avoided. And regardless of the fate that awaits the other section of the bill now put forward I would hope that both these long overdue items on the campaign finance reform calendar are enacted without delay.

But the question of incentives for broadening the base of contributions represents only part of the problem. The second great area of concern dealt with by the Honest Elections Reform Act of 1971 encompasses the use and cost of the mass media, particularly radio and television. The growing size of constituencies demands the expanding use of the mass media as a basic tool of communication. They have become literally indispensable to any political campaign. Yet, their cost is so staggering as to put them far beyond the reach of the average candidate. If we are to insure equality of access to the electorate, if we are to directly attack the problem of rising costs, and if we are to reduce the danger of "buying" elections, then the mass media is the place to start. And the most influential—and expensive—segment of the mass media is the broadcasting industry.

More than any other factor, the growing dependence upon and rising costs of the electronic media are responsible for today's soaring campaign budgets. Because of this vital role in campaign finance and because they are a regulated industry, the radio and television stations that are licensed by the public to operate in the public interest, convenience, and necessity have a special obligation to do what they can to improve what everyone is coming to recognize is an intolerable situation. Many stations have already demonstrated a keen sensitivity to the problem and deserve the commendation of us all. Others have shown little or no concern and need to be encouraged to play their part.

The remedies proposed by this bill are not nearly as severe as some have suggested, though I feel they are the product of considerable thought and, being comprehensive in nature, should go far toward meeting the need while satisfying those who objected to the earlier proposal originally offered 18 months ago by Senator HART and myself. That bill, the Campaign Broadcast Reform Act of 1969, later modified in committee following extensive hearings and reintroduced by Senator PASTORE, passed by the House and Senate only to be vetoed by the President. Hopefully, the broadcast proposals of the legislation offered today will meet a better fate.

The first provision requires broadcast stations to charge a political candidate no more than their lowest commercial rate. Today that is not the case. And while some stations offer discounts substantially below their lowest commercial rates, others take advantage of a candidate's vulnerable preelection position and charge all the traffic will bear. Needless to say, this practice only adds to the skyrocketing campaign burdens which are already causing such grave public concern.

Mr. President, asking that a station charge no more than its lowest unit rate is not to ask that it cease to make a profit—even if only in regard to the relatively small portion of the broadcast day consumed by political advertising. All this provision would do is see to it that the political candidate who may soon bear the burden of making vital decisions affecting public welfare be given the same treatment accorded the used

car, toothpaste, and deodorant salesmen. The stations will still determine their rate structure but by establishing the lowest unit charge as the maximum political rate, we will significantly lower campaign costs, equalize conditions across the country to a greater extent than at present, and improve the ability of the candidate of modest means to obtain an adequate airing of his views.

The next section of the broadcast portion of the legislation suggested today is based on a proposal by the 20th century fund entitled "Voters Time." Drawing upon that excellent and innovative idea, the Honest Elections Reform Act calls for the simultaneous use of all broadcast facilities for a few times every 4 years to insure full and equal opportunity for leading presidential and vice presidential contenders to air their positions. Major party contenders would receive eight one-half hour segments—six for President, two for Vice President—to be used during the 8 weeks immediately prior to the election. Minor party contenders of significance would receive from three to four such programs depending upon their parties' previous records of electoral performance.

Mr. President, we feel this provision is vital to secure the fullest possible examination of the views of those vying to hold the highest office in the land. As with other sections of this legislation, we are not wedded to every comma and semicolon, but are merely attempting to put forward in as constructive and comprehensive a manner as possible some suggestions for discussion that will hopefully lead to some effective legislative action before the problems worsen. Thus, the final formula adopted might well differ from the "voters time" equation we suggest here today. But clearly some steps must be taken to improve the use of the broadcast media in presidential campaigns without further increasing the already astronomical cost. In the past I have supported a repeal of the "equal time" clause of section 315 of the Communications Act of 1934 as a means to deal with this problem. I would do so again if no other remedy were available. But after further reflection following the defeat of last year's broadcast reform effort, I feel the "voters time" concept might be preferable and deserves a full examination by the whole Congress. It has the considerable advantage of insuring equal treatment of all important contenders in accordance with the size of their public support and it also will insure the widest possible dissemination of the views of these most vital candidates, one of whom will soon be bearing the most awesome responsibilities borne by anyone on earth.

The last noteworth provision of this area of the Honest Elections Reform Act would establish a limit on all media spending by Federal candidates of 10 cents times the number of registered voters in the district, State, or Nation, as the case may be, or $40,000, whichever is greater. This spending limit would apply in primaries and an equal limit would govern spending in the general election. Here again, the specific figures are subject to adjustment though we hope some form of limits will be placed on media spending lest it completely outstrip the broader contributions base established through the tax incentives mentioned earlier. It is particularly important to note that unlike last year's proposal, the limits established by this bill would apply to all media spending that can be rather effectively monitored. Thus, all spending for radio, television, billboard, newspaper, magazine, and other periodical advertising would be controlled. The limit formula proposed here offers more than the advantage of being comprehensive. By being tied to the number of registered voters, it encourages all candidates to vigorously support voter registration drives, thus further broadening public participation in the election process. And, by being based on registration figures rather than on current or past voting statistics as was the case in last year's campaign broadcast bill, the Honest Elections Reform Act offers a flexible but stable formula that should be both more equitable nationwide and less volatile and susceptible of being influenced by isolated phenomena such as the weather on election day.

Mr. President, the third great area of concern addressed by the bill introduced today deals with the problem of reporting where campaign money comes from and where it goes. As we all know, today's reporting provisions are a mockery that is honored more in the breach than in the observance. The law is so easily circumvented that it virtually encourages deception. Thus, one of the major purposes of the Honest Elections Reform Act is to close the loopholes that prevent the current disclosure laws from working effectively.

Among the many reforms accomplished by the amendments to the criminal code that we propose is the requirement that spending in primaries and conventions be fully reported as well as spending in general elections. The definition of what constitutes a "political committee" is rewritten to insure that all committees supporting Federal candidates that take in or spend $100 or more are uniformly organized and report their financial operations regularly and thoroughly. This latter provision eliminates the much abused loophole which now allows committees operating in one State exclusively or from within the District of Columbia to escape Federal reporting completely.

Other steps are taken to make reporting as effective and as comprehensive as possible. And while the limit on the total contributions a committee may receive is repealed, the $5,000 limit placed on individual donations is strengthened and supplemented by a $25,000 limit on the amount a candidate may spend of his own funds. The purpose of these two limits is to guard against any one contributor from gaining undue influence and to force wealthy candidates to compete on a more equal basis with candidates of moderate means in the financing of their campaigns. I support the objective of both these ceilings but have some desire to see the matter further studied and to have the benefit of hearings on the subject before becoming fully committed to the formula advanced here as I can foresee some difficulties in making these limits work as effectively as intended.

The last major area of concern which the Honest Elections Reform Act attempts to resolve is the problem of how to guarantee full public disclosure of the spending reports required by the revamped criminal code we propose. Thus, the bill establishes a Federal Elections Commission to act as an independent, bipartisan repository and auditing agency that will receive and verify the spending reports and make them public in easily understandable form at regular intervals. The use of an independent agency is vastly superior to the use of any creature of the Congress which might cast the objectivity of any audit performed on its Members into doubt.

Today, for example, such spending reports are filed with the Clerk of the House and Secretary of the Senate. These offices lack both the resources and the independence necessary to perform their tasks satisfactorily, and any revisions in the campaign finance laws which would keep these offices as repositories would result in the outline of reform without the substance. Overall limits on campaign spending have shown themselves to be unenforceable. The only alternative is full disclosure. But this disclosure must be effective if it is to accomplish its purpose. And if it is to be effective we must remove the reporting and auditing functions from the offices of the Clerk and the Secretary.

Mr. President, as I said last week when Senator GRAVEL and I announced our intention to introduce this legislation, there is no more important business before the Congress and the American public than the wholesale cleansing of our democratic political system. It is obviously becoming badly distorted under present conditions. Money rather than ability or service is becoming the criterion for successful campaigns for public office. The regulations Congress adopted 46 years ago to govern campaign financing were poorly drawn and are not working. They do not take into account the phenomenon of television which has come to dominate every major campaign. They have encouraged lawbreaking and widespread cynicism toward the political process in general.

Just a few days ago, the President said in his state of the Union address that we must restructure our institutions of government in order to make them more responsive to today's changed conditions. None of our institutions is more important than the method by which we choose our leaders and yet none is in greater need of reform. The American people are becoming more and more critical of the way in which our system of elective politics is working—and rightly so. But just stop and think of the effect that full reporting and thorough accounting and disclosure coupled with a broader base of contributions and better use of the media would have. It would surely lead to renewed faith in the responsiveness and representativeness of our elective processes that many feel has been slowly ebbing during recent years. In fact, this res-

toration of faith could turn out to be the single most important benefit to flow from the adoption of meaningful campaign finance reform legislation. We need to restore a fuller measure of competition on the basis of merit than now exists and to throw the light of public disclosure on all political financial transactions, relying on the ultimate wisdom of the people to draw the appropriate conclusions.

Mr. President, we feel the Honest Elections Reform Act moves effectively to meet these objectives and deserves the immediate and serious attention of the Congress. This or some other version of comprehensive campaign finance reform legislation is badly needed, on that virtually everyone is agreed. Time is running on and the problems are getting worse. Next year is a presidential election year and that will certainly complicate matters if action is deferred until then. Thus, delay may mean defeat and defeat of legislation as long overdue as this could only increase the opportunities for abuse at the heart of our democratic political system and shake the confidence of the American people in the credibility of their electoral processes still further.

Mr. President, I ask unanimous consent that an outline summary of the proposed Honest Elections Reform Act be printed in the RECORD.

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

HONEST ELECTIONS REFORM ACT OF 1971—A SUMMARY

TITLE I: TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE OFFICE

A. Provides for a 50% tax credit on one or more political contributions not exceeding in aggregate $50.00.

B. "Political contribution" is defined as a contribution or gift of money to an eligible candidate for nomination or election to any Federal, State, or local elective public office, or to any authorized committee.

C. Provides the option of taking a $100 tax deduction in lieu of the tax credit.

TITLE II: BROADCAST TIME FOR CANDIDATES

A. Section 315 of the Communication Act is amended to provide that the charges made for the use of any broadcasting station by any legally qualified candidate for public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period.

B. Broadcasting stations and networks are required to provide simultaneously free radio and television time to candidates for the office of President and Vice President. Potential candidates are divided into three categories, with those in Category I receiving eight one-half hour periods of prime time from each station, those in Category II receiving four periods, and those in Category III three periods. This free time must involve the live appearance of the candidate and the format must be one intended to promote political discussion, illuminate campaign issues, and give the public insight into the abilities and personal qualities of the candidate.

C. The FCC is mandated to make an investigation to determine the most equitable and feasible arrangement whereby broadcasting stations might provide free time for candidates for other elective offices.

D. Limitations on expenditures for broadcasting, billboards, newspapers, magazines, and other periodical publications are published. A candidate is allowed to spend on these media in behalf of his candidacy in both primary and general elections an amount not to exceed:

1. Ten cents multiplied by the number of registered voters in his district, or

2. $40,000, whichever is greater.

TITLE III: AMENDMENTS TO CRIMINAL CODE

A. The term "election" is redefined to include primary elections and conventions of political parties as well as general and special elections.

B. The term "candidate" is redefined to include the President and Vice President as well as congressional offices.

C. The term "political committee" is redefined to apply to individuals as well as groups, and the loophole that now allows committees operating in only one State to escape reporting is closed. Persons or groups receiving or expending $100 or less are not counted as political committees.

D. The term "contribution" is redefined to include a transfer of funds between political committees.

E. The term "expenditure" is redefined to include (1) a transfer of funds (2) fees or charges levied upon a candidate by his State and (3) sums spent for travel, subsistence, stationery, postage, circulars, printing, telephone service, etc.

F. The term "person" is redefined to specifically include labor unions.

G. The term "State" is redefined to include the District of Columbia, thus closing an important loophole.

H. Solicitation of political contributions from officers and employees of the United States is forbidden political committees as well as candidates.

I. A limitation of $5,000 is set on single source contributions, and this is made to apply to committees as well as candidates. Contributions by a person's spouse or minor child are deemed contributions by that person.

J. The limitation on total contributions a political committee may receive is repealed.

TITLE IV: DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

A. Requires that every political committee have a chairman and a treasurer, without whose authority no expenditure may be made.

B. The treasurer shall keep an account of:

1. All contributions.

2. The full name and mailing address of every person making a contribution, and the date and amount.

3. All expenditures made by the committee, together with a receipted bill for all expenditures the aggregate amount of which to the same person during a calendar year exceeds $100.

C. Every political committee that is not authorized in writing by a candidate must include in all its literature and advertising a clear statement that its activities are not authorized and that the candidate is not responsible for those activities.

D. There is created a five man, bipartisan Federal Elections Commission appointed by the President with the advice and consent of the Senate.

E. Political committees which receive or expend more than $100 must file a statement of organization with the Commission.

F. Between the 10th and 20th of March, June and September in each year; on the fifteenth day and on the fifth day next preceding the date on which is held an election; on the fifteenth day next following the date on which is held an election and on the 1st day of January of each year, the treasurer of a political committee shall file with the commission a comprehensive report of its activities.

G. Every person who makes contributions or expenditures, other than by contribution to a political committee or candidate, aggregating $100 or more must also file reports with the Commission.

H. Candidates must also file reports of their receipts and expenditures.

I. Reports on convention financing must be filed with the Commission by the appropriate persons and committees.

J. A copy of all reports shall also be filed with the clerk of a United States district court.

K. Numerous duties are assigned the Commission including the wide public dissemination of reports filed by committees and candidates.

L. Criminal penalties are provided for the violation of the provisions of this title.

M. The Federal Corrupt Practices Act is repealed.

Title V: Authorization of Appropriations, Effective Dates, and Partial Invalidity.

January 25, 1971.

Mr. MUSKIE. Mr. President, I am proud to join with Senator GRAVEL and Senator PEARSON in sponsoring as the first Senate bill of the 92d Congress, the Honest Elections Reform Act of 1971. The bill, S. 1, is one which I hope will lay the foundation for debate and action by the Congress in this very important area of reform.

We are all aware of the need for substantial changes in the way campaigns are financed and run in this country. Existing law does not deal with the problem of spiraling campaign costs, nor does it provide complete coverage in the area of disclosure requirements. Its provisions dealing with limitations on campaign expenditures are totally outdated.

The result of such inadequacies in the existing law has been a loss of public confidence in our whole elections process which is at the very heart of our democratic way of life.

Now is the time to act to insure that political campaigns in this country reflect what the public demands—honesty and openness throughout the election process, and equal access to this process for all, regardless of economic means.

Last fall, the Congress passed legislation imposing a limit on the amount that a candidate for Federal office could spend on the broadcast media, by far the single most rapidly rising expense in campaigns today. This legislation was vetoed by the President.

I supported that legislation, as a strong step toward limiting the cost of political campaigns, while at the same time realizing that more comprehensive proposals were necessary.

Today, I have sponsored legislation which reflects just such a comprehensive approach. Among its most important points are:

A limitation on the amount which any individual can contribute to any one candidate.

A tightening of the campaign committee structure designed: First, to require full disclosure of expenses, contributions, and transfers of funds by a political committee, thus closing significant loopholes in existing law; and second, to inhibit the proliferation of committees over which the candidate himself has no control.

The establishment of an independent Federal elections commission empow-

ered with broad authority to supervise the running of campaigns, report violations, and recommend further legislative action in the area of election and campaign procedures.

A limitation on total media expenditures by a candidate.

Suspension of the equal time provision of the Communications Act to provide free voters time for presidential and vice presidential candidates, and to permit debates between presidential candidates.

The bill as presently written is not a perfect one. Amendments will be required.

And the Congress should act on other proposals to make our election process more responsive, such as a proposal to establish universal voter registration which I understand will be introduced during the 92d Congress.

But it is appropriate and necessary to begin with the broadest possible approach—one which will stimulate debate by the Congress and the American people, and one which can be effective.

PRESIDENT NIXON HONORS THE NATION'S NO. 1 FOOTBALL TEAM

Mr. CURTIS. Mr. President, on January 14, the President of the United States, Richard M. Nixon, appeared at the University of Nebraska in Lincoln, thereby paying great tribute to the Nation's No. 1 football team and its coach, Bob Devaney.

The University of Nebraska football squad and Bob Devaney and his entire coaching staff have brought great honor to Nebraska. Nebraska went through last season without a defeat. They were again the Big 8 champions and on New Year's Day they defeated the powerful team from Louisiana State University. It came as no surprise that the sportswriters picked Nebraska for the No. 1 spot.

Coach Bob Devaney and the rest of his coaching staff and all the players on the Nebraska squad have done something more than just honor our State. They have advanced the cause of good sportsmanship and clean competition. These are virtues to be desired in all aspects of life.

Nebraskans were highly pleased when the President of the United States expressed his interest in this team and in young people everywhere and in colleges and universities everywhere by paying a visit to the Nebraska campus. It was a day always to be remembered.

President Nixon delivered a most notable speech on that occasion. The principles that he laid down in that speech merit the attention of citizens of all ages in all the States and it is a speech that offers hope to all who want America to go forward.

Mr. President, I ask unanimous consent that the speech of the President of the United States delivered on that occasion be printed in the RECORD.

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

REMARKS OF THE PRESIDENT BEFORE A STUDENT-FACULTY CONVOCATION, THE UNIVERSITY OF NEBRASKA, LINCOLN, NEBR.

Mr. President; Mr. Chancellor, Governor Exon, Senator Curtis, Senator Hruska, all of the distinguished guests on the platform, and students, members of the faculty of the University of Nebraska, and I also understand that we have guests here from Nebraska Wesleyan and from Union College, and friends of the University of Nebraska:

I appreciate the honor that has been extended to me to visit this campus, and the opportunity to pick up a raincheck, in effect, because Secretary Hardin two years ago on the 100th anniversary of this great University, invited me to come to the University at the request of the University officials, and because I had another engagement at that time, I was unable to do so. I told him then that sometime while I was in office I would come. I wasn't quite sure I could make it. I am glad I could make it this year in view of what has happened.

And that allows me, before making this award, to tell a little story. You will recall that from time to time, because I am somewhat of a football fan, that I have called football coaches or captains after a great victory and a significant game. I read a story in one of the Nebraska papers to the effect that immediately after the Orange Bowl game some of the team were gathered around the phone waiting for the call from the White House. It never got through. As a matter of fact, I was not able to make the call because while I had seen the last quarter of the game, which was very exciting—wasn't that something, that last quarter?—in any event—it shows what the defense means—in any event, when we came to the end of the long day of football that day, I had to go on to another engagement. I checked with the White House operator and asked if it might be possible to get through to the dressing room down in Miami. Usually the President can get through on the telephone. This time the operator said, "Well, it will be just a moment, Mr. President. All the circuits are busy."

She said, "Everybody from Nebraska is calling."

I knew that was the case, and I knew that this great team and the University of Nebraska have pride for the whole State, for all the institutions of this State, whatever they may be, and all the people of this State. I am, therefore, honored to be here to participate in your pride in that team.

Having said that, I want you to know that I have gotten into a little trouble over the past couple of years in picking number one teams. In 1970, I should recall, the 100th anniversary of college football, you will remember that before the bowl games I said that Texas was number one, and since then I have never been able to go to Pennsylvania without a passport.

This year I didn't make that mistake because I sought and got very good advice. I was in Omaha in the last weeks of October. At that time Nebraska was number three in the Associated Press poll. I had already been to Columbus, Ohio, where everybody said Ohio State was number one. I was in Indiana where everybody told me that Notre Dame was number one. I was in Texas where everybody told me that Texas was number one, and I was going to be in California where all Californians thought 'that Stanford was number one. And in Arizona, Senator Barry Goldwater said that Arizona State was number one.

So with Roman Hruska and Carl Curtis, I said, "What should I do?" They thought a bit and finally Carl spoke up and said, "You know, Mr. President, I should wait until after the bowl games." That was vision, real vision.

So in this year of football, a year of many great teams, a year in which many can perhaps rightfully claim to be number one, to come to Nebraska, a great University and clearly apart from its great records in the field of athletics, to come here to the only major college team that was undefeated, and to make an award is something that I am very proud to do, proud to recognize this University, to recognize its coach, to recognize its co-captains, to recognize its fine members of the team, and in so doing to present the plaque from the President of the United States.

Consequently, at this time, for the official presentation, I would like to have the coach, Bob Devaney, to step forth.

(Presentation of plaque.)

You ought to run for something in this State.

And now the co-captains, Jerry Murtaugh and Dan Schneiss, if they would step forward to represent the team.

I shall now read the plaque which I understand will be put in one of the lockers. But in any event—(Laughter)—the plaque's wording is as follows:

"The University of Nebraska 1970 football team, Champions of the Big Eight Conference. Victor in the 1971 Orange Bowl, and picked by the Associated Press Number One Team of the Nation."

And now if I could come to the other part of my assignment, as was pointed out by your president a moment ago, I wanted to use this opportunity to address the great student body of this University and your guests about some of the problems we have in this Nation, common problems, for younger people and older people as well.

In beginning my remarks, it is quite clear from the feeling in this audience that this is a very exciting time for this University. You are beginning the second hundred years of a very great tradition, and you are beginning it as champions.

You can all take pride in your great team. It is a splendid thing to be champions. But a more splendid thing, I believe, is the process by which a team becomes champion, the long struggle through defeat, through doubt, and then on to victory.

There is satisfaction here, and for all of us there are valuable lessons as well. For as vital as the understanding we gain in the classroom is the deeper understanding of ourselves that comes from competing against others, and competing against ourselves.

In these endeavors, we go beyond awareness of what we are and we discover a higher understanding of what we can be if we know and have the courage and if we have the will.

It is in this way that we learn to believe in our dreams.

Nothing matters more to the future of this Nation than ensuring that our young men and women learn to believe in themselves and believe in their dreams, and that they develop this capacity—that you develop this capacity, so that you keep it all of your lives.

As this great University looks to a new century so does our Nation. In this decade we Americans will celebrate the anniversary of the greatest experiment in liberty the world has ever known. It has succeeded for what in the year 1976 will be 200 years. But like the continued success of this University, the continued success of the American experiment depends on one thing: On the qualities of heart and mind and spirit that our young people bring to both.

This Nation will not run on inertia. It could fail in one generation or it could last another 100 years or another 1,000 years. The answer lies in what you and your generation bring to the task of being an American and what you pass on to others.

These depend, in turn, upon what your Nation gives to you and gives to you now. And if we are to benefit fully from the energies and the ideals of our young people, we must break down the barriers to the exercise of those energies, the pursuit of those ideals.

Let me discuss one of those barriers that I know is on the minds of many of you here and many all over this Nation.

The war in Vietnam has taken a very heavy toll of our young men. This Adminis-

tration has no higher priority than to end that war. But to end it in a way that we will have a lasting peace.

For one thing, I want to end it because this Nation has positive priorities, right here at home, that young men and women now occupied in war could turn their hands to in peace. Beyond this, I have some very personal reasons that I would like to end it.

Every week, as President of the United States, I write letters to the parents and the wives and even sometimes the children of men who have given their lives in Vietnam. It is no comfort to me that when I came into office I wrote 300 of those letters a week, and that this week I will write 27. One is too many.

These were precious human lives and what they might have brought to America in peace no one will ever know. But there would have been poets among them and doctors and teachers and farmers. There would have been builders of America.

I want nothing in the world so much as to be able to stop writing those letters.

I know you realize, you who have studied history, that every American generation in this century has known war. I want yours to be the first generation in this century to enjoy a full generation of peace.

I have a plan which we are implementing to obtain that kind of peace. I can tell you confidently today it is succeeding. I believe yours will be a generation of peace. And then the question comes, and this is a bigger question, more profound: What will we do with the peace?

I am not one of those who believe that we will have instant tranquility when we have peace. I was talking to a European statesman a few months ago about the common problems that we had in both of our countries of student unrest, and he said to me, "The problem with your youth is war. The problem with our youth is peace."

What he meant, of course, was that the challenges of peace are as great as the challenges of war and as difficult to meet. There needs to be something more than the mere absence of war in life. Young people need something positive to respond to, some high enterprise in which they can test themselves, fulfill themselves. We must have great goals—goals that are worthy of us, worthy of our resources, our capacities; worthy of the courage and the wisdom and the will of our people. And we do have such great goals at home in America. Consider, for example, the problems of our environment. To subdue the land is one thing. To destroy it is another, and we have been destroying it. And now we must undo what we have done. You must help in this venture. It will require all the dedication you can bring to it—your brains, your energy, your imagination, those special qualities you possess in such abundance—idealism, impatience, and faith. To preserve the good earth is a great goal.

Consider the problems of our cities. Through time, cities have been centers of culture and commerce, and nowhere has this been more true than in America. But today, many of our great cities are dying. We must not let this happen. We can do better than this. We must do better than this. Only if the American city can prosper can the American dream really prevail.

Consider the problems of rural America. We are a nation not only of cities but of towns and villages and farms. In the soul and substance of rural life in this country the most abiding values of the American people are anchored. Rural America, too, needs our attention. We must create a new rural environment, a new rural prosperity, which will not only stem the migration from rural areas to the cities, but which will bring people back to the heartland of America.

Consider the problems of overpopulation, the problems of education, the problems brought about by technology, the problems of achieving full and equal opportunity for all of our people, of health; the problems of prosperity, itself; of poverty in a land of plenty. Those are just a few of the challenges that face us.

We must face them together. There can be no generation gap in America. The destiny of this nation is not divided into yours and ours. It is one destiny. We share it together. We are responsible for it together. And in the way we respond, history will judge us together.

There has been too much emphasis on the differences between the generations in America. There has been too much of a tendency of many of my generation to blame all of your generation for the excesses of a violent few. Let me repeat what I have said over and over again during the past two years.

I believe one of America's most priceless assets is the idealism which motivates the young people of America. My generation has invested all that it has, not only its love but its hope and its faith in yours.

I believe you will redeem that faith and justify that hope. I believe that as our generations work together, as we strive together, as we aspire together, we can achieve together—achieve great things for America and the world.

And so let us forge an alliance of the generations. Let us work together to seek out those ways by which the commitments and the compassion of one generation can be linked to the will and the experience of another so that together we can serve America better and America can better serve mankind.

Our priorities are really the same. Together we can achieve them.

I pledge to you that as you have faith in our intentions, we will do our best to keep faith with your hopes.

Let me cite one of the ways in which I propose to give substance to this alliance between the generations. One thing government must do is to find more effective ways of enlisting the dedication and idealism of those young Americans who want to serve their fellow man. Therefore, I will send a special message to the 92d Congress asking that the Peace Corps, VISTA, and a number of other agencies now scattered throughout the Federal Government, be brought together into a new agency, a new volunteer service corps that will give young Americans an expanded opportunity for the service they want to give, and that will give them what they do not now have offered to them—a chance to transfer between service abroad and service at home.

I intend to place this new agency under the dynamic leadership of one of the ablest young men I have ever known, the Peace Corps Director Joe Blatchford, and I intend to make it an agency through which those willing to give their lives and their energy can work at cleaning up the environment, combatting illiteracy and malnutrition, suffering and blight, either at home or abroad.

To the extent that young people respond to this opportunity, I will recommend that it be expanded to new fields, new endeavors, for I believe that government has a responsibility to ensure that the idealism and willingness to contribute of our dedicated young people can be put to constructive use.

As we free young Americans from the requirements of the draft and of the war, from the requirements of forced service, let us open the door to volunteer service. And for those who want to serve but cannot devote their full time, the new center for volunteer action will open new opportunities for millions of Americans of all ages to the extent they wish to contribute their time, their talents, their hearts, to building better communities, a better America, a better world.

Let me turn now to another way in which you can contribute. You all know that in the year 1970 we have taken a step which could have a very dramatic effect on your future and the future of America. We have provided you with the most powerful means a citizen has of making himself felt in a free and democratic society.

You now have the right to vote. Today in a new and exciting and dramatically promising way, you, each of you 18 or over, has a voice in the future of America. The whole history of democracy in this country is a chronicle of the constant broadening of the power to participate. Each new group receiving the franchise has had a beneficial effect on the course of America. Each new group has given freshness and vitality to the purposes of government. And now it is your turn to do the same.

So much is in your hands now. To those who have believed the system would not be moved, I say try it. To those who have thought that the system was impenetrable, I say there is no longer a need to penetrate; the door is open. For each of you, as for each of the rest of us, there are going to be some disappointments. There will be defeats, and the hard logic of life is: for anyone to win someone else has to lose.

For some to know victory, others have to know defeat. This is part of democracy. For it is in the very nature of a free society that no one can win all the time, no one can have his own way all the time, and no one is right all the time. If we suffer a setback or if we lose on an issue, the answer is not to blame the system but to look within ourselves to see how we can strengthen our resolve and intensify our efforts or perhaps to see whether the other fellow just might have been right all the time.

Defeat, therefore, can be an occasion for learning, for weighing the wisdom of our own purposes, examining the strength of our own resources.

I have seen two of Bob Devaney's teams play in the Orange Bowl when they lost. But defeat, instead of disheartening them, brought that experience which later led to victory.

I know that there are those who reject politics, who scorn the political life, and I can assure you that politics attracts its share of bad people but so do all the other professions. This does not reflect on the political system, for politics is a process, not an end in itself, and the process can be as good or as bad as the people that are part of it.

It may be tempting to suppose, like the ostrich, that what we choose not to be involved in will, therefore, not involve us. But we cannot make a separate peace, not one of us can. We are all committed, whether we choose to be or not. You can reject this, you can come to the task of being an American like Nietzche's ropemakers, who "pull out their threads in length and themselves are always going backwards." Or you can accept the commitment. You can accept the challenge. You can accept the high adventure of being an American citizen.

In the end, the history of this time will reflect your choice and it will record that you were the first generation of young Americans to be given this chance. Therefore, I urge you to choose well and to choose carefully.

There is an old excuse: This is a world that I never made.

That won't do any longer. You have now the opportunity, the obligation, to mold the world that you live in, and you cannot escape this obligation.

There is a story of an old and very wise teacher in early Athens. There was no question the teacher could not answer. There seemed to be nothing in life the old man did not understand. And finally, one of his students hit upon a way to defeat the old man's wisdom.

The student determined that he would catch a bird and hold it concealed in his hands. He would ask the old man to guess what he was holding. If the old man guessed it was a bird, then the boy would make him say whether the bird was alive or whether it was dead. And if the teacher guessed that the bird was dead, the boy would open his hands and let the bird go, free and alive. But if the wise man guessed that the bird was alive, then the boy would crush out its life and open his hands to reveal a dead bird.

And so it progressed. just as the boy had planned, until he asked the wise man: "Is the bird alive or is it dead?" And the old man said, "My son, the answer to that question is in your hands."

In your hands now rests the question of the future of this Nation, of its promise of progress and prosperity, of the dream of democracy and the future of freedom, of whether men can continue to be governed by human wisdom. And I believe that these things rest in good hands, and that as we put our hands together, your generation and mine, in the alliance we forge we can discover a new understanding, a community of wisdom, a capacity for action, with which we can truly renew both the spirit and the promise of this great and good land we share together.

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 tomorrow morning.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(Subsequently, this order was changed to provide for the Senate to convene at 11:15 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR NELSON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the approval of the Journal, the distinguished junior Senator from Wisconsin (Mr. NELSON) be recognized for not to exceed 30 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

HOLIDAY RECESS SCHEDULE—1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a recess schedule for the first session of the 92d Congress.

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

RECESS SCHEDULE 1971

Lincoln's-Washington's Birthdays—From conclusion of business Thursday, February 11, until Noon, Wednesday, February 17.

Easter (Sunday, April 11)—From conclusion of business Wednesday, April 7, until Noon, Wednesday, April 14.

Memorial Day (Monday, May 31)—From conclusion of business Thursday, May 27, until Noon, Tuesday, June 1.

July 4 (Sunday)—From conclusion of business Thursday, July 1, until Noon, Tuesday, July 6.

August-September recess (P.L. 91-510)—From conclusion of business Friday, August 6, until Noon, Wednesday, September 8.

Veterans' Day (Monday, October 25)—From conclusion of business, October 21, until Noon Tuesday, October 26.

Thanksgiving (Thursday, November 25)—From conclusion of business Wednesday, November 24, until Noon, Monday, November 29.

The PRESIDENT pro tempore. Is there further morning business?

SENATE PRACTICES AND PROCEDURES—TIME OF CONVENING TOMORROW

Mr. MANSFIELD. Mr. President, now that the enforcement of the 3-minute rule has been indicated insofar as it applies to speeches and other matters during the morning hour, I would like to read to the Senate an agreement which I believe has been reached, concerning further procedural matters based on the suggestions of Senators CRANSTON, HUGHES, SAXBE, and SCHWEIKER:

1. Whenever, in the judgment of the Leadership, it will facilitate the flow of Senate business, a unanimous consent agreement on a day-by-day basis will be drawn up so as to provide for time-certain votes in the morning or early afternoon hours; conversely, stalled and other business on which votes are not expected will be brought up later on those days.

2. When Special orders are entered for individual Senators who desire to make speeches in the early morning hours, those orders will be entertained when the request for time is limited to 15 minutes. Exceptions to this time-maximum will be made for a group of Senators desiring to hold a colloquy.

3. When the Leadership suspends, by unanimous consent, the Monday Call of the Calendar, an effort will be made at that time or at some other convenient time to announce in advance when next there will be a call of the consent calendar.

4. Whenever practicable, unanimous consent requests on time-divisions preceding votes will incorporate a provision requiring equal division of time between proponents and opponents of the final 15 minutes on amendments and on the bills.

Mr. President, in view of this announcement and after consultation with the distinguished Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until the hour of 11:45 a.m. tomorrow, at which time, after the approval of the Journal, the distinguished Senator from Wisconsin will be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. Yes, indeed.

Mr. NELSON. If a Senator or if Senators wish to engage in colloquy, what is the rule then?

Mr. MANSFIELD. We will be notified ahead of time, so that we can plan accordingly and allow up to an hour.

Mr. NELSON. And that would be by unanimous consent?

Mr. MANSFIELD. Yes, and early.

Mr. NELSON. I may say to the majority leader that I am wholeheartedly in agreement with the proposals for limitation on time, including formal recognition henceforth of the Pastore germaneness rule.

The PRESIDENT pro tempore. The 3 minutes of the Senator have expired.

Mr. NELSON. I unthinkingly asked for an extra 3 minutes.

Mr. JAVITS. Mr. President, I ask to be recognized separately. May I ask the majority leader a question? I gather, in these requests, that the majority leader was not getting the unanimous consent of the Senate; he was just making an announcement of the leadership?

Mr. MANSFIELD. The joint leadership, based on the recommendations of Senators CRANSTON, HUGHES, SAXBE, and SCHWEICKER, which have been accepted.

Mr. JAVITS. I think that is very interesting, because I think, if we do have a unanimous consent which would bind us for the whole Congress, we should have had a whole day's notice. The majority leader was very judicious in that.

My second question is as follows: Would the majority leader, as well as other Senators, give consideration to the whole question of unanimous consents to vote on bills, amendments, resolutions,

and so forth? I think there we have relied very much on the individual honor of individual Senators. Sometimes we have had very embarrassing situations. I would strongly urge upon the leadership some regularization of that practice so that Members of the Senate would know that there would be a given period of notice and the leadership would not have to depend upon its own mind as to who was interested in a particular measure. I know the impossibility of checking with 100 Senators. So I earnestly urge on the leadership, when we are going this route, which I think is better, that that matter be given consideration.

Mr. MANSFIELD. The majority leader will be glad to consider any suggestions.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW—TIME OF CONVENING OF SENATE TOMORROW

Mr. JAVITS. Mr. President, if the leadership is willing, I would like 15 minutes after the Senator from Wisconsin (Mr. NELSON) tomorrow.

Mr. MANSFIELD. Then, Mr. President, I again revise my unanimous-consent request and ask that the time for convening tomorrow be moved back to 11:30 a.m., the first 15 minutes after the prayer and the approval of the Journal to be granted to the Senator from Wisconsin (Mr. NELSON) and the next 15 minutes to the Senator from New York (Mr. JAVITS).

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

Mr. MCCLELLAN. Mr. President, I should like to draw the attention of the Senate to the recent report of the National Commission on Reform of Federal Criminal Laws, which was forwarded to the President and the Congress on January 7, 1971. Along with Senators HRUSKA and ERVIN, I was privileged to serve on this Commission. Our report contains a series of recommendations designed to serve as a work basis upon which Congress may undertake necessary reforms of the whole of the substantive Federal criminal law. Invisioned, too, are collateral procedural and other reforms.

The Department of Justice has not yet formally commented on the recommendations of the Commission. I note, however, that the President, on January 16, 1971, directed the Department to set up a special task force to develop the position of the administration and to work in close cooperation with Congress. I, for one, welcome these efforts by the administration to achieve a nonpartisan consideration of this issue.

I should also like to inform the Senate that the Subcommittee on Criminal Laws and Procedures will begin its first round of hearings on the recommendations of the Commission on February 10, 1971. Our first witness is expected to be the Attorney General. We will also hear from the distinguished Chairman and Vice Chairman of the Commission, former Governor, Pat Brown and Representative RICHARD POFF of Virginia. I expect that these hearings will continue over the major portion of this session of the 92d Congress.

Mr. President, I ask unanimous consent to have the text of the statement by the President on January 16, 1971, on the receipt of the report, printed in the RECORD at this point.

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

STATEMENT BY THE PRESIDENT

Over two centuries the Federal criminal law of the United States has evolved in a manner both sporadic and haphazard. Needs have been met as they have arisen. Ad hoc solutions have been utilized. Many areas of criminal law have been left to development by the courts on a case-by-case basis—a less than satisfactory means of developing broad governing legal principles.

Not unexpectedly with such a process, gaps and loopholes in the structure of Federal law have appeared; worthwhile statutes have been found on the books side by side with the unusable and the obsolete. Complex, confusing and even conflicting, laws and procedures have all too often resulted in rendering justice neither to society nor to the accused.

Laws that are not clear, procedures that are not understood, undermine the very system of justice of which they are the foundations.

In 1966, Congress undertook to provide the United States with a modern, comprehensive and workable federal code. The first major step in that effort was an Act of Congress creating the Commission on Reform of the Federal Criminal Law—and its principal author was Congressman Richard H. Poff of Virginia.

Composed of distinguished legislators, judges, attorneys—all of demonstrated competence in the field of Federal criminal law—the Commission was mandated to review exhaustively the federal criminal code—and to make recommendations for both procedural and substantive reform.

The Commission has fulfilled its mandate, and I was pleased to receive its report. My personal appreciation goes to the members of the commission, the advisory committee and the staff—and especially to the Commission Chairman, the Honorable Edmund G. Brown, the Vice Chairman, Congressman Poff, and the chairman of the Advisory Committee, Justice Tom Clark.

Even a brief examination of the report indicates the enormous investment of time and thought it represents, and the value of this vast work of four years. Because of its scope, and its various approaches to controversial problems, it would be premature at this time for me to render judgment on the substance of the recommendations.

What is apparent, however, is that the Ninety-Second Congress has been given what the Eighty-Ninth Congress had requested—a broad comprehensive framework in which to decide the issues involved in reform of the Federal criminal code.

I have directed the Attorney General to create and staff a team of experienced Justice Department Attorneys to undertake their own evaluation of the Commission's many suggestions and further to make the results of their evaluation available to the appropriate committees of the Congress. Further, I have directed the Department to work with Congress in the same close and cooperative spirit that marked the evolution and passage of the District of Columbia Court Reform and Criminal Procedure Act of 1970.

Certainly, the need for clarification and modernization of Federal criminal law is as great as was the need for reform of the criminal law and procedures of the District of Columbia. Just as in the latter, so in the former, procedural reform must go hand-in-glove with substantive reform—as the Chief Justice recommended himself in the State of the Judiciary message.

Further, if the same spirit of bipartisan cooperation prevails in this new endeavor, as it did in the last, our success is assured.

ADDITIONAL STATEMENTS OF SENATORS

NOTICE OF MEETING OF U.S. GROUP OF THE INTERPARLIAMENTARY UNION

Mr. SPARKMAN. Mr. President, I wish to announce that the regular, biennial meeting of the U.S. Group of the Interparliamentary Union will be held in the Senate conference room, S–207, at 4 p.m. on Tuesday, January 26. All Senators, especially those new to the Senate, are urged to attend.

TRIBUTE TO SENATOR DOLE

Mr. TOWER. Mr. President, I take great pleasure in submitting for the RECORD a transcript of a speech made by Justice Harold R. Fatzer of the Kansas Supreme Court, honoring our distinguished friend and colleague, the junior Senator from Kansas (Mr. DOLE). The speech was made in December at the Kappa Sigma Founders' Day Banquet in Kansas City, Mo., when Senator DOLE was awarded the 1970 Kappa Sigma Man of the Year. Senator DOLE is a great patriot and a great statesman, and I feel that the people of our country ought to know more about their elected representatives and the high quality of public service that men like Senator DOLE render to our country.

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

BOB DOLE—KAPPA SIGMA MAN OF THE YEAR

(By Mr. Justice Fatzer)

We meet this evening to pay tribute to a unique man who is a member of Kappa Sigma. He has been awarded the highest honor our National Fraternity can bestow—"Kappa Sigma Man of the Year." My first words must be words of congratulations to Senator Robert J. Dole, United States Senator from Kansas, and his wife, Phyllis, and their daughter, Robin.

The honor which has been conferred upon Senator Dole is indeed a highly coveted one. When one stops to consider the many eminent members of Kappa Sigma throughout the breadth and length of our land to whom this coveted award might justly be given, all of us who know Bob Dole so well and have such high respect for him, feel extremely grateful. We congratulate the National Fraternity for selecting such a prominent and outstanding member of Kappa Sigma to re-

ceive this award. All Midwest Kappa Sigs heartily concur in the Supreme Executive Committee's selection of Bob Dole as the Kappa Sigma Man of the Year.

Bob Dole's character was nurtured in the rich heritage of Kansas. He is the son of Mr. and Mrs. Doran R. Dole, of Russell. He grew up in a comfortable home where there were always plenty of good books and instructive conversation. His two fine parents believed with all their soul in what was right and decent, and who were unswerving in their determination that Bob should receive a good education. Russell is a Kansas town where people put their roots down deep into the education. Russell is a Kansas town where it isn't considered "nosy" to be interested in your neighbors and concerned about them in time of trouble.

Bob had a fortunate boyhood in a blessed land—typical of the boyhood of many Kansans. He helped his father operate a feed and produce business in Russell while attending grade and high school. He could heave a sack of grain and swing a can of cream as easy as anyone else. He was an avid sportsman and athlete in high school. There were roads in the country along which a boy could ride his bicycle to the banks of the Smoky Hill to catch sun perch and bullheads, and swim in the river. There were miles of buffalo grass and rippling wheat fields under the brassy prairie sky; there were jackrabbits to be hunted, and wild game to be trapped, and occasionally the yapping of a coyote could be heard in the night.

There were the great oil pools of Russell County which were discovered and developed during Bob's younger years. There was the pageantry of the harvest. In his early years, there were the endless stacks of golden wheat, and the great steam threshing rigs chugging down the road. Later, there were the combines which harvested the golden grain. And the late afternoon of many crisp autumn days, the whole western quadrant of the heavens, from earth to zenith, flamed with such majestry that some dim comprehension of the Infinite entered even into the heart of a young boy.

I have been told that some scientists have said the brilliance of Kansas sunsets is caused by dust in the air, but it seems to me that this dreary explanation is both unworthy and untenable. Obviously, there are times when science must be ignored. The Almighty gave sunsets to the high plains of Kansas for the same reason that He gave the rolling Atlantic surf to the Eastern seaboard, the noble blaze of fall foliage to New England, and snowy mountain peaks to the far west.

Later, and following graduation from the Russell high school in 1941, Bob attended the University of Kansas for two years where he became a member of Gamma Omicron of Kappa Sigma. As a freshman he earned numerals in basketball, football and track, and lettered as a quarter-miler in his sophmore year.

But the war came to America, and Bob entered Military service in June, 1943. He was selected for Officers' Training the next year. He was assigned to the Tenth Mountain Division as platoon leader in February, 1945. When the American Army was pushing across Italy's Po Valley, he was wounded twice. The first was a grenade sliver in his leg while on night patrol. He received the Purple Heart for this wound.

It was his conduct under fire and the second wound that earned him the Bronze Star and another Purple Heart. I now quote from the remarks of the Honorable Donald Rumsfeld, Congressman from Illinois, entered in the Congressional Record, Monday, April 1, 1968, entitled, "Congressman Bob Dole: Midwesterner on the Rise."

"Dole is reminded of that early April morning in 1945 . . . [when] he decided to lead a squad to wipe out a German machine gun nest, instead of assigning a sergeant to the task.

"He saw two of his companions killed by mortar shells, before his radioman fell under a hail of machine gun bullets. Crawling under heavy fire, Dole dragged the wounded radioman to cover.

"He then left a shell hole to get close enough to toss a hand grenade at the Germans. He was hit by machine gun bullets and mortar fragments and was blown back into the shellhole.

"Dole waited on the battlefield for hours for medics to arrive. His arms and legs were paralyzed and he thought his arms were missing because he could not see them. They were stretched over his head."

* * * * *

"The army awarded him the bronze star with cluster, hailing his 'persistence, fearless leaderhip, and personal daring,' and a promotion to captain, but it could not give him back the use of his right arm."

X-ray revealed that Bob's right shoulder and arm had been shattered, and neck vertebrae had been fractured. His spinal cord was damaged and both arms and legs were paralyzed. Thereafter followed 39 months of hospitalization in Italy, Africa, Florida, Kansas, and Michigan.

When Bob arrived in Kansas in June, 1945, he was in a cast from his ears to his hips. He was down to 122 pounds, and with his right arm in body cast and his left arm and hand still useless, he took his first steps. He was transferred to Percy Jones General Hospital in Battle Creek, Michigan, where he was put on the critical list again. This time he had a series of blood clots in his lungs. He became a "guinea pig" for streptomyecin, then a new wonder drug. He was one of four patients to receive the medication—and it worked.

Probably one of the greatest tributes of Bob's hometown people was when they learned of the urgent need for specialized operations. The people of Russell raised nearly $1,800 to pay for the operations which could not be performed in an Army hospital. Bob had heard of an eminent surgeon in Chicago "who could perform miracles." In a series of operations in Chicago's Wesley Memorial Hospital, Dr. Kelikian transplanted bone and muscle from Bob's leg to his right shoulder and arm. His right shoulder joint was removed, and his right arm shortened and attached to the remaining portion of his shoulder by the leg muscle covering. Dr. Kelikian had lost a brother in the war and he would not accept a fee for his services, so the contribution from Bob's hometown friends paid the hospital bill.

While recovering from this surgery, he met Phillis Holden, a registered occupational therapist from Farmington, New Hampshire, a graduate of New Hampshire University, and a Chi Omega. She was employed at Percy Jones Hospital at the time. They were married June 12, 1948, and they have one daughter, Robin.

Bob slowly regained the partial use of his left hand and arm—he overcame adversity because he just wouldn't give up! He was discharged from the Army with the rank of Captain in 1948, and then enrolled in the University of Arizona. Phyllis attended classes to take notes as Bob was not yet able to write with his left hand. She wrote his examination papers from his dictation. In the fall of 1949, Bob entered Washburn University at Topeka to complete his A.B. degree and to obtain his L.L.B. degree under the GI Bill of Rights. He then used a recorder in the classrooms, transcribing the records by hand each night. He still dictated his examination papers to Phyllis, and when he took the Kansas Bar Examination on February 11, 1952, he dictated his answers to her.

Bob received his first baptism of public service in 1950, while a student at Washburn University. He was elected to the House of Representatives from Russell County on the Republican ticket. Bob was graduated from the Washburn Law School in 1952, magna cum laude. The same year, he was elected to the first of four two-year terms as Russell County Attorney.

During his first two terms as County Attorney, I was the Attorney General of Kansas, and I considered Bob one of the able and diligent County Attorneys of the state. His work in the Kansas Supreme Court was commendable, and his briefs and abstracts were timely prepared, concise, and to the point. My research indicated Bob established quite an appellate record in the Supreme Court—of the several cases he presented, he won them all!

In the area of politics, Bob is an impregnable candidate—there was never an election in which he was a candidate that he ever lost. His intense desire for public service commenced while he was a member of the 1951 Kansas Legislature. His adult life has been dedicated to public service and his widespread interest in others has been reflected in his years as service officer for the American Legion and Veterans of Foreign Wars in Russell; his work with young people through the Russell County 4–H Fair Association, in Boy Scout and Girl Scout area and regional posts. He served as United States Congressman from the Kansas Sixth District, now reapportioned into the state's First Congressional district. Bob moved from the House to the Senate because he convinced the city voters of Kansas he would serve them as well as he had served the farmers. His record in the House and in the Senate is recognized far beyond the borders of Kansas.

Bob Dole has always been grateful of the fact he grew up in the Midwest. The Midwest has something highly important to contribute to the policies and the culture of this country. It has a solid point of view; a firm attachment to the basic philosophy on which our Nation was founded, that is desperately needed in these chaotic times.

Its people are American to the core, and I hasten to add I am speaking of the Americanism of Washington and Lincoln; not the spurious, hate-the-guy doctrine which some of the far left cults choose to call Americanism.

There is something in the attitude of Midwesterners—to a greater degree, I think, than in the people of some other regions—which we need more of in America. I am not quite sure what that "something" is, but I think it is a positive sense of direction. Perhaps it is a stubborn refusal to be stampeded away from the ancient verities of life by a phony sophistication. What I'm trying to say, which Bob Dole clearly illuminates, is that there is something in the culture and atmosphere of the Midwest which makes us feel comfortable and compatible with our convictions—with our belief in the fundamentals of the American credo. Bob Dole has been exposed to this atmosphere throughout his life and he is Exhibit A of this kind of Americanism. Kansans exhibit this solid Midwest viewpoint, and Bob Dole and the Midwest area of the country are rapidly making great strides on the stage of activities of our national policies.

I have observed that all leaders, local and national, have an art of winning men. And so does Bob Dole. He is a modest man. He has the confidence and unswerving loyalty of the people of Kansas because he makes decisions based upon his good judgment and sticks to them. He takes responsibility when it is thrust upon him. He has moved into the king row in orderly fashion with the ambition to serve his state and nation, to make his private opinions public sentiment, and press for necessary reforms. He is saturated with the solid Midwest point of view and will contribute immeasurably to the welfare

of the nation and the state. His practical and unusual grasp of the meaning of the common affairs of man will result in his making a substantial contribution to the leadership of this country. An eminent Senator, a kind and gentle man, he follows the great men of the Senate who have in turn made and kept untainted the high tradition of that great body, which has stood in the past, as it stands now, and must always in the future, the strong and supporting column in the temple of a free republic. Thus we pay homage to Bob Dole, Kappa Sigma Man of the Year, a modest American, a member of the United States Senate, a loyal member of Kappa Sigma, an able statesman, a unique man.

RELIEVING AFFLICTIONS OF CHILDREN

Mr. MONDALE. Mr. President, January 6, 1971, will long be remembered as a landmark in growth for children. On that date the Hormone Research Laboratory at the University of California, San Francisco, announced that Dr. Ch. H. Li had successfully synthesized for the first time the pituitary human growth hormone, or HGH.

The synthesis, one of the most complex achievements in protein chemistry, opens the way to a host of basic research in human growth and possibly improved treatment of cancer, heart disease, infections and other diseases. Among the first expected applications, will be in treatment of the 7,000 or more U.S. children born each year with deficient amounts of HGH, resulting in dwarfism.

Congressional efforts to maintain adequate levels of funding for health research are too often thought of merely in terms of interest group pressures, executive-legislative conflict, national priorities, and so forth. Such breakthroughs help remind us that our efforts in reviewing appropriations here can and do directly relieve the afflictions of children.

The adverse effect on that most valuable of human resources—our children—from inadequate funding of health research and post-graduate medical training was again brought home to me by these press reports and by recent testimony before the Senate Appropriations Committee.

Dr. Robert M. Blizzard, an eminent clinician, teacher, and researcher in growth problems of children spoke on the need for funds above those requested by the President for the National Institute of Arthritis and Metabolic Diseases if we are to bring to fruition advances made recently in the fields of endocrine and metabolic disease.

Dr. Blizzard, Eudowood professor of pediatrics of the Johns Hopkins School of Medicine, represented Human Growth Foundation, an organization of parents and friends of children with growth disturbances; and the Endocrine Society of America. He estimated that some 100,000 children afflicted with problems of short stature could benefit from synthesis of human growth hormone and further study by trained investigators. Unfortunately, the synthetic hormone is suitable for only a very few of the many types of short stature. New research breakthroughs are still needed if we are to treat children afflicted by achondroplasia, dyastrophic dwarfism, and so forth.

In his testimony, Dr. Blizzard, a physician of international reputation in seeking solutions to growth problems of children, regretfully called the committee's attention to the "catastrophic situation" in which these children—the constitutional slow growers, the dwarfs, the midgets, the obese and malnourished—will find themselves if we do not fully support these areas of research and training. I am very glad that the Congress added more than $6 million to the President's recommendations for the National Institute of Arthritis and Metabolic Diseases. I wish we could have done more.

Dr. Blizzard's testimony provides a clear and eloquent explanation of the problem of human growth, recent advances to assist dwarfed children, and what needs to be done. The January 7 Wall Street Journal carries an article describing the significance of the great breakthrough in pituitary research. I am certain that many of my colleagues will be interested and I therefore ask unanimous consent that these statements be printed in the RECORD.

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

STATEMENT OF DR. ROBERT M. BLIZZARD

I appear before you as a professor of pediatrics, a teacher of specialists in growth problems, a researcher who has published over 80 scientific papers about normal and abnormal growth, and, most importantly, as a physician interested in relieving the afflictions of children.

The organizations or people which I represent, or from which I am representative, are (1) the Johns Hopkins University School of Medicine, (2) the Endocrine Society of the United States, (3) Human Growth, Inc., which is a foundation of parents and friends of children with growth disturbances, and (4) hundreds of thousands of the children and adults in this country who are afflicted with problems of growth; i.e., the dwarfs, the midgets, the constitutional slow growers, the obese, the diabetics, and the malnourished.

The assignment I have given myself today is to bring to your attention the catastrophic situation in which all of these people or organizations will soon find themselves, if the Bureau of the Budget, the House of Representatives, and the Senate do not continue to support certain areas of research and training to the extent previously supported.

My intent is to appeal to your good judgment and, consequently, to convince you of the essentiality of restoring funds in the budget that are needed for:

(1) Bringing to fruition the advances made recently to assist dwarfed individuals, such as those seated in the room;

(2) Bringing to fruition the advances made recently to solve the transplantation problem and closely related self-immunization and self-destroying (autoimmune) problems of thyroid deficiency, adrenal insufficiency, such as that suffered by former President J. F. Kennedy, pernicious anemia, gonadal failure, sexual impotence, and loss of body hair;

(3) Bringing to fruition the advances made recently in the fields of metabolic disease such as diabetes mellitus, cystic fibrosis, and hypoglycemia;

(4) Training the clinical investigators who can solve these and other basic problems.

I feel particularly qualified to comment regarding these matters as I have spent the last 16 years of my life as an investigator and as a participant in pursuing these problems.

Simultaneously, I have been the teacher of over 20 clinical investigators who now are professors or assistant professors in many of your home States and who are spending 50 percent of their time as investigators helping to solve the medical problems alluded to, while spending the other 50 percent of their time teaching medical students, interns, or residents, while rendering superb clinical diagnostic, and therapeutic care to patients.

ACCOMPLISHMENTS AND WHAT NEEDS TO BE ACCOMPLISHED TO BRING TO FRUITION THE ADVANCEMENTS MADE RECENTLY TO ASSIST DWARFED INDIVIDUALS, SUCH AS THOSE SITTING IN THIS ROOM

Funds from the National Institutes of Arthritis and Metabolic Diseases have been used to isolate, chemically identify, and study the mechanism of action of human growth hormone. This hormone, which is necessary to promote normal growth in children is made by the pituitary gland which sits at the base of the brain.

Since native growth hormone made in animals was demonstrated in these studies not to be effective in humans, a program was established to collect donated human pituitaries at the time of death. From these pituitaries Dr. C. H. Li, professor of biochemistry at the University of California, Dr. A. Wilhelmi, professor of biochemistry at Emory University of Atlanta, and Dr. Maurice Raben, professor of medicine at Tufts University in Boston, isolated the growth hormone.

This hormone has been given to several thousand children, such as Richard Battista, the 18-year-old man who sits before you, and who now is a 4½ feet tall. Just 6 years ago he was no taller than Mr. Wurt Butler, who is the 20-year-old less than 3-foot-tall man, who also sits before you. Mr. Battista and many other children receiving the hormone have been studied, and many of these are going to reach an acceptable adult height when, before, this otherwise would not have been possible.

As a result of the investigation, therapy was possible and the total height of 2,000 children has increased by 1,600 feet or three times the height of the Washington Monument. However, there are too many children who require the hormone for even 10 percent or less of those who could benefit to receive it. We now believe there may be 100,000 children who could benefit if we had enough hormone to investigate its effect in other types of short stature.

We need to learn how to synthesize the hormone, or how to convert inactive animal growth hormone into active hormone for humans. This program requires further study by basic investigators and by clinical investigators who must evaluate the actions and toxicity of these preparations. Thousands of children are currently awaiting the results of these and similar studies so they can grow to an acceptable height. Gregory Smith, who is sitting before you, is one such child awaiting these advances. Gregory is 11½ years old but is the average height of an 8-year-old.

ACCOMPLISHMENTS AND WHAT NEEDS TO BE ACCOMPLISHED TO BRING TO FRUITION THE ADVANCEMENTS MADE RECENTLY IN SOLVING THE TRANSPLANTATION AND RELATED PROBLEMS

The National Institute of Arthritis and Metabolic Diseases has supervised the funds which you have allocated for study of these areas. A successful kidney transplant program and a successful dialysis (artificial kidney) program have been worked out. These programs are successful in maintaining life for a limited period of time for several thousand individuals. However, the successes are

only partial. Recipients are susceptible to infection and to rejection of the transplants, and children do not grow in spite of transplant or the use of artificial kidneys.

Delineation of mechanisms of rejection will provide information regarding the etiology of self-immunization (autoimmunization) and self-destruction of the adrenal, thyroid, liver, or gonads in certain susceptible individuals. The mechanism of rejection of one's own "normal" organs in patients with hypothyroidism, Addison's disease, or pernicious anemia is apparently very similar to the rejection of a donor's kidney by a recipient. Basic studies in these areas must be pursued to restore normal life to millions of people who have, or will have, diseases that can be prevented.

ACCOMPLISHMENTS AND WHAT NEEDS TO BE ACCOMPLISHED TO BRING TO FRUITION THE ADVANCES MADE RECENTLY IN THE FIELDS OF METABOLIC DISEASE SUCH AS DIABETES MELLITUS

Diabetes mellitus, or "sugar" diabetes, is now known to be at least of two types. Recent studies using funds appropriated by this committee have demonstrated that in one type there is apparent insulin resistance, and, in the other type, the body quits making insulin—possibly because the body destroys the insulin-producing cells in the pancreas. In this respect, this form of diabetes may be an autoimmune disease also.

Recent studies also have demonstrated and delineated various antagonists of insulin. Basic studies such as these will not only lead to information that will permit longer life for the millions of individuals who are, or will be afflicted with this disease but will lead to information that will prevent the blindness, the kidney failure, and the hardening of the arteries which incapacitates a majority of the diabetic patients after a few years.

Cystic fibrosis and hypoglycemia are two diseases where great strides have taken place in the past few years. In basic investigations the controlling factors of blood sugar have been delineated. Through understanding the mechanisms of sugar metabolism in the cell, various therapeutic agents directed specifically at the altered physiological sites can be developed. As a consequence of these studies, and current studies, one of the most significant causes of convulsions with resultant brain damage will be eliminated.

WHAT IS THE EVIDENCE THAT THESE GOALS ARE NOT GOING TO BE ATTAINED AT THE CURRENT LEVEL OF FUNDING FOR BASIC RESEARCH?

I have spoken today about the funds distributed by the National Institute of Arthritis and Metabolic Diseases which is the Institute that over the years has been charged with supporting basic research in the endocrine and metabolic areas alluded to above. I have spoken about the responsibilities of this Institute because during the past 16 years I have been in a position to assist in achieving some of the goals outlined above and to know the investigators who have the capabilities to continue to solve the unsolved problems. I do not speak about this Institute because it and the investigators accountable to it are in the unique position of being discriminated against but because I do not know how the reduction in allocations has delayed and disrupted the attainment of the goals outlined above and other equally important goals.

In 1969 the actual appropriation was $143,888 (in thousands) for all purposes. The 1970 estimate was $137,588 and the 1971 estimate is $132,152. For research grants the figures for these three periods are $91,666, $86,027, and $85,874. These figures are at a time when inflation and salaries are increasing at the rate of 5 to 10 percent each per year. The consequence is that only 35 percent of approved grant applications can be funded in contrast to the 70 percent of approved grants funded a few years ago. In addition, and average of 15 percent is taken out of each grant that is funded to permit funding of 35 percent of the approved grants.

The catastrophe is that many of the investigators capable of solving the problems and bringing the work outlined above to fruition are not funded and are leaving the investigative field for administrative position. Those that remain are discouraged and are contemplating leaving the academic institutions where they work and teach. Since the majority of these investigators, such as myself, pursue research 50 percent of the time and teach medicine 50 percent of their time, and do so at a financial sacrifice, there will be little to keep them in the medical institutions as they no longer can do what they wish and that for which they are trained. This is catastrophic for the work which remains unfinished, for the medical schools who are left without their bright leaders and who will deny that such bright leaders are not essential to our medical schools if our prospective physicians are to be logical, scientific thinkers practicing medicine instead of tradesmen.

The catastrophe is also for those individuals who are dwarfed and will not grow, for those with diseases of autoimmunity or in need of transplants who will be helped, and for those with diabetes, hypoglycemia, or other metabolic disease who may succumb because the work has not progressed.

For these reasons, I and those whom I represent urge that the citizens proposed budget for the National Institute of Arthritis and Metabolic Diseases be approved by this Senate subcommittee. It is urged that the citizens budget request for research grants of $102,487 be approved. Other institutes may be comparably worthy, but this one I can speak about most authoritatively.

WHAT HAS BEEN DONE AND WHAT NEEDS TO BE DONE TO TRAIN RESEARCH SCIENTISTS AND CLINICAL INVESTIGATORS?

In the past few years there have been several separate training programs administered either through the National Institute of General Medical Sciences or through other institutes of the National Institutes of Health. This committee must be aware of the various types of training programs that have been in operation to evaluate the effect of proposals made by the Bureau of the Budget affecting these research training programs. There have been programs to train medical students, programs to train Ph. D. candidates, programs to train post-doctoral Ph. D.'s, and programs to train postdoctoral M.D.'s.

It is the latter about which I am best qualified to testify. The individuals entering these programs have been board qualified internists, surgeons, pediatricians, pathologists or specialists in some other field. These individuals accepted postdoctoral training fellowships in research at stipends of $6,000 to $10,000 per year because of their dedication to the science of medicine. They wished to pursue research and make their careers in the academic world where they could spend 30 to 70 percent of their time in basic or clinical investigation and the remainder of their time combining teaching and patient care.

Exemplary of the type of individuals trained are those trained in pediatric endocrinology in the department which Dr. Claude Migeon and I run. Each spends approximately 50 percent of his time pursuing the research problems outlined previously in the report and 50 percent of his time teaching medical students, interns or residents while rendering superb clinical diagnostic and therapeutic care to patients.

None of these individuals makes as much money in the academic field on a full-time salary as if he was in private practice as a pediatrician or internist. The internists and pediatricians who are our subspecialists in cardiology, neurology, endocrinology, et cetera, have all been through comparable programs.

It is paradoxical that our best trained researchers and teachers now should be expected to borrow money to take this specialized training for 2 to 4 years at the ages of 29 to 35 years. These individuals are willing to make the personal sacrifice of time—2 to 4 years—and money—a barely livable wage following 4 years of college, 4 years of medical school, a year of internship and 3 or 4 years of residency training. If these funds to train these postgraduate M.D.'s are exhausted or withdrawn, the effect will be catastrophic in several respects:

(1) The specialists in endocrinology, cardiology, and neurology will no longer be trained because they cannot afford to extend their indebtedness after college, medical school, internship, and residency;

(2) Medical schools will be without these teachers and scientists at a time when more comprehensive medical training is a necessity and when medical schools are expected to produce additional graduates;

(3) The clinical and basic investigators of the next academic generation who will be expected to solve the unsolved chemical, biological, and physiological health problems will not be available.

Our people cannot afford this catastrophe. Exemplary of the trend is the reduction of fellowships by the National Institute of Arthritis and Metabolic Diseases from 459 in 1969 to 279 in 1971, and the reduction of training grants from 302 in 1969 to 252 in 1971. This committee is urged to increase the President's budget for the National Institute of Arthritis and Metabolic Diseases by $2.5 million for fellowship support and $3.5 million for training grant support. This amount will permit continuation of training at the 1969 level.

In summary let me elaborate on a few salient points.

Approximately 50 percent of the grants that support the work that has benefited the children who have been helped have been cut out totally and completely. The other 50 percent of the grants have been cut back by as much as 20 and 25 percent.

These are the problems. I know the committee is aware of the problems. The Bureau of the Budget is critical and the House Appropriations Committee is critical, yet we feel that the Senate Appropriations Committee can bring to their attention and hopefully be the forerunner, the arrow, to keep abreast of the times and to keep in the budget those items which are so necessary to continue to have a standing stool. You were not here this morning but Dr. Isselbacher spoke about the three legs of the stool—medical education, research, and training—and if one cuts off one leg, the entire stool falls.

In relation to specific requests, because I am best acquainted with the National Institute of Arthritis and Metabolic Diseases, I am coming with a specific request that the appropriation for the basic research for the National Institute of Arthritis and Metabolic Diseases be increased by $17 million to the total figure of $102 million which was supplied in the budget by Dr. Welt Yesterday. This is the citizens' budget.

I come secondly to request that the training grant support which supports post graduate M.D.'s be increased from $3.2 million to a total of $18.5 million.

In the past 3 years the training grants from the NIAMD have been cut from 302 to 252. This is the portion of the appropriation which transposed graduate M.D.'s.

In the past 10 years I have trained 20 physicians, 20 teachers in the post graduate training program. These individuals now are professors around the country who spend 50 percent of their time doing research and 50

percent of their time doing medical education. These are the people who are going to drift out of the academic field unless such support is given. Unless support is maintained at the same level, we are not going to train similar teachers for the future.

The loan program is totally unrealistic for the position of graduate M.D.'s for the reasons that were reiterated this morning. These people could go out in practice and make $30,000 or $40,000 but they prefer to be associated with medical schools where they make $20,000 or $25,000 and they do this through sacrifice so they can do what they wish; that is, teach and do research. These individuals are not going to benefit by further training; that is to say, an additional 3 years training beyond the 12 years after high school. Therefore, they are not going to take loans. Therefore, our future teachers are not going to be supplied if we have to depend upon a loan type of program.

These are the requests. Thank you very much, sir.

I would like to thank the committee for their attention and their interest in these matters which must be of concern to all of us, whether we be scientist, lay person, Congressman, or Senator.

[From the Wall Street Journal, Jan. 7, 1971]

HUMAN GROWTH HORMONE IS SYNTHESIZED FOR FIRST TIME BY CALIFORNIA SCIENTISTS

SAN FRANCISCO.—The Hormone Research Laboratory at the University of California, San Francisco, announced that two of its scientists have synthesized for the first time the pituitary human growth hormone, or HGH.

The synthesis, one of the most complex achievements in protein chemistry, opens the way to a host of basic studies of human growth and possibly improved treatment of cancer, heart disease, infections and other maladies, scientists here indicated.

The synthesis was made by C. H. Li, director of the laboratory, who first isolated and purified HGH in 1956, and an assistant research biochemist, Donald H. Yamashiro.

Biochemist Li told a crowded news conference on the campus that the synthesized hormone currently amounts to only a few milligrams in his laboratory. But he added, "I believe once you show it can be done, it will be developed (through) large-scale production" in drug-industry laboratories.

Among the first applications, he indicated, would be in treatment of the 7,000 or more U.S. children born each year with deficient amounts of HGH, resulting in dwarfism. Some of them are treated successfully with a natural growth hormone obtained from cadavers, but this method has proven inadequate to supply the amounts needed, doctors indicated here. When asked whether pituitary dwarfism might soon disappear as a result of successful synthesis, Mr. Li said "yes."

CHANCELLOR HAILS "BREAKTHROUGH"

Philip R. Lee, chancellor of the San Francisco campus of the university, told newsmen that HGH synthesis was a "contribution of great significance" and "perhaps one of the most important breakthroughs" to come from the famed hormone laboratory here. Asked whether the research might bring a Nobel Prize to Mr. Li and his coworker, he replied, "The Nobel Prize committee has to answer that question."

The pea-sized pituitary gland, located just below the brain, is called the body's master gland because its 10 known hormones control so many vital body functions, ranging from growth to reproduction and metabolism.

Mr. Li and others at the laboratory previously isolated and purified eight of the 10 hormones and determined the structure of seven, including HGH. But HGH synthesis required four more years after its structure was determined, "and we lost sleep very often," Mr. Li reported. The hormone is a protein containing 188 amino acids, each in a definite sequence like the words in a sentence. By contrast, previous breakthroughs in protein synthesis included that of ACTH, another pituitary hormone, which contains only 39 amino acid "words" and insulin, which contains 51.

The HGH synthesis marks a major advance in scientific efforts to make proteins from non-living chemicals. Proteins are the basic substance of all living matter and, chemically, are the most complex. They are the structural material for life, and for the enzymes and many of the hormones that carry out the thousands of chemical reactions that make life possible. Until now, the largest protein made in the laboratory has been an enzyme called ribonuclease, consisting of 124 amino acid building blocks. It was first synthesized two years ago by scientists at Rockefeller University, New York, and Merck & Co., Rahway, N.J.

The scientist said synthetic HGH hasn't been tested yet in humans but its chemical activity has been verified by other means. He added that the first sample is only about 10% as active in promoting growth as the natural hormone, indicating that some impurities crept into the material.

The university announcement said, "Using the new synthetic HGH, the answer may . . . be found as to why we grow to a certain height and then stop; what goes wrong with those who grew abnormally short or tall; why certain cells become runaway cancer cells; why some people maintain a normal weight and others are abnormally thin or fat; and many other heretofore unsolved questions."

It also noted that Mr. Li's research disclosed the HGH stimulates milk secretion by the mammary glands and promotes the activity of both male and female sex hormones.

HGH MAY AFFECT CHOLESTEROL

Mr. Li said animal studies indicate HGH may be far more important than previously suspected. He said it appears to play a role in lowering blood cholesterol, for example. Many studies have shown that the risk of heart attacks is far greater among men who have a high level of blood cholesterol, a fatty substance produced by the body and also linked to certain dietary fats such as butter. Thus, he suggested that synthetic HGH may help scientists understand the mechanisms by which cholesterol can be controlled.

The lab director also noted that, in animal studies, injection of HGH enhanced resistance to infection, promoted wound healing and helped repair bone fractures.

In animals with cancer, the growth hormone stimulates the spread of the disease, Mr. Li noted. The synthesizing of HGH opens the way to constructing a synthetic molecule that is "antagonistic" to growth and which "might be anticancer" in effect, he said.

Mr. Li was born in Canton, China, in 1913 and studied at the University of Nanking. In 1935 he came to Berkeley, where he obtained his Ph.D. He has remained on the University of California faculty since then. He still speaks in heavily accented English. In his spare time, he plays tennis, reads and catalogs stamps and coins.

In 1955, he and his co-workers made scientific history by isolating and purifying Adrenocorticotropin, known as ACTH, a key hormone that regulates salt and water retention in the body and helps produce 60 different hormones. The discovery led to successful synthesis and production of ACTH for treatment of rheumatoid arthritis and other diseases.

RULE XXII OF THE SENATE

Mr. TAFT. Mr. President, in 1957 at the beginning of the 85th Congress, Vice President Nixon gave the following advisory ruling:

It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.

Today an increasing number of Americans are of the opinion that the rules of congressional procedure must be modernized so that we can deal effectively with key problems requiring legislative action.

Perhaps no Senate practice has received as much attention as the filibuster. The cloture rule, to limit debate, was originally adopted in 1917. Since that time the Senate has attempted cloture on a wide range of matters, from the Treaty of Versailles and the World Court to antilynching and civil rights. Under the cloture rule, debate has been limited on only eight occasions in the 49 when cloture was attempted.

In its present form, rule XXII requires an affirmative vote of two-thirds of the Members present and voting to end debate.

The issue with respect to rule XXII is at what point debate ends and obstruction begins. In making this delineation there are no scientific formulas. In the tradition of the Senate there must be a continuing opportunity for a minority to utilize debate to attempt to develop a majority on any issue. But in my opinion, if 60 percent or more of the Senators voting are in favor of a measure, after reasonable debate they should be able to effect their will. Under the present rule, even 66 percent of the members voting cannot limit debate. I believe that in these terms the present cloture rule is too restrictive.

Consequently, I expect to vote to amend rule XXII so that cloture may be invoked upon the affirmative vote of three-fifths of the Members present and voting.

THE OILMEN AND POLITICS

Mr. PROXMIRE. Mr. President, Murray Seeger of the Los Angeles Times, one of the best reporters in a city full of good reporters, has published an excellent article describing the tentacles of the oil industry and how it throttles anyone who attempts to lower its subsidies from the American taxpayers.

He describes how the oil industry uses its friends, in and out of office, to achieve goals that they could not defend on the floor of Congress.

He describes how some of the highest officials in our Government apparently have to depend upon the oil industry to retain their positions.

He describes the difference between the major oil companies who have the financial power and the independent oilmen who have the political power.

Finally, he describes the growing influence of those in Congress who are not satisfied to have the American taxpayer pay out gigantic sums of money, over $5 billion for the oil import program alone last year, without getting anything in re-

turn except inflationary price increases. Men who demand to see some sort of a cost-benefit analysis for the present Federal subsidies to the oil industry and who seek to change them to better achieve our goals at the lowest cost.

I commend this article to all those who are concerned about inflation and those who are concerned about the effects of Government interference in the free market economy that made our Nation great. I ask unanimous consent that Murray Seeger's article which appeared in the January 17, 1971, issue of the Washington Post be printed at this point in the RECORD.

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

THE OILMEN AND POLITICS

(By Murray Seeger)

A few weeks ago, a group of oil industry representatives gathered at the Carlton Club, one of their favorite private watering holes in Washington and compared notes.

There was a subdued air of celebration around the table, for the oil men were discussing what they considered a major victory—the expected departure of Charles E. Walker from his post of undersecretary of the Treasury because of the nomination of his fellow Texan, former Gov. John B. Connally Jr., to be secretary.

A tough-minded economist, Walker has irritated the oil industry with his positions on tax questions during two years in the administration. Industry spokesmen for months have been "poisoning his wells" at the White House, but Walker has refused to go down.

Now, with President Nixon's appointment of Connally, a long-time friend of the oil industry, to be No. 1 man at the Treasury, the industry is confident the No. 2 man, who had hoped to move up, will, instead, move out.

"The President and Connally agreed that you can't have both the secretary and undersecretary from Texas," one company representative said knowingly. "Walker has to go."

The oil men's conversation, related by an industry source, is typical of the routine maintained by Washington's most widespread, best-informed and most powerful lobby.

Using levers of power that other industries do not have, the oil companies and their widespread allies have created a subgovernment in Washington that has buried pipelines deeply into the body of the real government. Those pipelines produce inside information that allows the industry to use its power most effectively.

One branch of the pipeline goes directly into the White House because President Nixon insisted after taking office two years ago that oil policy was to be made by his staff. Other branches of the line go into such agencies as the Interior Department and Federal Power Commission that are vital to the industry's well-being and into the committees of Congress that write legislation affecting the industry.

HOW MUCH CLOUT?

As a result, the oil industry can make things happen in Washington. More importantly, the industry can prevent the government from making a decision detrimental to the companies' interests. And the industry can frustrate the earnest efforts of officials with whom it disagrees.

The industry itself disclaims any such descriptions of its power. "We haven't got enough political influence to fill that beer glass," one top company executive said recently in a luncheon interview.

Other industry spokesmen argue defensively that oil is a favorite politicians' target in Washington; that oil is a "whipping boy" for ambitious office seekers and for academics who do not understand the complexities of what is the world's largest single industry.

But no industry is so deeply involved in national and international politics as oil. And in no other industry does the self-interest conflict so often with the public's interest.

THE HEADY DAYS

Until recently, the oil companies were able to protect their many special interests, such as privileged tax treatment and quotas against imported petroleum, with their own power exercised through friendly oil-state congressmen and executives. Thus oil men are almost misty-eyed when they recall the days when Sam Rayburn and Lyndon Johnson of Texas were the majority leaders of Congress, Robert Kerr of Oklahoma was the No. 2 man on the Senate Finance Committee and Robert B. Anderson of Texas was Treasury secretary under President Eisenhower.

The industry still has it well-placed friends all over town, but not as it had a dozen years ago. Now, the oil industry is desperately trying to make new friends.

While there is still a big, powerful pro-oil group within Congress, there is also a growing anti-oil group. The industry that used to operate alone is now making new alliances with other allied and ancillary industries to widen its influence. It is this complex interlock of associations that still makes the oil lobby the most powerful private industry bloc in Washington.

The key alliance in this complex is between the big integrated corporations, those that produce, refine and sell oil products, and the smaller independent companies and individuals whose main occupation is finding and developing new sources of petroleum.

For the big companies, the blue chip issue is federal tax policy. This includes the fixed depletion allowance, which allows oil producers to deduct 22 per cent of the value of oil produced from a well before figuring its worth for income taxes; the intangible drilling expense provision, which permits the deduction in one year of the full cost of finding and developing a new well, and the foreign tax credit, which allows international tax bills the amounts they pay foreign countries in taxes.

The independent operators, which are zealously jealous of these tax advantages, are even more concerned about preserving the quota system established during the Eisenhower administration, which limits the amounts of foreign oil that can be imported into the United States.

Each of the two sectors of the oil industry has its own national trade association. The American Petroleum Institute, with an annual budget estimated at $10 million, attempts to be an overall industry organization but is dominated by the major companies. The Independent Petroleum Producers Association is the voice of the smaller companies and independent operators.

When the oil industry speaks with a united front, it is usually through the API. This organization is in the process of moving most of its staff from New York to Washington. It also has a small office in Houston. The IPAA also is enlarging its Washington office and reducing the size of its Tulsa staff.

The official API spokesman is Frank N. Ikard, a large, softspoken former Texas congressman, whose value to the industry is especially high because of his friendship with Rep. Wilbur D. Mills (D-Ark.), chairman of the House Ways and Means Committee, which writes tax and trade legislation. Ikard was a member of the committee.

Although the API provides many valuable services to its members, the face seen in Washington is its committee on public affairs, headed by Stephen P. Potter. His office coordinates the work of a series of committees made up of company representatives concerned with public issues confronting the industry. These committees meet regularly in Washington, but between sessions the members are consulted regularly by telephone on what positions the API should take and what policy it should pursue.

"NO MONOLITH"

While the industry's opponents like to imagine that a handful of men sitting in a smoke-filled room make political policy for the entire industry, things do not work that easily in the oil industry.

"This industry is no monolith," one major company executive said in an interview. "Of the biggest companies, three or four are very political and three or four are not so political."

The Nixon administration's unsuccessful effort last year to impose a new tax on lead additives in gasoline, for instance, caused a serious difference of opinion among the biggest API members. Union Oil of California and Standard Oil of Indiana, which were into the market early with nonleaded gasolines, had no objection to the tax that would have had the effect of raising the price on competitive leaded fuels.

"We couldn't blame them," the officer of a competing company said. "They already had an economic leg up on the rest of us."

The API's official position was against the lead tax, but any company could go on record with a different point of view if it chose.

Treasury Undersecretary Walker strongly advocated the lead tax. In the final weeks of the congressional session, he traveled across the country visiting top executives of nine major companies, attempting to get a new industry position on the tax. He said the administration would liberalize depreciation rules for new industry capital investments as a tax lure for the deal.

The company officials, however, read the trip as an attempt by Walker to save his job. The itinerary of the trip suggests which companies are considered most powerful politically.

"He put his whole career on one tax bill and he lost," one New York executive said.

Walker visited officers of Standard of California and Union Oil on the West Coast, Standard of Indiana in Chicago, Gulf in Pittsburgh, Sun in Philadelphia and Shell, Texaco, Humble and Atlantic-Richfield in New York City. He later claimed that he failed to visit the headquarters of Mobil in New York City by an "oversight." Mobil officials were miffed that they were not called upon and are reportedly among Walker's most vocal critics.

Probably the most significant meeting Walker had on that tour was a private hotel suite breakfast with Robert O. Anderson, chairman of Atlantic-Richfield, one of the most highly respected oil executives and the one considered to have the greatest single political influence. Anderson, no relation to the former Treasury secretary, is the Republican national committeeman from New Mexico. He gave more than $60,000 to President Nixon's 1968 campaign.

With his easy access to the White House, Anderson is considered the industry's most important spokesman on issues. He was also a major sponsor of Walter J. Hickel as Interior Secretary, based on an association that started when Atlantic-Richfield was developing its new fields in Alaska and Hickel was governor of that state.

During the 1968 campaign, Mr. Nixon

pledged to defend the oil depletion allowance. After taking office, he announced that oil policy would be made in the White House, not at the Interior Department where authority was vested by former President Johnson.

"They told us that oil policy would be handled by generalists and not by specialists," one trade association executive recalled.

At first, Peter M. Flanigan, a presidential assistant who was a Wall Street investment banker with oil industry ties, was assigned to deal with oil. More recently, according to industry sources, Robert H. Finch, counselor to the President, has been dealing with the oil men.

This policy plan was an indication to the industry that oil issues would be dealt more on a political than an economic level.

When a commission named by Mr. Nixon recommended last year that the quota system be phased out in favor of a tariff system, the White House rejected the advice and continued the quota program with only minor changes. Two officials who voted in favor of a tariff, George P. Shultz, director of the Office of Management and Budget, and Treasury Secretary David M. Kennedy, have been replaced on the oil policy committee by two who support the industry's view on quotas, Attorney General John N. Mitchell and Connally.

NUMBER ONE

The company considered to have the greatest political influence is Standard Oil of New Jersey, parent of Humble, which is by far the largest in the industry and the nation's second largest corporation.

"Jersey Standard plays the role of industry statesman," one industry source observed. "They are involved in everything. At the other end of the scale is Texaco. I once sat on a committee with a fellow who announced at the first session, 'I've been sent here to vote against anything that doesn't directly benefit Texaco.' "

Jersey showed its influence when a free trade lobby was formed early in 1970 to battle restrictive legislation passed by the House. While denouncing import quotas on such products as foreign-made shoes and textiles, the Emergency Committee on American Trade did not oppose oil quotas at Jersey's insistence.

In assessing the influence of the various segments of the industry, the big corporations and their executives have their greatest power with the White House and the executive agencies such as the State and Interior Departments.

"The big international companies have always made a big impact on the State Department," the source continued. "That is justified—the companies provide information that the government can't get any other way, especially from the Middle East."

On the other hand, the independents have their greatest power with Congress. "The independents have that grass roots kind of power," one big company executive said enviously. "They know their congressmen and senators—they grew up together."

Among the independents are small companies trying to compete with the giants but also the free-wheeling wildcatters who operate on their own. By contrast, the major companies are as impersonal as all corporate giants. They have facilities in many parts of the country, but the managements are detached and isolated. The independents recognize their political advantage.

"The big companies depend on us politically," one representative of the independents said. "We are close to the grass roots. If they had to depend on themselves, they would never win anything."

As another advantage, the independents' spokesman, the IPAA, with 5,000 members, is much quicker to react to political situations than is the API with 400 company members.

"They have to get the presidents of eight big companies to agree before they can do anything," one IPAA staff man said of the API. "We have so many members that we just go ahead and do what we think we have to do."

WHERE IT COUNTS

Oil politics is basically regional politics. Each year the IPAA publishes maps of all oil-producing counties. Oil is now produced in 30 states, with 20 considered primary producers.

"There are 30 hard-core oil senators," one IPAA man said. More important than numbers to the oil industry are the positions held by friendly senators and representatives from such states as Texas, Oklahoma, Louisiana, Kansas and Wyoming.

On the House Ways and Means Committee, for instance, Rep. Hale Boggs (D–La.) is the ranking majority member behind Chairman Mills. The House Interior Subcommittee that deals with mineral policy is headed by Rep. Ed Edmondson (D-Okla.).

Rep. Carl Albert of Oklahoma is slated to become Speaker in the new Democratic-controlled House and Boggs is a leading candidate to be majority leader. One of Boggs' handicaps, however, is the opposition of many House members to putting two oil-state spokesmen in the leadership posts.

Sen. Russell B. Long (D–La.), whose family has become rich from oil holdings, is chairman of the Senate Finance Committee, which handles tax and trade legislation.

During 1970, the Republican senatorial campaign committee was headed by Sen. John G. Tower (R–Texas), who has close oil connections. The finance chairman of the Democratic National Committee is Robert Strauss of Texas, who also has many friends in oil.

The most visible congressional friend of the oil industry is Sen. Clifford P. Hansen (R-Wyo.), a member of both the Interior and Finance committees, which are so vital to the industry, and the man who probably gives more floor speeches defending the industry's points of view than any other single member of Congress.

"Hansen is extremely helpful to all of us," one company lobbyist observed. "He will always sit and listen to my case."

At the core of the industry's power is its reputation for having unlimited cash available for campaign contributions to cooperative officeholders. The amounts available can never be completely totaled nor the routes for distributing them traced.

Since the 1969 vote that reduced the fixed depletion allowance for the first time in 45 years, and as a result of mounting pressure on the industry to improve its record for preventing environmental pollution, oil company leaders have been concerned about the industry's poor public standing. The companies are planning to spend millions of dollars in television advertising to improve their image.

The current major concern for the industry is the shortage of oil and gas for both heating and power generation, despite the industry's lucrative tax and trade privileges, granted on the premise they would use the incentives to find more and more oil and gas. Now, the industry says the incentives are not high enough. The Tax Reform Act, which has hardly gone into effect, is already being given some blame for the fuel shortage.

"The energy crisis of today was created in substantial part by the uninformed or hostile governmental policies of the past," Hansen told the Senate.

The industry's chief goal is to raise prices both for its main oil products and for natural gas. It appears to have succeeded in raising crude oil prices, despite criticism from the White House. Now, the target is forcing the Federal Power Commission to raise gas prices at the producing wells.

DEATH OF MRS. BEN C. HOUGH OF LANCASTER, S.C.

Mr. THURMOND. Mr. President, on December 22 the State of South Carolina and our Nation lost a great benefactor and an untiring humanitarian on the death of Mrs. Perry Belle Bennett Hough of Lancaster, S.C.

This fine lady, who was the wife of my good friend, Ben C. Hough, president of the Marion Sims Memorial Hospital in Lancaster, was loved by everyone who knew her. Her contributions to the service of her community, and to the welfare of her people are legion.

She was named last year as "Woman of the Year" in Lancaster. This was an honor which reflected the high esteem in which she was held by her peers.

This charming lady was a leader in her church. She was a driving force behind many worthwhile civic and cultural projects.

She was a member of a group of Lancaster citizens who worked to secure the first county library building erected in 1935. She took a leading part in the campaign for funds for the new library erected in 1970.

Mrs. Hough was a trustee of the Lancaster County Educational Foundation and Lancaster Extension, University of South Carolina. She was a member of the Lancaster County Chamber of Commerce, the Elliott White Springs Memorial Hospital Auxiliary, and the American Legion Auxiliary.

Many South Carolinians have mourned her passing, and many newspapers took note of this sad occasion to pay tribute to her memory.

Mr. President, it is fitting that some of these tributes be incorporated in the RECORD of our proceedings, and I ask unanimous consent that an editorial entitled "Perry Belle Hough," from the December 24 issue of the Lancaster News; an obituary entitled "Mrs. Perry Belle Hough Dies in New York City" from the same issue; an obituary entitled "Mrs. Hough Dies in New York City" from the issue of the Columbia State; and an article from The Voice, published weekly by the First Baptist Church of Lancaster, S.C., be printed in the RECORD.

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

PERRY BELLE HOUGH

The death of Mrs. Ben C. Hough is hard to accept. For more years than we can remember she has supported and given strong leadership to the worthwhile projects of Lancaster and Lancaster County. She was interested in everything, past, present or future, that could add to the flavor of life in this area.

We doubt if the full list of Perry Belle Hough's benefactions and interests will ever be known because she was a modest person who was generous in giving others credit for achievements which began and were often completed with her help.

Although she didn't want it for herself, she knew the value of publicity and many's the time this newspaper was enlisted in support of one of her projects with little more than our faith in her to go on.

Earlier this year she was named Lancaster's Woman of the Year. This was a belated recognition of an honor Perry Belle Hough had deserved in more years for doing more things than anyone else in Lancaster County. We say farewell to a genteel lady who knew what had to be done and how to get it done.

MRS. PERRY BELLE HOUGH DIES IN NEW YORK CITY

Mrs. Perry Belle Bennett Hough, civic, cultural and religious leader, died Tuesday night in a New York hospital after a short illness. Mrs. Hough, who was 72, and her husband, Ben C. Hough, had just returned to the States following a two weeks tour of the British Isles.

Funeral services will be conducted Thursday afternoon at 4 o'clock in West Side Cemetery with Dr. Daniel Cloer, pastor of the First Baptist Church, officiating.

Mrs. Hough was born in Lancaster on February 16, 1898, the daughter of the late William Perry and Leila Josey Bennett. Educated in the Lancaster City Schools, she was graduated from Winthrop College in 1917 with a degree in music and taught school for several years.

In the religious life of the community, her activities included teaching in the Sunday School and working in other organizations of the First Baptist Church of Lancaster. She served through the years on various committees and at the time of her death was a member of the Church Library Board and was collecting and compiling materials for a history of the church.

Mrs. Hough was a member of a group of Lancaster citizens who worked to secure the first county library building, erected in 1935. She was a member of the Lancaster County Library Board and from 1943–1945 served as chairman of that Board. She took a leading part in the campaign for funds for the new library erected in 1970.

Interested in the cultural affairs of the county, Mrs. Hough was a director of the Lancaster County Educational Foundation, Lancaster Regional Campus of the University of South Carolina. She was a member of the Lancaster Literary Review Club, the Lancaster County Chamber of Commerce, Elliott White Springs Memorial Hospital Auxiliary and the American Legion Auxiliary.

Mrs. Hough's interest in historical research led her to give assistance and encouragement to others engaged in preserving and publishing Lancaster County history.

She was a member and former regent of the Waxhaws Chapter, D.A.R., State Chairman of Americanism and a member of the Tamassee Board of Trustees. She belonged to the South Carolina Daughters of Colonial Wars, the Jamestowne Society of Williamsburg, Va., and was on the executive council of the Caroliniana Society of the University of South Carolina.

Instrumental in the organization of the Lancaster County Historical Commission, Mrs. Hough served continuously as its secretary and worked for the establishment and development of the Andrew Jackson State Park in Lancaster County. For the year 1970, she was serving as a member of the South Carolina Tricentennial Committee for Lancaster County.

Mrs. Hough was honored by the Lancaster Jaycees last January when she was named "Woman of the Year."

Over the years she and Mr. Hough traveled extensively in Europe, the Orient and the United States.

Surviving are her husband; and two nephews, Carl Bennett and Lucius Bennett.

MRS. HOUGH, 72, DIES IN LANCASTER

LANCASTER.—Mrs. Perry Belle Bennett Hough, 72, well-known Lancaster civic leader and Lancaster's 1970 "Woman of the Year," died Tuesday in a New York hospital after a short illness.

Mrs. Hough was born in Lancaster, a daughter of the late William P. and Leila Josey Bennett. She was a 1917 graduate of Winthrop College and taught school for several years.

She was a member of a group of Lancaster citizens responsible for the construction of the first county library building, erected in 1935. She was a member of the Lancaster County Library Board from 1943–45, serving as chairman and was active in the campaign to secure a new library building erected this year.

Mrs. Hough was a trustee of the Lancaster County Educational Foundation, Lancaster Extension, University of South Carolina. She was a member of the Lancaster Literary Review Club, the Lancaster Chamber of Commerce, the Elliott White Springs Memorial Hospital Auxiliary and the American Legion Auxiliary.

She was a member and former regent of the Waxhaw's chapter DAR and state chairman of Americanism and a member of the Tamassee Board of Trustees. She was a member of the S.C Daughters of Colonial Wars, the Jamestown Society of Williamsburg, Va., and was on the executive council of the Caroliniana Society of the University of South Carolina.

Instrumental in the organization of the Lancaster County Historical Commission, Mrs. Hough served continuously as its secretary and worked for the establishment and development of the Andrew Jackson State Park in Lancaster County. She was a member of the S.C. Tricentennial Committee for Lancaster County.

Surviving is her husband, Ben C. Hough.

Funeral services will be held at the graveside at Westside cemetery at 4 p.m. Thursday.

MRS. BEN C. HOUGH

Christian sympathy is expressed to the family of Mrs. Ben C. Hough.

To Mr. Ben C. Hough in the loss of his wife; to Mr. and Mrs. Francis Hough in the passing of a sister-in-law; to Matt Hough in the loss of his aunt; to Mr. and Mrs. Philip Hough in the loss of his aunt; to Dr. and Mrs. Reece Funderburk, Sr. in the passing of a niece; to Mrs. W. F. Laney in the loss of a niece; to Mrs. Alma Askins in the passing of her niece; to Mr. and Mrs. Emil Emanuel and family in the loss of their aunt and to Mr. and Mrs. W. Y. Emanuel and family in the loss of their aunt.

THE ENERGY CRISIS

Mr. MOSS. Mr. President, the magnitude of the energy crisis facing the country, and the possibility of increasing power blackouts and brownouts in the next few years until the crisis can be met, is discussed very effectively in an article in the Washington Post of January 10 under the byline of William G. Cushing.

The article primarily carries the very astute analysis of the situation by John N. Nassikas, Chairman of the Federal Power Commission, but it also gives some good basic statistics on supplies of coal, oil, and natural gas, and discusses some of the transportation and price problems contributing to the shortages.

Much of this material repeats the information brought out in the energy crisis hearings held by the Senate Minerals, Materials, and Fuels Subcommittee late last summer. This subcommittee will open a full inquiry this year on a fuel policy. I commend the article to my colleagues for their thoughtful reading, and ask unanimous consent that it be printed in the RECORD.

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

POWER BLACKOUTS STILL THREATEN U.S.

(By William G. Cushing)

Although some progress has been made in dealing with the U.S. "energy crisis," the likelihood of more electric power brownouts and even blackouts in the coming year is not being ruled out by top government energy experts.

Indeed, John N. Nassikas, chairman of the Federal Power Commission, said in a recent interview that the nation "will continue to have power problems over the next four or five years."

Although the nation's energy deficiencies has been increasingly scrutinized in the five years since the great Northeast blackout of 1965, when large urban areas were without electricity for hours, speedy correction of all of them has not occurred.

For example, here in the Washington area, a large new generating station of the Potomac Electric Power Co. was taken "off line" in late November due to start-up problems. And in the South, Louisiana Power and Light Co.'s newest and largest unit (549,000 kilowatts) was put out of action for the next four to six months. Consolidated Edison of New York had similar problems when unexpected generating equipment was shut down last summer.

Also compounding the problem is another national crisis: the shortage of fuels, especially fuel oil, coal and natural gas, according to Nassikas. This, he says, "is a far more formidable problem than the problem of generating capacity," and it poses a real threat to the stability of electric power "in most regions of the country" this winter.

Currently, 57 per cent of electric power is generated by coal, 27 per cent by natural gas, 11 per cent by residual fuel oil, and the balance, about 5 per cent, by nuclear power.

COAL

Blamed for the short supply of coal are a number of factors, including the lack of an adequate federal coal mine health and safety act, inadequate rail transportation, coal exports, and increasingly restrictive environmental standards.

In the wake of a federal report, the FPC has conducted a national inventory of all electrical utilities which use coal, and directed them to report when their supplies dipped below a 30-day supply. As a result of this pressure, the coal supply crisis has subsided somewhat, although the FPC reports it would take one million tons of coal to wipe out a deficit in minimal 30-day supplies for the nation's coal-using utilities.

The transportation bottleneck, which developed in the fall of 1969 when thousands of railroad cars were unavailable to deliver coal when it was needed, has also diminished.

The gravity of the problem was intensified by export coal standing idle in railroad cars at ports, awaiting shipment.

With pressure from the Interstate Commerce Commission and compensating action taken by the railroads, the transportation problem has been slightly alleviated.

OIL

Residual fuel oil, which accounts for most electrical power generation in the Northeast, "can be a substantial problem this winter," Nassikas said at the end of 1970. Although power requirements, "in my opinion will be met," he said, "the situation is by no means under control."

The APPA, he said, had engaged a crash study of the oil shortage problem, focusing on what it sees as the roots of the price rise. The study will probe acquisitions of coal firms by oil companies and other com-

glomerates, look for violations of the antitrust laws and recommend legal recourse APPA has open to it, and study ratifications of the U.S. oil import quota program, which it doesn't like.

NATURAL GAS

Natural gas, which currently fuels production of 27 per cent of the nation's electrical power, will be in short supply for a number of years, as known reserves continue to decline, according to FPC beginning about October 1969, when the agency began to realize the extent of the problem, the FPC has raised rate ceilings to provide incentives for gas producers to develop new reserves.

The situation has not noticeably improved. This winter, although all residential and contract demands are expected to be met, no new demands for gas from such users as new industries and businesses can be accommodated.

The domestic gas industry is unable to meet the increasing demand for natural gas, FPC Chairman Nassikas said. FPC surveys show a steady decline in reserves beginning in 1968. That year, reserves dropped by 3.4 trillion cubic feet. By the end of 1969, reserves had declined by 7.3 trillion feet. For 1970, although the report is not yet complete, Nassikas said "it appears likely that the trend of declining reserves will continue."

The ratio of new gas discoveries to current production has declined sharply, from 60 per cent in 1968, to 40 per cent in 1969. Put another way, for 1969, the ratio means that for each 1,000 cubic feet of natural gas used, only 400 cubic feet was being discovered for future use.

Some critics have charged that the domestic natural gas shortage was industry-produced to drive up prices. Nassikas did not rule out that possibility. "We have no evidence before us that would indicate a manufactured shortage," he said. "This is in no way to preclude evidence that might be developed. I just haven't seen any evidence to that effect."

"Applications for the importation of 2 billion cubic feet daily from Algeria and Venezuela of Liquid Natural Gas (LNG) appear to dispute the charge," Nassikas said.

"If responsible members of the gas industry in the United States (making the import applications) are prepared to invest hundreds of millions of dollars in the transportation of LNG in cryogenic (refrigerated) ships, it is their view that they do not have adequate gas in the U.S. to meet demands of their markets and consumers. Otherwise they would be prepared to commit this kind of investment to securing gas in the United States."

For the future, to meet the current and anticipated demand for natural gas, much more capital must be spent by the industry. Nassikas sees a need for $30 billion in the next five years—$60 billion in the next decade—for the development of existing areas and the further development of known reserves.

SAMUEL HAY KAUFMANN

Mr. MATHIAS. Mr. President, Samuel Hay Kaufmann, former president of the Evening Star Newspaper Co., died at George Washington University Hospital on January 12. He was 72. It was under Mr. Kaufmann's direction that the Star moved from its location on Pennsylvania Avenue to its present plant on Virginia Avenue southeast. He also supervised the Star's acquisition of WMAL radio in the mid-1930's and served as its president during its formative years. Today, WMAL is one of the three major radio-television enterprises in Washington. During the visit of Queen Julia of the Netherlands in 1952, Mr. Kaufmann was one of 10 Washingtonians honored with the Order of Orange Nassau. It is with a deep sense of sorrow that I report the death of Samuel Hay Kaufmann, one of Washington's most distinguished citizens, to the Senate. I ask unanimous consent that his obituary published in the Star on January 13 be included in the RECORD.

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

SAMUEL KAUFFMANN OF THE STAR DIES

Samuel Hay Kauffmann, a former president of The Evening Star Newspaper Co., died in George Washington University Hospital yesterday of pneumonia and complications from emphysema. He was 72 years old.

Mr. Kauffmann was the grandson of the first Samuel H. Kauffmann, who together with Crosby S. Noyes, George W. Adams, Alexander R. Shepherd and Clarence Baker organized The Evening Star Newspaper Co. in 1868, and who was president of the company at his death in 1906.

Just out of Princeton University in 1920, young Mr. Kauffmann started his career on The Star as a clerk behind the classified advertising counter in the lobby of the old Star Building at 11th Street and Pennsylvania Avenue NW. His salary was $20 a week.

ELECTED PRESIDENT IN '49

Twenty-nine years later, Mr. Kauffmann assumed the position of leadership once held by his grandfather. He was elected president of the company on Feb. 7, 1949, and he continued in that post until April 8, 1963, retaining thereafter the office of chairman of the board of directors. In 1968, failing in health he resigned as chairman to be succeeded by Crosby N. Boyd. Mr. Kauffmann continued as a member of the board until his death.

It was Mr. Kauffmann's decision, in the early 1950s to move the newspaper from its dignified but outgrown landmark on Pennsylvania Avenue to a big, new plant at 2nd Street and Virginia Avenue SE.

On March 9, 1959, the new plant began producing The Star after a weekend move without the loss of a single edition.

Earlier, in one of the most pleasant moments of his life, Mr. Kauffmann had led the celebration of The Star's centennial anniversary at the Statler Hotel attended by some 900 employes. That was in 1952.

Mr. Kauffmann was born in Washington on Feb. 24, 1898, the son of Victor and Jessie Christopher Kauffmann. His father was Sunday editor of The Star and treasurer of The Evening Star Newspaper Co.

SERVED IN NAVY

Mr. Kauffmann attended Washington public schools, Washington Collegiate School and the Lawrenceville School in Lawrenceville, N.J.

He entered Princeton in 1916. Two years later, when the United States entered the war, Mr. Kauffmann enlisted in the Navy and trained as a cadet in the Naval Reserve Flying Corps. With the signing of the armistice, he resumed his college studies.

He was an oarsman, a member of the Princeton Triangle Club, Princeton's Theatre Intime, the University Glee Club and the University Cottage Club.

GIVEN UNION CARD

Following graduation, he spent six years at The Star, working in or closely with virtually every business and mechanical department. For a time, for example, he was assistant mechanical and building superintendent. He had an honorary pressman's union card, issued when he served as an apprentice in the pressroom.

In 1926, he became assistant advertising manager and three years later took over the job of assistant business manager.

From 1929 on, Mr. Kauffmann worked immediately under the two men who guided the business side of The Star during the first half of the century—Fleming Newbold, business manager and later president, and Frank B. Noyes, president of the company from 1910 until 1948.

When Mr. Newbold died in 1949, less than a year after Mr. Noyes, the company turned to Mr. Kauffmann.

ACQUIRED RADIO STATION

He had long before established himself as a shrewd, aggressive businessman. In the mid-1930s, he played a major role in the purchase of Radio Station WMAL. He regarded the radio station as his special responsibility, serving as its first president and seeing it through the difficult, formative years. Today, it is one of the three major radio-television enterprises in Washington.

"Sam" Kauffmann was a man of great personal courage. Until 1953 he had enjoyed good health. His zest for life was enormous. He was a fiercely competitive golfer, a skilled duck hunter, a perfectionist in the preparation of a roadside picnic and a warm and gracious host.

SUFFERED LOSS OF LUNG

In August 1953 he suddenly was forced to undergo a major operation which resulted in the loss of a lung. Complications followed with the result that Mr. Kauffmann later suffered from total deafness. But he continued his duties at The Star as well as an active social life.

He believed that those responsible for the management of a newspaper should also take a personal interest in the welfare of the community it serves.

He was for many years a director of Riggs National Bank, a director of the Acacia Mutual Life Insurance Co., an honorary director of the Washington Hospital Center, a director of the American Red Cross, a trustee of the American Cancer Society, District Division, and trustee of American University.

Over the years, he had accepted a heavy burden of civic responsibility.

As early as 1932, he was named a trustee of the Washington Community Chest, a forerunner of today's United Givers Fund.

Mr. Kauffmann had also served as president of the old Emergency Hospital. It was during his presidency of Emergency that the plan to merge the facilities of Emergency, Episcopal and Garfield Hospitals began to crystalize. The result today is the Washington Hospital Center.

In 1951, he had been elected an honorary permanent life member of Children's Hospital. His grandfather had, with other Washingtonians, aided in the incorporation of the hospital in 1870.

Mr. Kauffmann was well known throughout the newspaper industry. He was active in the affairs of the American Newspaper Publishers Association and from 1932 to 1938 served as chairman of its mechanical committee.

AD BUREAU DIRECTOR

He was appointed a member of the committee in charge of the ANPA's Bureau of Advertising in 1943 and from 1946 until 1951, he served as a director of the bureau.

He had been a member of the Newspaper Industry Advisory Committee since May 9, 1951.

In 1946 Mr. Kauffmann was elected secretary of the then recently formed American Newspaper Advertising Network and served until its dissolution in 1949.

He had also been an elected member of the Associated Press, representing The Star, and was a former secretary of the Washington Newspaper Publishers Association.

In 1952, during the visit of Queen Juliana of the Netherlands, he was one of 10 Washingtonians honored with the Order of Orange Nassau.

He had also received Finlands Order of the White Rose.

HEADED METROPOLITAN CLUB

Mr. Kauffmann was an influential member of several clubs. He had served as president of the Metropolitan Club.

He was also a member of the Chevy Chase, Alfalfa and Alibi Clubs here, and the Rolling Rock Club at Ligonier, Pa.

In recent years, Mr. Kauffmann had worked tirelessly to expedite the renewal of Southwest Washington and particularly the design and development of the waterfront. He served for a time as chairman of the Federal City Council's Urban Renewal Committee in this connection.

He made his home at 550 N St. SW.

In 1920, Mr. Kauffmann married Miriam Georgia Hoy of Albany, N.Y. They were prominent in Washington social life, representing the city in greeting former President and Mrs. Eisenhower at the Inaugural Ball in 1953.

Besides his wife, he is survived by two sons, Samuel Haay Kauffmann III, of Palo Alto, Calif., and John Hoy Kauffmann, president of The Star; two daughters, Mrs. George E. Lamphere, of Washington, and Mrs. Rockwell Hollands, of Palo Alto. He also leaves 20 grandchildren.

Friends may call tomorrow at Joseph Gawler's Sons Funeral Home, 5130 Wisconsin Ave. NW. The family will be at the funeral home tomorrow from 2 to 4 p.m. and 7 to 9 p.m.

Memorial services will be held at 11 a.m. Friday in Washington Cathedral.

The family requests that expressions of sympathy be in the form of contributions to the Washington Hospital Center.

INAUGURAL ADDRESS OF GOV. GEORGE C. WALLACE

Mr. ALLEN. Mr. President, the inauguration of George C. Wallace on Monday, January 18, 1971, signaled the beginning of his second term of office as Governor of the State of Alabama. An inauguration of a Governor is a gala event in Alabama and in this case one which attracted nationwide attention. It is impossible, of course, for national news media to do more than report on and comment on limited aspects of the event. We believe, however, that the national prominence of Gov. George C. Wallace and the possibility of his candidacy for President under the banner of a national third party, recommends his inaugural address and the ideas expressed therein to consideration of Members of the Senate and to the public in general. Mr. President, in order to make the full text of the inaugural address available to a larger audience, I ask unanimous consent that the full text of the address be printed in the RECORD.

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

INAUGURAL ADDRESS TEXT

My Fellow Alabamians:

Today, I am both honored and humbled to stand before you and in your presence and that of our Almighty Creator to take the solemn oath of office as your governor.

I am honored that you allow me once again to serve you as your governor. I am truly humbled by the trust and responsibility you have entrusted to me as we continue along the paths we have so long trod together.

While many are with us here today, there are many more who cannot honor us with their presence for they are busy in the fields and factories of our state earning through honest toil a livelihood for their families, while creating and producing those material goods upon which the wealth and economy of this state so largely depends.

These are the honest, hard working, God fearing, freedom loving men and women of our state who through the sweat of their brow, the toil of their bodies and the strength and courage of their convictions from the muscle, bone and sinew of that great and good land that we know as Alabama.

To you I say that we are conscious of your pride, your courage, your fierce independence and your deep devotion to those principles that make Alabama the great and glorious state that it is and I hope, and dare to believe that you are here with us in spirit today—may God bless you as we salute you from afar.

We are grateful that you permitted us to take part in the advances attained during our previous periods of service. We point with humility, but with justifiable pride, to our unwavering support of education, highlighted by tremendous increase in appropriations for operations and capital outlay—a system of trade schools and junior colleges situated throughout the state that are both admired and envied by all our sister states—record breaking progress in industrial expansion and development—an unprecedented highway construction program—the health and hope that was provided the less fortunate and the mentally ill and retarded.

In all that we did, our sole purpose was to provide a better life for all our people—with your help we believe that this was accomplished.

Yet much remains to be done—together we must press on toward a more productive and more responsive state government designed to meet the needs of the people we serve—all of whom must feel that they have a voice in their destiny and fate.

This can only be accomplished in an atmosphere of freedom from unwarranted, unwise and unwanted intrusion and oppression by the federal government—a man must be free and unfettered by federal encroachment in his employment—his home—his community—his domestic institutions, including his schools and in his associations with his fellow man.

Each individual citizen is an important link in the chain of government. No individual should be above or below the law, for ours is a government of laws. But a law, simply because it is a law, is not necessarily a good law. However, our system provides for means and methods of change. The mob destroying a bank, school or business is not the American way for change. Violence is never the result of reason, but blind passion. Violence is dangerous because it is regressive and destructive. Violence must cease, for it breeds more violence.

We should return to basic principles, and these basic principles are plain and self evident, and were set out in our Constitution, and especially our Bill of Rights. While we are on the subject of rights, with every right there is a corresponding duty. No duty is more important than the duty of an individual citizen to voice his opinion, make his thoughts heard in a peaceful manner, and stand up for what he believes in.

All of us know and realize we cannot have justice without law and order, nor law and order without justice. Justice, among and for the people, is a primary duty of government for we all know that our government was created to help—not destroy. Too often the power of government is used to ride roughshod over the individual's rights rather than to preserve the individual's rights. No government is administered according to the objective and intent of the founding fathers and all lovers of liberty, unless it is administered for the weak, the poor and the humble as well as for the powerful. Government must be a friend of the people—not a tyrant.

Congress should rescue our schools from the wilful acts of malicious men. Our schools are being destroyed because the South and other sections of the country who believe in government by law and not by bureaucrats, failed to unite against despotic tyranny of a federal government—a government that looks upon the people not as people, but as so many units of votes to be gained by pleasing certain selfish politicians and sociologists at the expense of the children of America, both black and white.

Even a basic and fundamental principle such as "freedom of choice" has been denied the parents and children of the South and certain other sections of the nation by the federal government. Today, the school children of the South and many parts of the nation are mere pawns in the hands of powerful politicians who, for sociological reasons, seek to destroy local self-government and deny the people a choice as to how their own children should be educated. What is the answer?

The answer is "people power."

What is people power? People power is the strong voice and political action of the people expressed within the law.

The people of the South and those who think like the South, represent the majority viewpoint within our constitutional democracy, but they are not organized and do not speak with a loud voice. Until the day arrives when the voice of the people of the South and those who think like us is, within the law, thrust into the face of the bureaucrats, only then can the "people power" express itself legally and ethically and get results. Rome fell and countless other civilizations have ceased to exist, not always from outside sources, but from weakness within. Too long, oh, too long, has the voice of the people been silenced by their own disruptive government—by governmental bribery in the quasi-governmental handouts such as H.E.W. and others that exist in America today! An aroused people can save this nation from those evil forces who seek our destruction. The choice is yours. The hour is growing late!

If the descendants of those who founded this nation, together with those who came here one and two generations ago fleeing despotic government, will wake up and realize the importance of each individual standing up now for what one thinks and believes in, then, and then only, will the politicians answer the voice of the people. Remember! It is the people who create the politicians and it is the politicians who administer the government (bad or good government) and without a mass movement of the people, the present trends of despotic and centralized government can and will destroy America.

We in Alabama still cherish our independence and stand firm in our belief that we should be allowed to chart our own destiny—

We are proud of the youth of Alabama and thrill with them as they prepare to participate in the Democratic processes of government—we welcome, seek and solicit their aid, assistance and encouragement.

We have sought to manifest our faith in our youth by selecting for major roles in our administration young men and women of vigor and imagination who understand the aims and desires of the fine young people of our state. We will rely heavily on them.

Yes, we are proud of the young people of Alabama and our purpose will be to develop their abilities, to protect them during their formative years, and to involve them in the operation of government at all levels.

Being concerned for the future of our young people, we are mindful of a frightening evil now stalking this land, preying on young and old alike, but wreaking particular havoc on the young. I refer to the illegal traffic in drugs and to drug abuse.

This is something that must be stopped—forcefully, fully and immediately. To this end I commit myself and all the forces at my command, and I especially call upon the fine youth of Alabama to join me in this effort.

We will not cease until the drug peddlers, pushers and their slimy companions are driven from our midst.

As we reaffirm our commitments of the past campaign, we again pledge our best efforts towards reducing the daily cost of living for all Alabamians, especially the working men and women of our state and their families. We will work to reduce utility rates and basic insurance costs. We will examine and evaluate our structure of state government and we will streamline and modernize where necessary in the interest of economy and efficiency.

We renew our vow to work toward more adequate medical services for all our people, for this medical attention presently is beyond the economic reach of many. They simply cannot afford proper medical care even if they are fortunate enough to find a doctor. Any Alabamian who is sick enough to need a doctor or a hospital bed should be able to get one, regardless of financial condition or where they happen to live.

We will work toward a voluntary health insurance program which will put adequate medical attention within the financial reach of every family in Alabama. We will build and staff the necessary facilities to educate enough doctors, nurses and allied medical technicians to properly care for our sick, whether they live on a farm or in the heart of a city.

We will continue our struggle for equalization of the tax burden so that our working men and women of average and low income will not continue to bear a disproportionate share of the tax load. We must revamp and revise a system which allows multi-billion dollar foundations, of at least questionable purposes, and multi-millionaire property holders to escape taxation while the low and middle level wage-earner pays and pays and pays. We have raised this issue before and will raise it again, again and again until we are afforded some relief—only then will I be silent—and I believe you would have it this way.

Alabamians and Americans generally have had their fill of excessive and ill apportioned taxation and we propose to join in the fight to right these conditions. I issue a call to my fellow governors, to the members of Congress and to all Americans to join in this effort to the end that the average Alabamian and American be saved from tax destruction.

We allude to the political power of the people, "people power", if you will.

Let me remind you that any government that ignores the rights of individuals will not long endure, nor will a government that offers no redress from exorbitant and unjustly apportioned taxation. No government that rides rough-shod over the mind and body of its youth can be representative of the people under the law.

However, the place to get the desired change is within the law and not by destruction of the system. The street is not a proper place to change America, but the ballot box through "people power"—this is the method and forum. Every American can participate in government by voicing his or her thoughts within the law at every level of government.

And we must have faith and pride in ourselves as individuals, in our communities—in our state—our region and our nation—we must remember that we and those who bore us stand among the greatest patriots of all times—men and women who then and who today continue to resist in the face of oppressions from external sources and whose perseverance and desire for freedom and self expression is exceeded by none under these heavens.

To borrow from the words of a reowned author—"To have common glories in the past; a common wish in the present; to have done great things together; to wish to do greater; these are the essential conditions that make up a people."

One hundred years ago, the spirit of the South became passive as this spirit was subdued by violent means—yet remained undoomed. For the flame of our passion burned within us as an arc of our covenant—a covenant of our heritage of liberty under law with no surrender to those who would destroy us.

Today, twin evils face the American people. Communism on one hand and an illegal abuse of federal governmental power on the other. Either, if not curtailed, will destroy us. What can you do? You are more powerful than you think, provided you make yourself heard—for the politician will listen—but if you remain silent, there is nothing for the politician to hear but the yelping from those who seek to destroy us. We must not be a silent majority, but an alert, active voice within the law. Then we can help our state and our nation.

This administration is not going to be one of favoritism to any special interest, individual or friend. It will be a peoples administration with the goal that honesty is the best and only policy. Special privilege has no place in government. Too long in Alabama's history have certain greedy interests blocked needed progress. Nearly every advance in humanity's long march toward human betterment and progress of the many has been delayed by the willful few. Greed has no place in the creed of government. A government that helps the few and injures the many is not good government. My administration may not achieve all its goals, try as we may, but rest assured, should corruption raise its filthy head, it will be promptly dealt with regardless from whence it comes.

I am old enough to know that the people are tired of promises and demand action. I am young enough to be an active governor. Our action will move Alabama forward on all fronts.

Today, the government is too costly and taxes are a constant burden to the people. Any waste of the peoples money is a crime against the people. Government has become stagnated with its burdensome bigness. The federal government has too long thrust its sometimes greedy hands into the pockets of the people. If the federal government continues to dominate education, it could result in control over the minds of our children—leading, by natural tendency, to control over the body, thus destroying the freedom of all of us. You have a right to expect an Alabama moving forward on all fronts—better Alabama schools—health facilities—human welfare—anti-pollution, etc. For we hold the temporary power of government—hold it in trust for the people under the law.

The people have the right to know what goes on in its state government. We are going to operate with an "open door—open book" policy. Our state government is for all—so let us join together, for Alabama belongs to all of us—black and white, young and old, rich and poor alike.

And if there be those who wonder why I stand here today—curious as to what force and inspiration brings me to this point in our state's history. Let me answer them through the words of a great poet, Robert Frost, who, perhaps, captured my feeling better than I could express when he wrote.

"But I have promises to keep,
and miles to go before I sleep,
and miles to go before I sleep."

With God's help I will make you a good governor!

UKRAINIAN INDEPENDENCE DAY

Mr. SCHWEIKER. Mr. President, on January 22, 1918, the valiant people of the Ukraine seized upon the opportunity offered them by the Russian Revolution of 1917 and proclaimed their national independence.

Regrettably, the dream of independence which the Ukrainians nurtured over long centuries of domination lasted for only a short period of time. By 1920, Red army troops, following the precedents set by the czars, overran and again enslaved the Ukraine. The young republic, born only 2 years earlier, quickly disappeared.

Since 1920, the Ukrainian Republic has been incorporated into the Soviet Union and in 1971 remains subjugated by the U.S.S.R. Millions of Ukrainians today remain isolated in their own homeland, subject to the domination of Communist Russia.

Last Friday, Ukrainians throughout the world observed their most important holiday, the anniversary of that country's independence. Unfortunately, in the Ukraine itself, that anniversary could be observed only in secrecy.

During the 91st Congress, I introduced Senate Resolution 455, which authorizes and requests the President to issue a proclamation designating January 22 of each year as Ukrainian Independence Day, and inviting the people of the United States to observe that day with appropriate ceremonies. I am reintroducing this legislation today, with the cosponsorship of Senator PERCY. I will shortly submit a list of additional cosponsors who have expressed interest in this resolution.

I sincerely hope that this legislation will be acted on quickly so that official recognition may be given by the United States to this anniversary and to the valiant spirit of the Ukrainian people.

ECONOMIC AND POLITICAL ADVANTAGES OF EXPANDED EAST-WEST TRADE

Mr. MONDALE. Mr. President, we have recently emerged from a session during which the Congress came agonizingly close to enacting legislation which would have had a disastrous impact on international trade. Part of the reason for the strength of the protectionist arguments, I believe, has been a preoccupation with the largely imagined dangers of foreign competition, and insufficient attention to the great potential which can be had through an aggressive expansion of our exports.

Exports can bring jobs to the American worker, income and profits to American enterprise, and strength to the U.S. dollar.

One of the major areas of great export potential lies in the nations of Eastern Europe. During the last Congress, we managed to pass a significant Export Administration Act which streamlined and simplified our policies toward the control of exports to the countries of Eastern Europe. However, while the United States

enjoys some 16 percent of world trade—over $40 billion a year worth of exports—we have less than a 3-percent share of East-West trade, and exported only $249 million worth of goods to these countries in 1969.

Without a doubt, there is a vast untapped market of peaceful nonstrategic goods within these countries, consistent with our need to maintain control over the export of goods and technology which have a bearing upon our national security. Such an expansion of exports can contribute to both the economic and the political self-interest of the United States and of the Western World.

I think it is time to take a fresh look at some of the remaining irrational barriers toward trade with Eastern Europe. In this light, I would like to call the attention of my colleagues to some recent items. One is an address by the Honorable Philip H. Trezise, Assistant Secretary of State for Economic Affairs, in which he identifies the potential of trade with Eastern Europe as well as some of the remaining legislative barriers toward a rational East-West trade policy.

Another is remarkably astute editorial from the Minneapolis Tribune commenting again upon the irrationality of our current East-West trade policies and some of the myths and assumptions by which we cling to this irrationality.

Two additional articles appeared recently in the New York Times, and give further evidence for the need to reexamine our East-West trade policies.

I ask unanimous consent that these articles be printed at this point in the RECORD.

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

WESTERN BUSINESS IN EASTERN EUROPE

(An address by Philip H. Trezise, Assistant Secretary of State for Economic Affairs)

I am pleased to have the opportunity to speak to you about "Western Business in Eastern Europe." While I have been asked to give the Government's viewpoint, I do not believe that it is significantly different from the viewpoint of my business friends here today.

It is clear to all that a new situation in East-West European relations is arising as a result of the rapidly expanding commercial exchanges and, in particular, the recent Soviet-West German and Polish-West German treaties which can be expected to give an additional impetus to the broadening and deepening of economic relations between Eastern and Western Europe. In this rapidly evolving situation the United States must continue to examine how and to what extent our businessmen may be able to take advantage of the emerging possibilities.

U.S. TRADE WITH EASTERN EUROPE

Trade with the Soviet Union was not a problem before World War II. The American and other Western Governments permitted their private traders to do business where there were trading opportunities. The Soviets imported machinery and heavy equipment from the industrially advanced countries and exported raw materials to pay for these badly needed goods—in fact quite in conformity with the classic international division of labor and capital. By 1938 the United States was the largest exporter to the Soviet Union, supplying 29 percent of Soviet imports.

This trade, however, dropped to very low levels after World War II because of Stalinist hostility toward the West and the development of Cold War tensions. A major change in Soviet trade policy occurred following the death of Stalin in 1953 and there has since been steady growth in trade with the free world, excluding the United States. While East-West trade has grown at a faster rate than trade among free world countries, United States trade with the USSR and Eastern Europe has increased very slowly indeed.

In 1969 our exports to these countries totalled $249 million compared to total free world exports to the same area exceeding $8 billion. The United States imported from this area in 1969 goods totaling $195 million compared again to about $8 billion imported by the free world from Eastern Europe. Thus, the United States share of Western trade with Eastern Europe is only 3 percent although the United States share of total world trade is 16 percent. Putting it another way, United States trade with Eastern Europe amounts to only six-tenths of one percent of total United States trade.

LEGISLATION

A major development in the field of East-West trade was passage last December of the Export Administration Act of 1969, which replaced the Export Control Act of 1949. The new law continued the authority given the President to control exports for reasons of national security, foreign policy, or short domestic supply. For the first time, however, Congress explicitly endorsed expanded trade with the USSR and Eastern Europe. Whereas earlier legislation had included as a ground for denying exports the test of whether the items would contribute to the military or economic potential of the purchasing country, the Act dropped the economic potential criterion. It also required that availability of similar products from free world sources be taken into account in requiring export license control, and stipulated that the present United States control list be reviewed to insure conformity with the policy set forth in the Act.

It is a satisfactory law which permits continued, effective and responsible administration of export controls taking into account our security and foreign policy interests as well as our need to expand exports. The Act expires on June 30, 1971, and the Administration will certainly urge its extension, although no decision has yet been made as to whether amendments will be proposed.

In conformity with this Act the Department of Commerce, which is responsible for its administration, intensified its review of our control list and to date has relaxed controls on several hundred items. As you know, the United States has some 1000 items under licensing control in addition to the 600 items under multilateral strategic controls. Our Western European and Japanese friends generally do not restrict exports beyond the strategic items on the COCOM list. In these decontrol actions we have continued our differentiated export control policy toward the countries of Eastern Europe, under which we favor Romania and to a lesser extent Poland in relation to the USSR and the other Warsaw Pact countries. Additional deletions in our control list are anticipated as the current review continues.

The evidence in the market place is that the first year of operation under the Export Administration Act should be a source of some satisfaction. Exports to the Soviet Union and Eastern Europe through October stood at $287 million, already above the $250 million total for 1969. The preliminary estimate is that the 1970 total might approach $350 million—a 40 percent increase over 1969 and a surplus of $100 to $125 million over estimated imports from the East in 1970. This trend is certainly welcome and we hope it will continue, as the reduction of control lists and the export promotional activities of the Department of Commerce under the 1969 law go forward.

In discussing the impact of legislation on East-West trade, however, I should mention two major legislative restraints on expanded trade. These are, first the ban on extending non-discriminatory or most favored-nation (MFN) tariff treatment to imports from these countries, with the exception of Poland which has received MFN since 1960; and, second, the legislative prohibition on Export-Import Bank participation in export financing for Eastern Europe. The lack of MFN makes it all the more difficult for the Eastern Europeans to sell in the United States market and thus earn dollars to buy United States goods. In addition to its commercial impact, this tariff discrimination has certain psychological implications in our relations with these countries.

Of even greater immediate impact as a trade deterrent is the prohibition against Export-Import Bank export credits and credit guarantees. The rapid expansion of Western European and Japanese exports to Eastern Europe is based in part on major credits guaranteed by government institutions in the exporting countries. The lack of Export-Import Bank guarantees is largely responsible for the almost total lack of commercial credit from United States sources. Our exporters thus have said that they are placed at a considerable disadvantage in competing for Eastern European orders.

POTENTIAL FOR EAST-WEST TRADE

In addition to the two legislative barriers cited above, there are other formidable economic and structural obstacles to expanded U.S. trade with Eastern Europe. These include:

The rigidity of Communist state trading systems with a strong tendency to bilateralism;

The historic close trading relationship between Eastern and Western Europe;

The shortage of hard currencies and the scarcity of attractive products and marketing skills needed to compete in U.S. markets; and finally,

Our unilateral export controls, the impact of which on trade has probably been exaggerated although they undoubtedly have operated at times as a deterrent to trade initiatives by U.S. businessmen.

I might add here that many U.S. exporters apparently have no interest in the Eastern European market, or consider it too difficult to sell there. They ignore the fact that more than 1200 categories of products require no license whatever for export to Eastern Europe, and of the 1000 nonstrategic items under validated license most would be readily approved for export if a license were applied for. During the first six months of 1970, export license applications totaled $170.9 million and $170.2 million were approved—surely an encouraging record for exporters.

Eastern European countries rely importantly on free world supplies of industrial and agricultural products. Moreover, all of these countries have set the highest priorities on technological progress. The Soviet Union has in fact made the rate of technological advance the touchstone of the nation's success in its contest with capitalism, yet by their own admission they must call on Western technology and equipment to make significant progress in the consumer goods area.

Imports of Western machinery have doubled over the last 5 years and continue to grow rapidly. The demand is there and our competitive edge in certain industrial and farm sectors should enable us to obtain a larger share of the Eastern European markets than we now have, even under present restraints. If we reached the point in our relations with the Eastern European countries where the legislative restrictions on tariff treatment and export financing could be removed, I would anticipate a substantial increase in U.S. trade with Eastern Europe,

although the level of trade would still be modest in global terms because of deeply rooted structural barriers and our late start.

POLITICAL SIGNIFICANCE OF EAST-WEST TRADE

The Soviet Union's economic deficiencies are not the result of inattention to research and development or to education. The share of the Soviet national product and labor force devoted to research and development is far ahead of Western Europe and almost on a level with the United States. The percentage of college graduates in the Soviet labor force is far higher than the corresponding percentage in Western Europe. Moreover, the Soviet Union and the other Eastern Europeans have imported large quantities of foreign scientific and technical information as well as industrial plants and equipment over the past decade. We must therefore conclude that Soviet economic deficiencies derive in large part from a continuing problem with introducing new technology into the production process, the root causes of which would seem to relate to the Soviet incentive system and attempts to administer the innovative process.

The growing interest on the part of the Soviets and other Eastern Europeans in obtaining Western managerial assistance, in addition to plant and technology, suggests that they may be reaching these conclusions themselves. It is at this point that the Communist functionary faces the ultimate and unspoken question—can the economic system ever really be made to work as effectively as the non-Communist system? This is actually a political dilemma and there is a political dimension to the question of East-West trade. We saw this in Czechoslovakia in 1968.

Earlier this month I heard a most penetrating and authoritative description of this political dimension by Ota Sik, the Deputy Premier and economic reformer in Czechoslovakia under Premier Dubcek in 1968. Professor Sik was in Washington testifying before the Subcommittee on Foreign Economic Policy of the Joint Economic Committee of the United States Congress. His was a powerful statement, validated by his own experience, of (as he described it) the "suppression of all liberal tendencies, the widespread dissemination of fear, envy, and hate, the suppression of all undesired information, the ideological stupefaction of the masses, the systematic corruption of officials—[all] these . . . weapons by means of which incompetent men can maintain their positions of power in a system which is developing in a way that is against the real interests of the majority of the population."

Yet he said he was still "an advocate of broadening and intensifying East-West relations to the greatest possible extent." His reason for this conclusion is very simply that the development of economic relations with Western countries together with the relaxation of external tensions, will "take the wind out of the sails of the reactionaries and strengthen the positions and arguments of the liberal forces" in the Eastern European countries.

He sees this, of course, as a gradual rather than a rapid process, resulting from contacts on both sides that not only will temper the mistrust of the West that is the obsession of absolutist governments in the East, but also will assist technical comparisons and self-critical evaluations in the East. This East-West trade can serve to dramatize the inefficiencies of the economic systems in the Eastern European countries and the competitive limitations of their products in world markets. This recognition of internal economic contradictions will assist, Professor Sik believes, in the longer run to set in motion the process of internal change within the Eastern European countries—a process of interaction between the progressive and reactionary forces, in which, he is convinced, the future belongs to the progressive forces because they will be supported both by economic necessity and by the forward-looking interest of the non-dogmatic younger generations.

We recognize of course that trade by itself obviously cannot accomplish basic changes in the communist system, nor can it settle major outstanding differences between ourselves and the Soviets. Yet it can contribute to the complex of forces within these Eastern European countries that are moving toward more humane societies and more straightforward relations with the outside world.

SUMMARY

To summarize, it seems clear that East-West trade will continue to grow, but until our overall relations with the Soviet Union and the other countries of Eastern Europe make it possible to remove certain restraints, including those relating to MFN and Export-Import Bank credits, our share of this trade will inevitably remain small. At the same time, the competitive advantages held by American industry and agriculture should permit a continued expansion of U.S. exports to these countries. As the President pointed out in his UN speech in October, it is in our economic self-interest as well as that of the Soviets and Eastern Europeans to increase trade and contacts, although the speed with which this can be done of necessity must take account of the general framework of world conditions. Our trade policy, like our other policies, must be based on self-interest which takes into account long-run gain as well as short-range advantage. Our businessmen, operating within present law and policy, should feel that they are advancing our national interests in a very practical way when they pursue the enlargement of non-strategic East-West trade.

[From the Minneapolis Tribune, Dec. 22, 1970]

THE YANKEE TRADER'S ODD ASSUMPTIONS

A cherished American image, the Yankee trader, sometimes fails to shine through the tarnish of political constraint. The immediate example is restrictive trade legislation which is likely to be stopped, if at all, only because of the jam-up of bills as Congress nears a close. This year's stampede of domestic-industry lobbies seeking to have their clients protected by import quotas against foreign competition was a picture of the timorous trader—not the inventive, independent pragmatist most of us associate with American enterprise.

Other restraints affect American exporters, particularly in trade with Communist countries. Minnesota Sen. Walter Mondale was instrumental in the move for a liberalized export policy and in extensive Senate hearings in 1968 which helped make possible the more sensible Export Control Act of 1969. But there still are restrictions on Export-Import Bank financing of U.S. exports to Communist countries, whose enthusiasm for trade with America is also dampened by discriminatory tariff treatment of their exports to this country.

These conflicting trends—toward import restriction on the one hand, and export expansion on the other—seem based on an assumption that trade policy is divisible. A recent article on this page by Mondale listed reasons why such an assumption is erroneous and, in the long run, costly to American consumers.

There seems to be another assumption: that the Yankee trader holds an unassailable first place in most of the criteria by which industrial nations are measured. Trends of the last few years call that assumption into question, too.

For example, the term "iron curtain" has taken on new significance. Shortly before the current recession set in, Soviet-East European production of crude steel moved higher than that of the United States and Canada combined. To take another indicator, Western Europe's production of cement in 1969 was about the same as that of the Soviet and East European countries; each group nearly doubling the U.S.-Canadian output. Even more surprising is the fact that American output of plastics and resins has also dropped behind that of each of the other two groups of countries—again before the U.S. economic slowdown of 1969–1970.

The point is not that the United States should be ahead in all such categories, only that Americans be aware of some of the changes taking place in the industrialized world. In trade terms, one of the greatest potentials for future change may come from the West European moves toward accord with the East. The Communist states need agricultural products and have surplus energy resources and raw materials. The primary obstruction to Western European economic integration is agricultural surpluses, and Western European countries could make good use of Soviet industrial and energy resources.

If such situations present obvious opportunities for Europeans, they could also be opportunities for Americans. Does the United States want its share of new trade possibilities? Or does it want to relinquish the title of Yankee trader, content with the assumption that America is No. 1 where it counts and that foreign economic competition should be encouraged everywhere—except in the United States?

[From the New York Times, Jan. 15, 1971]

EAST-WEST TRADE: TOOL FOR POLICY

(By James Feron)

WARSAW.—A few months ago, the State Department announced that the United States Government had rejected, "for the time being," a request by Poland to buy American oil-refinery equipment.

What was left unsaid then—and what remains unsaid—was that Washington had decided at about the same time to permit the sale to Rumania of even more advanced refinery equipment than that denied to the Poles.

Both the catalytic cracking plant requested by Poland and the hydrolytic cracker sought by Rumania are on a list of strategic goods whose sale must be approved by the United States Government.

But the decision apparently was made on political rather than strategic grounds, an option often exercised by the Administration and one occasionally questioned by experts.

The decision focuses attention on the broad subject of East-West trade and the shifting, often unclear rules governing this trade, especially from the American side.

The Nixon Administration, following general practice in Washington, seems to adhere to a policy of rewarding independents—and thus encouraging it—in the Communist bloc. Perhaps nothing better illustrates this than the oil-cracking decisions.

Rumania's interest in seeking American technical knowledge came to the surface in 1965 when it was learned that two American corporations had received United States Government permission to negotiate with Bucharest.

The Firestone Tire and Rubber Company was to build a synthetic rubber plant while the Universal Oil Products Corporation had agreed to build a catalytic petroleum cracking unit. The Universal plant was designed to treat petroleum by-products to supply the rubber plant.

Firestone later withdrew its offer, apparently under domestic pressure, but Universal eventually built a $22-million "cat cracker." It was completed in 1967 and a license was granted more than a year ago for similar technology for a second plant.

Although the general process of "cracking" petroleum to obtain gasoline and other by-products is widely known, the process used by American companies apparently remains uniquely efficient.

It was this process that Poland was requesting, presumably as an essential part of a major shift in emphasis from extensive to intensive development, with particular concentration in metallurgical, chemical and certain light industries.

Three American companies submitted applications last spring to provide technology and advice, but the bid was finally rejected in Washington.

The Rumanians, meanwhile, had asked for the more-advanced "hydro" cracking process. Similar to cat cracking, it uses a different type of catalyst under high pressure in the processing of hydrogen.

It is more efficient than the cat cracking process, producing a cleaner, more stable product, although at higher cost. The Rumanians presumably were seeking to broaden and improve an already profitable petroleum refining industry.

Although neither American nor Polish officials cared to discuss the implications of the two decisions, informed observers in Warsaw asked some questions and commented freely.

"It seems to be a signal to the whole bloc on how the United States operates," an American said. "It recalls what Dean Rusk said in 1964, that the Communist world was no longer a monolithic bloc and that the United States should consider the differences differently."

A Western diplomat commented, however: "This may not be the way to do it. Is the United States not helping to drive a country like Poland more firmly into the arms of the Soviet Union?"

A diplomat said that it was worthwhile tracing American policy in the two countries involved in the refinery decisions.

"The United States became very interested in helping Poland after the events of 1956, when Wladyslaw Gomulka came to power," he said, adding, "It looked as if everything was going to open up here."

OPPOSITE DIRECTION

"But things moved in the opposite direction and Poland lined up quite firmly with the Soviet Union on all important international questions," he continued. "Rumania, on the other hand, refuses to go along with Moscow on many issues and so she is rewarded by the United States."

"Although Rumania is considerably more oppressive internally than Poland," he said, "she operates a more independent foreign policy, and that seems to be what counts in Washington."

American policy toward Eastern Europe was summarized last May in the introduction to a 600-page study, "Economic Developments in Countries of Eastern Europe," that was issued by the Foreign Economic Policy subcommittee of the Joint Economic Committee.

"Methods for influencing political and military affairs seem to be minimal or nonexistent," it noted. "Economic links with Eastern Europe and potential leverage on Eastern European development, however, provide a singular, albeit complex, route for influence."

Trade policy, the report concluded, seems to be the most attractive, although limited, route for increased United States influence on development in Eastern Europe.

Diplomats, economic experts and members of trade missions have noted a new eagerness, meanwhile, on the part of Eastern European countries to establish trade ties with the West.

The impetus, according to the majority view, has been a growing desire by the Communist Governments to avoid falling too far behind advancing Western technology and production to satisfy rising consumer demands.

Some Eastern European states have adopted economic reforms—Hungary's were the most notable last year—in balancing the necessary liberalization with a basic desire to maintain control of the economy, often crucial to keeping political control.

In Poland last year, the Gomulka Government collapsed under the weight of widespread rioting and strikes stemming from economic factors. The new Polish leader, Edward Gierek, has promised to remedy the immediate faults and to take a long new look at the five-year plan that began Jan. 1.

Diplomats in Warsaw were thus reconsidering some of the assumptions and decisions in East-West trade at year's end, and asking again whether American policy might not undergo some review in the wake of the new situation.

[From the New York Times, Jan. 15, 1971]

A PLEA FOR REALISM ON TRADE WITH EAST

(By W. M. Blumenthal)

(NOTE.—Mr. Blumenthal, the president of the Bendix Corporation, represented the United States in the Kennedy Round of tariff-cutting negotiations.)

Nations presumably base their foreign policies on rational views of their self-interest. But history is sadly replete with evidence of nation's pursuing policies based more on fear and prejudice than on fact and logic, particularly in international economic affairs.

Last year's Congressional drive toward the most protectionist trade legislation since Smoot-Hawley is an excellent case in point, although it died when Congress adjourned. Against the disastrous experience with protectionism in the interwar period it is hard to see how reverting to this policy in the seventies could be to anyone's self-interest, least of all our own.

Yet this is not the only example of our capacity to ignore experience and reality in international economic affairs. United States policies governing economic relations with Communist countries no longer serve our self-interest under changed world conditions.

East-West economic relations in the past, present and likely future have been carefully analyzed by Samuel Pisar in his excellent "Co-existence and Commerce," a book much discussed this winter. Viewing this relationship from historical, political, economic, commercial and legal perspectives, he manages admirably to divorce fact from fancy and reality from appearance.

A lawyer with many years of experience—both in and out of government—Mr. Pisar is no softheaded dreamer who sees East-West trade as desirable or inevitable per se. On the contrary, his analysis highlights limits as well as opportunities, and problems as well as potential.

He says much that is pertinent to policy formulation by all major trading countries. His American reader, however, will find it hard to escape the conclusion that United States policy, in particular, urgently needs review and overhaul.

In the immediate postwar period, the foreign economic policies of East and West were primarily shaped by the Cold War.

Then in the late nineteen-fifties and sixties as the world moved from Cold War to coexistence, our European allies and Japan increasingly relaxed their economic policies toward the East. The pull of historical markets, the conviction that both sides to a bargain could profit, that gains from trade can lead to higher standards of living and a deepened stake in world peace, proved more powerful arguments than mere Cold War rhetoric.

As a result, economic ties between the controlled and market economies have grown steadily. Italians are building an automobile complex in the Soviet Union; Japanese are developing the Asian parts of the Soviet Union, and even Americans have proved that neither Washington's caution nor Communist doctrine can hold back the spread of Hilton hotels or Hertz and Avis beyond the Iron Curtain.

What issues does all this raise for the future? And what's wrong with our policy in the present? Mr. Pisar's thoughts on the matter are challenging, stimulating and thought-provoking, particularly in the suggestions he makes in the concluding chapter of his book.

To me, "Coexistence and Commerce" has underscored these rather significant points:

Given differences in internal economic structure and in legal and institutional frameworks and recognizing the reality of the international political scene, American economic relations with the Communists can never be "normal." There will always have to be special rules and tough bargaining.

Western Europe and Japan are far ahead of us in recognizing the potential as well as the limits in economic relations with the East—and in adjusting their policies to get the most out of it. They have confined restrictions strictly to military and strategic goods. Their trade figures—many times those enjoyed by the United States—tell the story.

Present United States policy suffers essentially from our insistence on mixing ideology with analysis and on our tendency to allow bureaucratic rigidity and fear to frustrate the pursuit of our national self-interest. United States policy still seeks to inhibit trade, not only in military and strategic goods and services, but also quite unrealistically in goods thought to add economic strength to the East. This policy denies the Communists nothing—for our European and Japanese allies are only too willing to fill the gap. It does hurt our balance of payments. What is required is a complete review of all parts of our economic policy toward the East, on trade and credit matters alike.

The only way to accomplish this task is with Presidential leadership. American business in general is ready for a change and Congress is more likely to follow a well-thought-out Presidential initiative.

The long-overdue adjustment of our policy, providing new opportunities to deepen our economic contacts with the East, could add strength to the United States economy and could become a vital part of President Nixon's policy of "negotiation in place of confrontation."

PRESIDENT NIXON: CLOSING THE GENERATION GAP

Mr. MATHIAS. Mr. President, I was deeply impressed last week by President Nixon's address at the University of Nebraska on January 14. In tone and content, the President has advanced a program which I find is both visionary and practical. It is a program that addresses the key areas of the still gaping generation gap and I shall be proud to lend the President my full support in pursuing the goals he sets forth. I ask unanimous consent that a transcript of the President's speech be included in the RECORD.

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

REMARKS OF THE PRESIDENT BEFORE A STUDENT-FACULTY CONVOCATION, THE UNIVERSITY OF NEBRASKA, LINCOLN, NEBR.

Mr. President, Mr. Chancellor, Governor Exon, Senator Curtis, Senator Hruska, all of the distinguished guests on the platform, and students, members of the faculty of the University of Nebraska, and I also understand that we have guests here from Nebraska Wesleyan and from Union College, and friends of the University of Nebraska.

I appreciate the honor that has been extended to me to visit this campus, and the opportunity to pick up a raincheck, in effect,

because Secretary Hardin two years ago on the 100th anniversary of this great University invited me to come to the University at the request of the University officials, and because I had another engagement at that time I was unable to do so. I told him then that sometime while I was in office I would come. I wasn't quite sure I could make it. I am glad I could make it this year in view of what has happened.

And that allows me, before making this award, to tell a little story. You will recall that from time to time, because I am somewhat of a football fan, that I have called football coaches or captains after a great victory and a significant game. I read a story in one of the Nebraska papers to the effect that immediately after the Orange Bowl game some of the team were gathered around the phone waiting for the call from the White House. It never got through. As a matter of fact, I was not able to make the call because while I had seen the last quarter of the game, which was very exciting—wasn't that something, that last quarter?—in any event—it shows what the defense means—in any event, when we came to the end of the long day of football that day, I had to go on to another engagement. I checked with the White House operator and asked if it might be possible to get through to the dressing room down in Miami. Usually the President can get through on the telephone. This time the operator said, "Well it will be just a moment, Mr. President. All the circuits are busy."

She said, "Everybody from Nebraska is calling."

I knew that was the case, and I knew that this great team and the University of Nebraska have pride for the whole State, for all the institutions of this State, whatever they may be, and all the people of this State. I am, therefore, honored to be here to participate in your pride in that team.

Having said that, I want you to know that I have gotten into a little trouble over the past couple of years in picking number one teams. In 1970, I should recall, the 100th anniversary of college football, you will remember that before the bowl games I said that Texas was number one, and since then I have never been able to go to Pennsylvania without a passport.

This year I didn't make that mistake because I sought and got very good advice. I was in Omaha in the last weeks of October. At that time Nebraska was number three in the Associated Press poll. I had already been to Columbus, Ohio, where everybody said Ohio State was number one. I was in Indiana where everybody told me that Notre Dame was number one. I was in Texas where everybody told me that Texas was number one, and I was going to be in California where all Californians thought that Stanford was number one. And in Arizona, Senator Barry Goldwater said that Arizona State was number one.

So with Roman Hruska and Carl Curtis, I said, "What should I do?" They thought a bit and finally Carl spoke up and said, "You know, Mr. President, I would wait until after the bowl games." That was vision, real vision.

So in this year of football, a year of many great teams, a year in which many can perhaps rightfully claim to be number one, to come to Nebraska, a great University and clearly apart from its great records in the field of athletics, to come here to the only major college team that was undefeated, and to make an award is something that I am very proud to do, proud to recognize this University, to recognize its coach, to recognize its co-captains, to recognize its fine members of the team, and in so doing to present the plaque from the President of the United States.

Consequently, at this time, for the official presentation, I would like to have the coach, Bob Devaney, to step forth.

(Presentation of plaque.)

You ought to run for something in this State.

And now the co-captains, Jerry Murtaugh and Dan Schneiss, if they would step forward to represent the team.

I shall now read the plaque which I understand will be put in one of the lockers. But in any event—(Laughter)—the plaque's wording is as follows:

"The University of Nebraska 1970 football team, Champions of the Big Eight Conference. Victor in the 1971 Orange Bowl, and picked by the Associated Press Number One Team of the Nation."

And now if I could come to the other part of my assignment, as was pointed out by your president a moment ago, I wanted to use this opportunity to address the great student body of this University and your guests about some of the problems we have in this Nation, common problems, for younger people and older people as well.

In beginning my remarks, it is quite clear from the feeling in this audience that this is a very exciting time for this University. You are beginning the second hundred years of a very great tradition, and you are beginning it as champions.

You can all take pride in your great team. It is a splended thing to be champions. But a more splendid thing, I believe, is the process by which a team becomes champion, the long struggle through defeat, through doubt, and then on to victory.

There is satisfaction here, and for all of us there are valuable lessons as well. For as vital as the understanding we gain in the classroom is the deeper understanding of ourselves that comes from competing against others, and competing against ourselves.

In these endeavors, we go beyond awareness of what we are and we discover a higher understanding of what we can be if we know and have the courage and if we have the will.

It is in this way that we learn to believe in our dreams.

Nothing matters more to the future of this Nation than ensuring that our young men and women learn to believe in themselves and believe in their dreams, and that they develop this capacity—that you develop this capacity, so that you keep it all of your lives.

As this great University looks to a new century so does our Nation. In this decade we Americans will celebrate the anniversary of the greatest experiment in liberty the world has ever known. It has succeeded for what in the year 1976 will be 200 years. But like the continued success of this University, the continued success of the American experiment depends on one thing: On the qualities of heart and mind and spirit that our young people bring to both.

This Nation will not run on inertia. It could fail in one generation or it could last another 100 years or another 1,000 years. The answer lies in what you and your generation bring to the task of being an American and what you pass on to others.

These depend, in turn, upon what your Nation gives to you and gives to you now. And if we are to benefit fully from the energies and the ideals of our young people, we must break down the barriers to the exercise of those energies, the pursuit of those ideals.

Let me discuss one of those barriers that I know is on the minds of many of you here and many all over this Nation.

The war in Vietnam has taken a very heavy toll of your young men. This Administration has no higher priority than to end that war. But to end it in a way that we will have a lasting peace.

For one thing, I want to end it because this Nation has positive priorities, right here at home, that young men and women now occupied in war could turn their hands to in peace. Beyond this, I have some very personal reasons that I would like to end it.

Every week, as President of the United States, I write letters to the parents and the wives and even sometimes the children of men who have given their lives in Vietnam. It is no comfort to me that when I came into office I wrote 300 of those letters a week, and that this week I will write 27. One is too many.

These were precious human lives and what they might have brought to America in peace no one will ever know. But there would have been poets among them and doctors and teachers and farmers. There would have been builders of America.

I want nothing in the world so much as to be able to stop writing those letters.

I know you realize, you who have studied history, that every American generation in this century has known war. I want yours to be the first generation in this century to enjoy a full generation of peace.

I have a plan which we are implementing to obtain that kind of peace. I can tell you confidently today it is succeeding. I believe yours will be a generation of peace. And then the question comes, and this is a bigger question, more profound: What will we do with the peace?

I am not one of those who believe that we will have instant tranquillity when we have peace. I was talking to a European statesman a few months ago about the common problems that we had in both of our countries of student unrest, and he said to me, "The problem with your youth is war. The problem with our youth is peace."

What he meant, of course, was that the challenges of peace are as great as the challenges of war and as difficult to meet. There needs to be something more than the mere absence of war in life. Young people need something positive to respond to, some high enterprise in which they can test themselves, fulfill themselves. We must have great goals—goals that are worthy of us, worthy of our resources, our capacities; worthy of the courage and the wisdom and the will of our people! And we do have such great goals at home in America. Consider, for example, the problems of our environment. To subdue the land is one thing. To destroy it is another, and we have been destroying it. And now we must undo what we have done. You must help in this venture. It will require all the dedication you can bring to it—your brains, your energy, your imagination, those special qualities you possess in such abundance—idealism, impatience, and faith. To preserve the good earth is a great goal.

Consider the problems of our cities. Through time, cities have been centers of culture and commerce, and nowhere has this been more true than in America. But today, many of our great cities are dying. We must not let this happen. We can do better than this. We must do better than this. Only if the American city can prosper can the American dream really prevail.

Consider the problems of rural America. We are a nation not only of cities but of towns and villages and farms. In the soul and substance of rural life in this country the most abiding values of the American people are anchored. Rural America, too, needs our attention. We must create a new rural environment, a new rural prosperity, which will not only stem the migration from rural areas to the cities, but which will bring people back to the heartland of America.

Consider the problems of overpopulation, the problems of education, the problems brought about by technology, the problems of achieving full and equal opportunity for all of our people, of health; the problems of prosperity, itself; of poverty in a land of plenty. Those are just a few of the challenges that face us.

We must face them together. There can be no generation gap in America. The destiny of this nation is not divided into yours and ours. It is one destiny. We share it to-

gether. We are responsible for it together. And in the way we respond, history will judge us together.

There has been too much emphasis on the differences between the generations in America. There has been too much of a tendency of many of my generation to blame all of your generation for the excesses of a violent few. Let me repeat what I have said over and over again during the past two years.

I believe one of America's most priceless assets is the idealism which motivates the young people of America. My generation has invested all that it has, not only its love but its hope and its faith in yours.

I believe you will redeem that faith and justify that hope. I believe that as our generations work together, as we strive together, as we aspire together, we can achieve together—achieve great things for America and the world.

And so let us forge an alliance of the generations. Let us work together to seek out those ways by which the commitments and the compassion of one generation can be linked to the will and the experience of another so that together we can serve America better and America can better serve mankind.

Our priorities are really the same. Together we can achieve them.

I pledge to you that as you have faith in our intentions, we will do our best to keep faith with your hopes.

Let me cite one of the ways in which I propose to give substance to this alliance between the generations. One thing government must do is to find more effective ways of enlisting the dedication and idealism of those young Americans who want to serve their fellow man. Therefore, I will send a special message to the 92nd Congress asking that the Peace Corps, VISTA, and a number of other agencies now scattered throughout the Federal Government, be brought together into a new agency, a new volunteer service corps that will give young Americans an expanded opportunity for the service they want to give, and that will give them what they do not now have offered to them—a chance to transfer between service abroad and service at home.

I intend to place this new agency under the dynamic leadership of one of the ablest young men I have ever known, the Peace Corps Director, Joe Blatchford, and I intend to make it an agency through which those willing to give their lives and their energy can work at cleaning up the environment, combatting illiteracy and malnutrition, suffering and blight, either at home or abroad.

To the extent that young people respond to this opportunity, I will recommend that it be expanded to new fields, new endeavors, for I believe that government has a responsibility to ensure that the idealism and willingness to contribute of our dedicated young people can be put to constructive use.

As we free young Americans from the requirements of the draft and of the war, from the requirements of forced service, let us open the door to volunteer service. And for those who want to serve but cannot devote their full time, the new center for volunteer action will open new opportunities for millions of Americans of all ages to the extent they wish to contribute their time, their talents, their hearts, to building better communities, a better America, a better world.

Let me turn now to another way in which you can contribute. You all know that in the year 1970 we have taken a step which could have a very dramatic effect on your future and the future of America. We have provided you with the most powerful means a citizen has of making himself felt in a free and democratic society.

You now have the right to vote. Today in a new and exciting and dramatically promising way, you, each of you 18 or over, has a voice in the future of America. The whole history of democracy in this country is a chronicle of the constant broadening of the power to participate. Each new group receiving the franchise has had a beneficial effect on the course of America. Each new group has given freshness and vitality to the purposes of government. And now it is your turn to do the same.

So much is in your hands now. To those who have believed the system would not be moved, I say try it. To those who have thought that the system was impenetrable, I say there is no longer a need to penetrate; the door is open. For each of you, as for each of the rest of us, there are going to be some disappointments. There will be defeats, and the hard logic of life is: for anyone to win someone else has to lose.

For some to know victory, others have to know defeat. This is part of democracy. For it is in the very nature of a free society that no one can win all the time, no one can have his own way all the time, and no one is right all the time. If we suffer a setback or if we lose on an issue, the answer is not to blame the system but to look within ourselves to see how we can strengthen our resolve and intensify our efforts or perhaps to see whether the other fellow just might have been right all the time.

Defeat, therefore, can be an occasion for learning, for weighing the wisdom of our own purposes, examining the strength of our own resources.

I have seen two of Bob Devaney's teams play in the Orange Bowl when they lost. But defeat, instead of disheartening them, brought that experience which later led to victory.

I know that there are those who reject politics, who scorn the political life, and I can assure you that politics attracts its share of bad people but so do all the other professions. This does not reflect on the political system, for politics is a process, not an end in itself, and the process can be as good or as bad as the people that are part of it.

It may be tempting to suppose, like the ostrich, that what we choose not to be involved in will, therefore, not involve us. But we cannot make a separate peace, not one of us can. We are all committed, whether we choose to be or not. You can reject this, you can come to the task of being an American like Nietzche's ropemakers, who "pull out their threads in length and themselves are always going backwards." Or you can accept the commitment. You can accept the challenge. You can accept the high adventure of being an American citizen.

In the end, the history of this time will reflect your choice and it will record that you were the first generation of young Americans to be given this chance. Therefore, I urge you to choose well and to choose carefully.

There is an old excuse: This is a world that I never made.

That won't do any longer. You have now the opportunity, the obligation, to mold the world that you live in, and you cannot escape this obligation.

There is a story of an old and very wise teacher in early Athens. There was no question the teacher could not answer. There seemed to be nothing in life the old man did not understand. And finally, one of his students hit upon a way to defeat the old man's wisdom.

The student determined that he would catch a bird and hold it concealed in his hands. He would ask the old man to guess what he was holding. If the old man guessed it was a bird, then the boy would make him say whether the bird was alive or whether it was dead. And if the teacher guessed that the bird was dead, the boy would open his hands and let the bird go, free and alive. But if the wise man guessed that the bird was alive, then the boy would crush out its life and open his hands to reveal a dead bird.

And so it progressed, just as the boy had planned, until he asked the wise man: "Is the bird alive or is it dead?" And the old man said, "My son, the answer to that question is in your hands."

In your hands now rests the question of the future of this Nation, of its promise of progress and prosperity, of the dream of democracy and the future of freedom, of whether men can continue to be governed by human wisdom. And I believe that these things rest in good hands, and that as we put our hands together, your generation and mine, in the alliance we forge we can discover a new understanding, a community of wisdom, a capacity for action, with which we can truly renew both the spirit and the promise of this great and good land we share together.

ENVIRONMENT UNIVERSITY AT GREEN BAY

Mr. NELSON. Mr. President, as John Fischer says in his "Easy Chair" column in the latest issue of Harper's magazine, "Survival U" is alive and burgeoning at the University of Wisconsin at Green Bay. There, one of the most exciting educational and environmental projects in the entire country is now underway. Unlike any other university, this cluster of four campuses has selected as its major specialty the subject of ecology, which concerns the future of man as much as anything else.

Mr. Fischer made the idea of "Survival U" famous with his perceptive column in September, 1969, and in this latest column, he reports on the Nation's first real example of a man-environment university. I ask unanimous consent that Mr. Fischer's column be printed in the RECORD.

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

SURVIVAL U IS ALIVE AND BURGEONING IN GREEN BAY, WIS.

(By John Fischer)

If a 1965 graduate were to return today to Harvard—or Berkeley or Kent State—he would have no trouble in recognizing the old place. In spite of the years of protest, demonstrations, riot, and arson, he would find that most of the old courses still are being taught in the same old way, by the same professors, and often from the same lecture notes. So, too, at nearly all of the long-established universities. Close scrutiny might reveal a few changes around the edges: students added to some committees (but not those dealing with faculty hiring and salaries), ROTC courses abolished, government research curtailed, black studies added, and probably a new president. But underneath the cosmetics, the bone structure of the university, the traditional departments, remain much as they were fifty years ago; and the basic decisions still are being made, as always, by the senior faculty.

Ten years from now, in the old universities the situation is likely to remain much the same. For they are like the Galápagos tortoises: slow-moving, shell-encrusted survivors from an earlier epoch, whose evolutionary adaptations can be measured only on a geological time scale. The more I see of American academic life—and I have been seeing a good bit during the past decade—the more sympathy I feel for the frustrations and impatience of the undergraduates. Though I feel no sympathy at all for their occasional outbrusts of violence, which are as futile as kicking a Galápagos tortoise: they may break a toe, but they don't change the nature of the beast.

Consequently, I have become convinced that any early and significant reform of American higher education can be hoped for, not in the established universities, but only in the new ones that are being started here and there throughout the country. In July 1969, I reported here on the innovations which are being attempted at the new campus of the University of California at Santa Cruz—an institution founded on a fresh, though by no means revolutionary, concept of education. Then in September 1969, I suggested in this column a more radical departure: a Survival U, where all work would be focused on a single unifying idea, the study of human ecology and the building of an environment in which our species might be able to survive.

At the time, I supposed such an institution was wholly imaginary, if not utopian. So, apparently, did most of my readers. That column resulted in more correspondence than anything I have written, and was more widely reprinted; it was included, for example, in *The Environmental Handbook*, a paperback distributed in hundreds of thousands of copies for the nationwide Earth Day teach-ins of April 22, 1970, and individual reprints are still being used in scores of classrooms and conservation groups.

To my embarrassment, I discovered a little later that a real Survival U had opened its doors in 1969, after three years of intensive planning. I had never heard of it, and even now it seems to be almost unknown throughout the rest of the academic world. Recently I spent several days there, talking with its students, faculty, and administrators—and I came away persuaded that it is the most exciting and promising educational experiment that I have found anywhere. If I were about to start to college, it would be my first choice—ahead of anything in the Ivy League or even Santa Cruz, which in comparison seems like a rather self-indulgent ivory tower in the redwoods.

It is a new campus—or rather a cluster of four campuses—located in and around Green Bay. Officially it is part of the much-troubled University of Wisconsin system; but in almost every aspect it is light-years away from anything ever tried before, in Wisconsin or anywhere else. It is a truly radical innovation, not only in purpose but in its internal structure and methods of teaching. Among other things, it is trying to break down the hegemony of the traditional disciplines—economics, political science, English literature, chemistry, sociology, and all the rest—which have imposed such a rigid pattern of departmental organization on the conventional universities. If Green Bay succeeds (an open question, since it is still in a precarious formative stage), it just might show the way for higher education to bust out of its Galápagian shell and sprout wings.

Like the imaginary Survival U, Green Bay, is trying to focus all of its studies on a single overriding subject: ecology—that is, the environment we live in, both physical and social. Only recently, and perhaps too late, many of us have begun to realize that this is *the* cardinal subject. For unless we learn, pretty fast, to live on the earth's thin crust without destroying it, all the other subjects—from philosophy to twelve-tone music—will not only be irrelevant, they will simply disappear, along with *homo nonsapiens*. (If anyone is still skeptical about this dire fact, the would do well to look at the recent writings of Paul Ehrlich or René Dubos or the latest book from America's only scientist-poet, *The Invisible Pyramid* by Loren Eisely.)

Moreover, in it's broad sense ecology embraces all other subjects. The places where a man works and sleeps are part of his environment, just as the air he breathes and the sounds he hears, including both motors and Mozart. Whether this environment is good or bad depends on many things—economics, engineering, government, and geography, to begin with. Even international relations, since war could be the ultimate destroyer of the environment. Understood in this way, as it is at Green Bay, ecology is not simply one academic subject among others. It becomes an approach to all learning, a frame work for organizing every field of study.

Until my recent visit, I knew nothing about the city of Green Bay except that it had produced the late Vince Lombardi and his legendary Packers. I found it to be a typical Middle America community of about 100,000 people, located on an arm of Lake Michigan with a hinterland of rich dairy country. Its people are mostly lower-middle-class, of Northern European stock, who work in the local paper mills, packing plants, cheese factories, and metal-working shops. Because they place a high value on education, they had built some years ago a two-year community college, financed out of local taxes. Three smaller towns, within a radius of sixty miles, had similar colleges. They and the other communities of northeastern Wisconsin had long been campaigning for a full-fledged university in their part of the state; and, in 1965, the legislature authorized such an institution with a special mandate: to serve the "needs and potentialities" of that area, and of the whole Northern Great Lakes region. As a starter, the new university took over the four community colleges, and a new campus to serve as a center is being built on the bay shore on the northeast edge of Green Bay.

To head the new institution, the state chose Edward W. Weidner, a man with a rare combination of talents. He is an academic administrator with imagination, the courage to strike out in new directions, organizing ability, and a knack for persuading others to go along with his ideas. A political scientist trained at the University of Minnesota, he had taught at four big state universities, run the Center for Developmental Change at the University of Kentucky, and worked on a number of government and foundation aid projects in Asia. What he saw there, and in the Tennessee Valley, led to his deep concern with problems of human environment. More than any other single person, he is responsible for the innovations at Green Bay.

Next to the emphasis on ecology, his most during innovation is his break away from the sacrosanct departmental structure. At conventional universities this structure, along with the tenure system, is the flintiest obstacle to change.

Usually each department—Romance Languages, say, or History, or Architecture—has a customary number of job slots, most of them filled with tenured faculty members who cannot be fired. Since they choose the new men entering the department and decide who shall get tenure and when, old ideas tend to be perpetuated from generation to generation. Even the most ambitious and fresh-minded university president can do little to change these moated duchies; neither can he take much money away from their budgets to start something new. If he wants to experiment with black studies, or an institute of urban affairs, he has to find new money from the outside—a tough proposition in these days of shrinking appropriations and alumni contributions. Moreover, he cannot count on the support of the entrenched faculty for any innovation he attempts. Their first loyalty runs not to him or even to the university, but to their own disciplines and to the departments where they are practiced. The way to get ahead in their world is to write research papers or books which will establish them as Coming Men in their fields, and thereby win them offers of better jobs at more prestigious institutions. Often they don't give a damn for the university where they happen to be at the moment, much less for the students they are supposed to teach. And they may see any innovation as a threat to the relative importance of the old departments, a drain on money which might otherwise have gone to them.

A distinguished dean of a major state university recently remarked to me that "any real reform of higher education has to begin with abolishing the tenure system." That, he added, is almost impossible because the professoriat would fight it to the last drop of blood. He did, however, think that a start might be made by hiring new faculty members on five-year contracts, subject to renewal, rather than giving them permanent tenure.

"Would you like to write an article about that?" I asked.

"Good God, no," he said. "My colleagues would never forgive me. Besides, I'm on tenure myself. To be consistent, I would have to give it up—which I'm not about to do."

Weidner has not been able to escape the tenure system and its accompanying incubus, the compulsory Ph. D. union card, since they are built into the University of Wisconsin network, including Green Bay. But he has been able to sidestep (so far, at least) most of their evil consequences.

Because this university is new, it has been able to hire tenured professors who are young, enthusiastic, and daring enough to take a chance on an experiment which ignores the safe, worn ruts of academic advancement. In choosing them it has, in Weidner's words, had "little concern with the field of a professor's Ph. D. . . . but much concern with the kinds of ecological problems on which he wishes to focus, along with students and members of the community." (That last, seemingly perfunctory phrase conceals an explosive idea, to be noted in a moment.)

In addition, Green Bay foils the tenure system by means of "lectureships"—job slots in which it can place anyone whose experience is useful, even though he hasn't got a Ph. D. or climbed the prescribed rungs of the academic ladder. Such lectures include many people from the local community—businessmen, town planners, conservationists—who not only lecture, but also sit in with the permanent faculty in planning courses. Some of the teaching also is done by short-term visitors, who come for a single lecture or for several weeks or months to work on a particular ecological problem.

But the most ingenious defiance of The System is the way Green Bay is organized. It has no departments of the conventional kind, controlling budgets, hiring, promotions, and courses of study. Instead the university is organized into four "theme colleges" and one school of professional studies, each granting its own kind of degree. A student, moreover, does not "major" in a traditional subject, such as chemistry or economics. Instead he concentrates of an environmental problem of his own choice, and (in consultation with his faculty advisers) selects whatever courses may help him in mastering it.

For example, if a youngster is seeking a degree in the College of Community Sciences, he might decide to concentrate on regional planning. The problem that interests him is: "How should the Lake Michigan District—nine counties in the northeastern part of Wisconsin—plan its future development?" To come up with answers, he will have to learn a good deal about economics, geography, political science, and sociology; and at some point he may find he needs some training in statistics and the use of computers. Much of his work will be done in the field, with residents and public officials of those nine counties.

If, instead, he is interested in problems of water pollution—a matter of deep concern in that region—he would enroll in the College of Environmental Sciences; and in trying to solve the particular problem he is concentrating on, he probably would dig into chem-

istry, hydrology, geology, and some aspects of engineering.

More than any university I have seen elsewhere, Green Bay is integrated into the surrounding community. Traditionally, research, teaching, and "extension work" or "community outreach" are regarded as separate—and sometimes hostile—enterprises. At Green Bay they all meld together.

How this works can be observed at Lake Noquebay, the main asset of Marinette County. It attracts much of the tourist trade, the county's chief source of income; and the lake is sick. It is showing symptoms of eutrophication, or premature aging. Water weeds are growing so fast that they discourage freshmen, who are getting fed up with snagged lines and clogged propellers. Besids, swimmers occasionally break out in an itchy rash which may (or may not) be cahsed by a tiny parasite which burrows into their skins.

This presented an ideal problem for the university's environmentalists. They are now trying to find out what causes the lake's troubles, and how to cure them. The undertaking combines scholarly research, teaching, and cooperation with the people of Marinette County to rescue their economy, all at the same time. It also demands a multidisciplinary effort—the joint work of scholars in several fields—which is one of the distinguishing characteristics of the Green Bay experiment. Thus the Noquebay project is directed by T. W. Thompson, an aquatic biologist. His faculty helpers include an analytic chemist, an economist, a water-recreation specialist, a terrestrial biologist, a political scientist, and a marine geologist. Eleven students are now working with them, and others probably will join the group from time to time. Within a year or two they hope to have two end-products: (1) a plan for the future management of the lake and its surrounding land; and (2) data which may serve as a model for similar work on other ailing lakes in the North Central states and Canada.

Such multidisciplinary undertakings often get lip service at the traditional universities, but they seldom come to much. For under the established system, a faculty member earns no academic Brownie points for this kind of enterprise. His department will regard it as time stolen from research in his own narrow speciality; and as soon as he realizes that his career may be endangered, the prudent scholar will drift away from the multidisciplinary project, however urgent and innovative it may be. The Green Bay professors may also suffer. An economist who spends a couple of years poking around a lake, instead of writing abstruse little papers for the professional journals, may not get so many job offers from other institutions. But so far the Green Bay faculty seems willing to accept this risk, as a small price to pay for the chance to take part in an exciting experiment.

Indeed, Weidner makes it plain that the teachers on his campus will have to sacrifice a lot of academic sacred cows and customs. At a breakfast meeting with the faculty just before the new university opened its doors, he told them:

"We must give up the comfortable old idea that professors meet their classes and post office hours (two or three hours a week) and then hide the rest of the week. . . . Of course you must have formal office hours. But we are at the time now when we should be available the clock around. If a month goes past and you have not had any students in your home, then there is something wrong with your approach to students. And if a week goes past and you have not had coffee with some students, if you have not got lost in some of our new people pockets with some students, then there is something wrong. . . . If any of us are uncomfortable with students outside the classroom, then we ought to find another job, because the time is gone when higher education is a thing that takes place in the classroom."

This, I take it, is precisely what thousands of students across the country have been trying to say for the last ten years, only to find that practically nobody was listening.

People pockets? Yes, they are a unique feature of the architecture of the university buildings now going up along the shore of the bay—an architecture as remarkable as the academic plan. Because the Wisconsin winters are pretty severe, the three main buildings are linked together with passageways. But these are nothing like the straight eight-foot corridors which make hospitals and office builidngs so dreary. They follow the terrain, at some points running underground, at others with windows opening on sunken gardens. And every few yards one side or the other of the passageway broadens into a little alcove, with a low table and few easy chairs—a "people pocket" where students and faculty can stop to talk, sip a coke, study, or just rest. The name is a little too cute for my taste, but as a device for encouraging easy, informal interaction among students and their teachers, these pockets are proving highly successful. Nice places for courting, too.

The architecture and site planning of the campus deserves an article of its own, and I hope Ada Louise Huxtable will write it one of these days.

The university has no football team. Two Green Bay teams would cause nationwide confusion. Besides, big-time football, at the prices undergraduate stars command these days, is too expensive for a fledging institution with many demands on its bankroll. So Weidner & Associates have encouraged soccer—the most popular of sports in nearly all countries except America. It seems to be catching on nicely at Green Bay, and at minimal cost.

Electronic teaching is being developed at Green Bay more boldly than at any other place I know of. Its four campuses, scores of miles apart, made this almost a necessity. Last November, professors on the main Green Bay campus began lecturing not only to their own classes, but to students on the Marinette campus fifty miles to the north, using a closed-circuit television hookup provided by a grant from a local firm, the Ansul Company. Later, it may be extended to the Fox Valley campus to the west and the Manitowoc campus to the south. Meanwhile, the latter two get video tape recordings, and their students can take part in group discussions of each lecture with students on other campuses by means of a conference-line telephone network. The resulting economies are impressive. In the pilot project, a freshman course in social environment, six instructors taught some eight hundred students. Their lectures were recorded for use in future years—or for review by any student who thinks he missed something the first time.

In addition, the university has a Media Library, which vastly extends the possibilities for independent study. There a student can check out a portable television set and take it to a study carrel, along with video tapes on a wide range of subjects. He can also borrow language records, audio tapes, filmstrips, and cassettes, for use at his convenience; and if he is slow to grasp something he can replay that segment as often as he likes. Some of this material is produced in the library's own television and recoring studios, but much of it comes from other sources. For example, a single page of its catalogue lists ten Encyclopaedia Britannica films on the human body—"The Heart in Action," "The Perception of Sound"—plus items on caste in an Indian village, mollusks, tundra ecology, Samuel Beckett, and the behavior patterns of a one-year-old child. In length they range from an eight-minute film loop to an hour-plus "documentary report on one woman's step-by-step recovery from mental illness."

With faculty guidance, a student could get a pretty thorough (though lonesome) education in the Media Library alone, working at his own pace and without ever stepping into a classroom. One of the librarians pointed out another advantage.

"Machines," he remarked, "don't have tenure. We can replace anything here as soon as it gets obsolescent."

This may give the impression that learning at Green Bay is mechanical and dehumanized. In fact, it is so personal and student-oriented that, in comparison, the old-fashioned universities seem to be operated for the convenience of the faculty. From the day he arrives, a student finds all the individual counseling he wants, on his studies, personal problems, and future career. Remedial work, usually on a tutorial basis, is available if he needs it. If he is bothered by the usual grading system, he can, in most courses, ask to be marked simply "pass" or "fail." When he feels that he already is well-prepared in a given subject, he can ask for an examination and, if he passes, get full credit even though he has never set foot in the classroom. Required courses are few, and honor students automatically are exempted from them.

Normally, however, every student takes part in a Liberal Education Seminar during each of his four years at Green Bay. These seminars, of twelve to fifteen students each, are intended to link their specialized studies with the broader problems of society, its value systems, and the environment. They are conducted largely by the undergraduates themselves, though one or two faculty members usually are standing by to answer questions or, when necessary, to nudge the discussion back on the track.

In the sophomore year, students are encouraged to take on off-campus projects—part-time work in a local paper mill, perhaps, or a job in a reformatory, a day-care center, or a poverty program.

Juniors are expected to get some experience in a culture different from that of the Northern Great Lakes region. Depending on their interests, they might spend a few months on a campus in another part of the country, on an Indian reservation, or traveling with a small group of students and faculty members in Europe or Latin America. The purpose, in both years, is to make sure that their academic work is intimately related to the outside world. As one professor put it, "By the time he leaves here, we hope a graduate will not only understand the ecological crises the world is facing. We hope he also will have decided what he can do to help solve them."

There is no space here to give even a superficial account of other innovations at Green Bay—how literature, history, philosophy, and the arts are taught in the College of Creative Communication, for example, or the College of Human Biology, where the offerings range from population dynamics to preprofessional work in medicine.

Neither is this the time to attempt an evaluation of the experiment. Until the university has had at least five years of operation, nobody can guess how its promise actually will pay off. I can report, however, that all of the faculty members I talked to were both enthusiastic and confident. And among the students I could detect none of the disgruntlement or resigned cynicism which are so evident on many campuses. So far, Green Bay has had no bomb scares, sit-ins, or demonstrations. Whether this will remain true when the present enrollment of less than three thousand students at the main campus rises to an eventual twenty thousand is another question. But the present crop of

undergraduates seem to consider themselves lucky; and I think they are right.

BRANDT'S OSTPOLITIK

Mr. GURNEY. Mr. President, I ask unanimous consent to include in today's RECORD an article from today's Washington Post entitled "West Germans Still Undecided on Brandt Policy."

I might say that many Americans are also very concerned about Chancellor Brandt's policy of Ostpolitik and the implications its success or failure may have on the Western alliance. There are many of us who are wondering what exactly West Germans hope to achieve by the policy.

Mr. President, next Wednesday, January 27, Chancellor Brandt will make the German equivalent of the state of the Union message in the German Bundestag. We all know that the Soviet German Non-Aggression Pact which was signed in Moscow last year has never been formally submitted to the Bundestag for ratification.

We were led to believe that a breakthrough on the Berlin question was a necessary prelude to that formal submission.

I have been told that Chancellor Brandt will announce such a breakthrough next Wednesday, but the early indications are that the breakthrough is more shadow than substance.

While this understanding between the East German Communist regime and Chancellor Brandt's government will recognize the organic connection between West Germany and the city of Berlin, and will provide for visiting rights by West Berliners to the relatives and friends in the Eastern Zone, this understanding cannot be fairly characterized as a settlement of the German question. Under this understanding, I am told that the West German Government will be expected to bear all the costs of the restructuring of traffic to and from Berlin.

Beyond that, the understanding is really an agreement to agree rather than a firm contractual arrangement which fixes the Western access rights to the city of Berlin which continues to be a island of freedom in a Communist sea.

Mr. President, I hope that Americans will continue to follow events in Germany with more than casual interest. While we have no intention of interferring in any way in the internal affairs of a friendly state, concerned Americans should recognize that our own vital national interests are involved in these events. European security is our business and I hope will continue to receive the attention it deserves.

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

W. GERMANS STILL UNDECIDED ON BRANDT POLICY

(By John M. Goshko)

BONN.—After 16 hectic months as West German chancellor, Willy Brandt has established himself in the eyes of the outside world as Western Europe's most prominent leader. But how popular is he at home?

The question is important not only to West Germany. For the size of his domestic support must ultimately become the determinant of whether Brandt can make a go of his Ostpolitik—a bold and controversial attempt to thaw the cold war by seeking reconciliation with Bonn's old enemies in Communist Eastern Europe.

Since Brandt became chancellor in October, 1969, his Ostpolitik, or Eastern policy, has overshadowed everything else in the West German political consciousness. His domestic political stock is linked so inextricably with public attitudes toward the Ostpolitik that he will stand or fall on this one issue.

But in a situation that drives politicians here almost mad with frustration, all the tumult and shouting of the last 16 months still have not turned up any real indication of how the majority of the West German electorate really feels about either the man or his policy.

Instead, every effort to gauge the mood of the voters becomes entangled in a bewildering thicket of paradoxes. Each time it appears that political opinion is starting to run in a clear-cut direction, something unexpected happens to upset all form charts.

For example, in the 1969 general election, Brandt's Social Democratic Party came only in second, winning 224 seats in the Bundestag (lower house of parliament) to 242 for the Christian Democrats, who had ruled West Germany throughout the post-war period.

BRANDT'S COALITION

Brandt became chancellor only because he was able to put together a coalition with the Free Democrats whose 30 seats gave him a wafer-thin majority of 12.

From the outset then, Brandt's government was susceptible to two kinds of instability; the slimness of his majority and an inner turmoil within the Free Democrats so intense that the party seemed chronically on the verge of self destruction.

Eventually, this feuding led three right-wing Free Democrat deputies to defect to the Christian Democrats, a switch that halved Brandt's parliamentary majority to the barely sustainable number of six.

Yet, while many observers regarded this as a potentially fatal blow to the coalition, it was compensated for by some unexpected Free Democratic successes in state elections that helped, temporarily at least, to restore the party's shattered morale. The net effect was to leave the coalition with only half of its original majority but with a degree of cohesiveness and internal strength greater than at any point since Brandt entered office.

This has rekindled hope among government supporters that Brandt can hold the coalition together until the next scheduled general elections in 1973—a time when the success or failure of the Ostpolitik should be much clearer than it is at present.

But there are innumerable factors that could wipe out this optimism and create new crisis capable of forcing the public to express itself at an earlier date. There even is the possibility that at some point Brandt and his opposition might be forced to resolve the impasse between them by going to the voters with national elections in advance of 1973.

ELECTORATE VERDICT

Should that happen, what verdict would the electorate pronounce on Brandt? Almost everyone in Bonn political circles has an opinion about the answer, but the evidence they cite to support their views usually sounds like the proverbial blind man trying to describe an elephant from its feel.

There are, for example, the political polls which, while many in number, are not nearly so scientific or broad in their sample as those employed in the United States.

Recent polls attempting to establish a personality pecking order consistently rank Brandt as the second most popular political figure in West Germany. (The top spot goes not to an opposition leader but to Helmut Schmidt, vice chairman of the Social Democrats and Brandt's minister of defense.)

But this does not mean that the things for which Brandt is admired abroad holds true within Germany. When he went to Poland in December to sign the Bonn-Warsaw treaty, his spontaneous gesture of kneeling before a memorial to the Jews murdered in the Warsaw ghetto brought tears to the eyes of many who had fought against Nazi Germany during World War Two.

At home, however, the reaction was considerably different. A poll conducted by the news magazine Der Spiegel, found that 48 per cent of the respondents thought Brandt's gesture exaggerated. The approval rate was 41 per cent, while 11 per cent had no opinion.

LACK OF CLARITY

A similiar lack of clarity is evident in those polls dealing with public opinion attitudes toward the Ostpolitika. When the poll questions are couched in generalities such as asking whether people approved the concept of the Eastern policy, a majority invariably replies in the affirmative.

Yet, this changes when the polls get down to the specifics of the Ostpolitik. Several recognizing the Oder-Neisse line (a move legitimizing the loss of large areas of former German territory to Poland and the Soviet Union) found the largest single groups of respondents—usually totaling almost 50 per cent of the sample—opposed.

Nor is much help afforded by looking at the various special-interest groups that make up the fabric of West German society. There are, of course, the organizations of expellees from the lost territories, from Czechoslovakia and Communist East Germany, all of which remain fiercely unyielding and vocal in their opposition to the Ostpolitik.

But, while the expellees make a lot of noise, their ranks have been eroded by age and the indifference of their children and they no longer are able to muster the large and potent voting blocs of a decade ago.

As to the other potentially important pressure groups—the labor movement, the Catholic and Protestant churches, the agricultural sector—none has shown any clear-cut unity of attitude on Brandt or the Ostpolitik.

VOTERS' MOOD

That leaves most politicians looking for clues to the voters' mood in the results of the elections held in six of the 10 West German states during 1970. This, however, is an exercise involving so many intangibles that any attempt to protect it on a national scale inevitably is akin to comparing apples with oranges.

If the results of all six state elections are averaged together, they show that the Social Democrats dropped 1.5 per cent from the vote it won in the 1969 general elections. (When population changes since 1969 are taken into account, the Social Democrat slippage comes out closer to 1 per cent.)

This leads many analysts to the somewhat facile conclusion that the Social Democratic Party has made no significant progress in winning the allegiance of new voters since it came to power. The opposition Christian Democrats go even further, contending that the 1970 state election points to a major erosion of the Social Democratic strength.

In only one contest, Hamburg, which is a completely urban city-state and a traditional Social Democratic stronghold, did Brandt's party record a net gain over the preceding state election. In the two other states where it won—Lower Saxony and Hesse—it was by smaller margins than on the previous time out.

Most thoughtful and independent observers here dismmiss the attempt to describe the 1970 state elections in terms of an ani-Ostpolitik plebiscite as a partisan maneuver that simply does not stand up under scrutiny. State elections will continue to be watched very closely here, but those that

have taken place so far during Brandt's chancellorship are clearly not an accurate gauge of how he would do in a national election.

In the end, about the only conclusion that can be drawn from all the contradictions in the polls and elections is that the country still has not made up its mind about Brandt or his policies.

The indications are that the average voter has a basic disposition to like the chancellor but that he is waiting for some concrete and stunning success—like an agreement that would strengthen West Germany's ties with West Berlin—before he translates this tendency into real partisan support.

As a result it is still too premature to speculate on how much backing Brandt has outside of the normal Social Democratic sources of strength among workers the lower middle class and liberal-minded intellectuals—groups that by themselves are not sufficient to swing a national election.

To broaden this base significantly, he must produce results, first and foremost on the Ostpolitik, and secondly in combatting inflation and making the internal reforms promised in his 69 election campaign.

And, to do this, he needs time. The big question is whether circumstances will force him to ask the electorate for a time-extending vote of confidence before he is in a position to show these results.

THE GENOCIDE CONVENTION AND THE 92D CONGRESS

Mr. PROXMIRE. Mr. President, it has been 4 years since this Senator first began to speak regularly on the Senate floor in behalf of the human rights conventions. But 4 years is comparatively short compared with the 20 years that have elapsed since the United Nations General Assembly adopted the Genocide Convention by unanimous vote. Year after year we have failed to ratify a document that, if favorably acted upon, would accomplish a major step in the slow progress of civilization in securing the safeguarding of human rights.

Whenever one speaks out against tyranny and injustice, against cruelty and barbarism, one sets out a small ripple which when joined with all other similar forces together can break down the mightiest walls of oppression.

We have witnessed in the past many instances of death and brutality—evidence of man's inhumanity to man. We were witness to the brutal and ugly death by war and starvation in the civil war in Biafra. Ukrainian patriots were killed, exiled, intimidated, and repressed, with their nationalism, snuffed out and its culture crippled. International barbarism murdered 6,000,000 Jews during World War II.

Yet we have also been witness to compassionate commitments of much of mankind to the sacred rights of the individual. The United Nations Charter, the U.S. Constitution, the Magna Carta, and countless other documents are all examples of man's efforts to provide every man with freedom and independence. This speaks of the wisdom and compassion of mankind. It is of this wisdom which the Genocide Convention speaks also.

Sadly, the United States is absent from the list of countries that have ratified the Genocide Convention. Exactly, 10 years ago today, a young president reminded us again of our duty to uphold human liberty. We were reminded that we must never be willing to witness or permit the slow undoing of those human rights to which this Nation has always been committed. And yet, for 20 years this body has been strangely and sadly silent on the question of ratifying the Genocide Convention. If we are to dedicate ourselves to insuring that each man, woman, and child can seek equal justice, opportunity and dignity without discrimination and intimidation, then we must ratify this convention.

After two decades of what the New York Times has called "inaction based on sophistry and outright hypocrisy," there are signs that the United States may at last be moving to ratify the international convention on the prevention and punishment of the crime of Genocide. The many long years of American Bar Association opposition, the major roadblock to ratification, may be changing. The section of individual rights and responsibilities of the American Bar Association adopted a recommendation that the United States ratify the Genocide Convention. Sadly, this was turned down by the House of Delegates of the ABA by a vote of 130 to 126. The closeness of this vote, as well as the recommendation of the ABA's committee designated to study the Genocide Convention, both point to a significant gain for those who have consistently urged ratification.

Also encouraging is the favorable reporting of the convention by the Senate Foreign Relations Committee last year. I am optimistic that the 92d Congress, which opens today, will act on this treaty which has been awaiting action for so long.

THE NEW COUNCIL ON INTERNATIONAL ECONOMIC POLICY

Mr. RIBICOFF. Mr. President, on January 19 of this year the President announced formation in the White House of a new Council on International Economic Policy.

I welcome this timely action as a significant indication of a new awareness of the inseparability of our trade and foreign policies. It became increasingly clear to me during my recent discussions in European capitals that the United States must begin to develop and implement more unified, forward-looking foreign trade policies.

Edwin L. Dale, Jr., has discussed the new Council in an article in the New York Times. In addition, another article in the New York Times, entitled "Foreign Policy: The Economic Problem," by Tad Szulc, outlines very clearly why there is such a need in our Government for closer coordination between our foreign political and economic policies. It should be read by all those concerned with the future of our Nation's trade policy.

My report to Finance Committee Chairman LONG on my trip will discuss this important subject in greater detail.

I ask unanimous consent that these articles be included at this point in the RECORD.

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

FOREIGN POLICY: THE ECONOMIC PROBLEM

(By Tad Szulc)

WASHINGTON, January 19.—Despite deteriorating economic relations between the United States and the two other great trading powers—the European Common Market and Japan—the Nixon Administration has been unable in the last two years to develop a comprehensive foreign economic policy.

That state of affairs, privately described by high Administration officials as a long period of drift marked by policy contradictions and failures, has been causing concern in Washington, in foreign capitals and in the American business, labor and farm communities.

The foreign view has been that only the exercise of United States leadership can arrest a growing trend toward world economic conflict.

It was in recognition of the need for coordinating divergent domestic and overseas interests at a time of deepening crisis in the international trade, monetary and investment fields that President Nixon today established a Cabinet-level Council on International Economic Policy.

Mr. Nixon, the chairman of the new body, named Peter J. Peterson of Chicago, chairman of the board of Bell & Howell Company, to be executive director.

The council's task is to pull together military and economic aid, international trade and monetary, financial, investment and commodities matters into a cohesive body of policy, taking into account the requirements of foreign policy.

Until the establishment of the council, recommended by an advisory committee on Government organization, the authority and capacity to manage all the international economic questions have been scattered through the Government. Foreign economic policy was the victim of interagency battles that the White House often had to resolve on an improvised basis.

The establishment of new machinery was not a simple bureaucratic move but a major effort to cope with the rapidly changing international economic situation, already posing grave foreign-policy problems for the United States.

Traditional questions of security and diplomacy are beginning to be overshadowed by rising protectionism here and abroad, by fears of trade wars and by deepening economic disputes with the European Economic Community and Japan—the two other great trading powers—as well as by differences with the underdeveloped nations and by the problem of economic and military assistance.

FREE TRADE UNDER FIRE

The economic problems have Western Europe and Japan, threatening American markets abroad and invading the domestic market, has brought pressure to change the United States' traditional free-trade philosophy.

As Americans have lost to the six members of the European Common Market their place as the principal traders and as the domestic recession has added to concern over foreign competition, the Administration has found itself under mounting protectionist pressure. Japan's growing economic potential has had a similar effect.

The economic problems have political implications that may significantly alter foreign policy.

A trade war with Western Europe, particularly after the Common Market is expanded with the anticipated entry of Britain and others, could result in a European shift toward the Communist countries, on the model of West Germany's "Ostpolitick."

That policy, inaugurated by Chancellor Willy Brandt and designed to achieve reap-

proachment between West Germany and the Soviet bloc, has already caused some nervousness in Washington. Many officials here believe that closer economic ties between Western and Eastern Europe may lead to political cooperation, leaving the United States relatively isolated.

CRUCIAL ISSUE IN JAPAN

A failure to settle trade and investment questions with Japan—a much more acute political problem in Tokyo than has been generally acknowledged in Washington—could, in the opinion of American officials, weaken the pro-American Government and induce more active economic if not diplomatic relations between Japan and Communist China.

Until now such political implications have often been lost from sight in the Nixon Administration's conduct of foreign economic policy. A high State Department official remarked recently: "In foreign economic policy we are in a state of drift. One hand often does not know what the other hand is doing."

Divisions have occurred in official ranks and in the business community. Industry and farm groups are divided between protectionism and free trade. Organized labor is turning toward protectionism.

Government departments increasingly act as spokesmen for the economic interests closest to them while the State Department, its voice weakening, attempts to keep traditional foreign-policy objectives foremost.

CONGRESS MAY INTERVENE

Officially, the Administration remains committed to free trade. Thus far the President has tended to decide tariff controversies in favor of the free flow of imports, but Congress may invoke severe legislative restrictions this year.

The chief task of the new White House council, therefore, is to pull together under the president's control the over-all direction of foreign economic policy. That has already been done with diplomatic and security affairs, which are coordinated by the National Security Council, in which Henry A. Kissinger, Mr. Nixon's special assistant for national-security affairs, plays the key role.

Foreign economic policy had been the missing link in the centralization. The new council, which including Secretary of State William P. Rogers as vice chairman, as well as Mr. Kissinger and Paul V. McCracken, chairman of the Council of Economic Advisers, provides the bridge between foreign affairs and the domestic policy groups, which are in the domain coordinated by John D. Erlichman, another assistant to the President.

It remains far from clear how soon and how effectively Mr. Nixon's new council can gain control over the rival interests that have been operating—with only occasional guidance and frequently improvised White House decisions—in nine Government departments and at least a dozen agencies.

In addition to the State Department, which is charged with negotiating most of the economic agreements but whose role is gradually diminishing, the Defense, Treasury, Commerce, Justice, Transportation, Labor, Agriculture, and Interior Departments participate in making foreign economic policy.

That is not all. The Central Intelligence Agency, the Atomic Energy Commission, the United States Tariff Commission, the General Services Administration, the Maritime Commission, the National Advisory Council, the Export-Import Bank, the Civil Aeronautics Board, the Federal Aviation Agency, the Federal Communications Commission and other agencies also have a voice.

Even before Mr. Nixon established the council, it was the White House that had to step into recent emergencies to coordinate policy when agencies directly responsible for economic affairs appeared to falter.

Last Saturday he dispatched Under Secretary of State John N. Irwin 2d to Teheran and several Arab capitals as a long-brewing and largely ignored crisis arose involving demands by producing countries for a greater share of the profits earned by American oil companies. The White House also directed the Justice Department to lift antimonopoly strictures so that the companies could unite in dealing with the producing countries.

Similarly, the White House virtually overruled the State Department last week to obtain the cancellation of a negotiating session with the European Common Market countries and Japan, set for Jan. 24 in Frankfurt, aimed at continuing an agreement limiting steel exports to the United States.

The White House forced the cancellation to influence the domestic steel industry to curtail price increases, using the threat of imports as a weapon in the battle against inflation.

LEGISLATION WAS DELAYED

With foreign economic policy an orphan as Mr. Nixon and Mr. Kessinger have concentrated their attention elsewhere, the Administration delayed the submission of the measures designed to reorganize the foreign assistance programs. Although a Presidential message was sent last September, actual legislation is not expected before the middle of the year, suggesting that a new system will not be operative before 1972.

A by-product of the delay is the unresolved question of the extent to which multilateral aid is to replace direct assistance, a trend favored by the Administration and Congress. In the last Congressional session, the Administration failed however, to win the approval of the Senate for commitments of $100-million for the Asian Development Bank and of $900-million for the next two years for the Inter-American Development Bank.

The most urgent problems in international economic affairs are the barriers raised by the Common Market against American agricultural products and the Administration's continued inability to persuade Japan to limit voluntarily her exports of manmade fibers and wool textiles.

Both questions have extensive political overtones and, if are not soon resolved, may lead to highly restrictive trade legislation that could set off trade wars with both Western Europe and Japan, which would almost certainly retaliate against American exports. They could also penalize American companies whose foreign investments already produce more dollar earnings than do American exports.

In the case of the Common Market, the United States sees its exports of grains endangered because high West German subsidies to farmers and consequent tariff barriers make the American product uncompetitive.

United States pressures on Bonn to cut the subsidies by at least 15 per cent could rock the shakey government of Chancellor Brandt.

In the case of Italy, the imposition of quotas on shoes, thus far resisted by Mr. Nixon, would hit the Italian economy and conceivably affect domestic politics.

New preferential trade agreements between the Common Market and Tunisia, Israel and Spain are threatening American citrus products. Incentives for European tobacco growers are worrying United States exporters.

A high-level mission headed by the Assistant Secretary of State for Economic Affairs, Philip H. Trezise, negotiated on those subjects this week with the Executive Commission of the Economic Community in Brussels, but no positive reports were reported.

RECEPTIVITY TO INVESTMENT

In the case of Japan the stalled negotiations involve not only voluntary agreement to limit textile imports but Japanese receptivity to American investment and exports.

Officials believe that Japan's annoyance with the United States has already led automotive concerns to undertake negotiations with Cuba for the establishment of a truck plant, a move that would be a blow to the policy of isolating the Castro Government.

In other areas of economic policy, there are profound policy disagreements between departments and, often between them and the White House. Included are questions of monetary policy, ranging from problems of the United States balance of payments—one of the issues is the extent to which investments abroad should be controlled to arrest the outflow of gold—to how the International Monetary Fund and other international agencies should act to preserve the stability of the major trading currencies.

A current dispute revolves around the continued existence of the European Monetary Agreement, under which United States-owned dollars remain in Western Europe to provide assist in clearing monetary accounts and providing credits. The $272-million fund was established after World War II, when the United States sought to assist in the rebirth of European trade. Now, faced with its own balance-of-payment problems, the United States has been seeking the recovery of some of the funds.

Officials in the State Department frequently find that their efforts to smooth relations with the Europeans, the Japanese and the Latin Americans are undermined by uncoordinated actions at the White House, which is more responsive to pressures by domestic economic interests.

The lack of cohesion, in policy was illustrated by the case of a Central American company that received a loan from the Agency for International Development for a plant to manufacture cotton gloves.

After the company built its plant and received an order from a North Carolina client for a million dozen pairs annually, the White House, acting on a recommendation of the United States Tariff Commission, imposed a quota limiting the company's sales to 20,000 pairs. An American company had maintained that it was losing its market.

In the case of Eastern Europe, State and Commerce Department officials feel that their proposals for more liberal trade run into Mr. Nixon's and Mrs. Kissinger's views that, except for the special case of Rumania, no economic overtures should be made until the Soviet Union moves toward greater political relaxation on all fronts.

In the view of the State and Commerce Departments, the continuing White House—and Defense Department—opposition to liberalized trade with Eastern Europe tends to lessen the chances of influencing political and ideological transition in the Communist nations.

EUROPEANS REALIZING GAINS

But the State Department is again campaigning for expanded economic relations with Eastern Europe at a time when Western European Businessmen are steadily increasing sales there.

Until now questions of foreign economic policy have flowed to Mr. Kissinger through the office of Fred Bergsten, a young economist on the White House staff.

The office of the special trade representative in the White House, once headed by a former Secretary of State, Christian A. Herter, has almost completely lost the power it held when the United States successfully negotiated the Kennedy Round of tariff changes, the last major instance of American leadership in world trade. Now headed by Carl J. Gilbert, the office has no direct participation in either the Japanese or the Common Market negotiations. Mr. Gilbert was named to the new council.

NIXON NAMES AIDE FOR TRADE POLICY

(By Edwin L. Dale, Jr.)

WASHINGTON, January 19.—President Nixon drew the broad area of foreign economic policy into the White House today and

named a new Cabinet-level council and an executive director to handle it.

The executive director, with the additional title of assistant to the President for international economic affairs, will be Peter G. Peterson, 46 years old, board chairman and chief executive officer of the Bell & Howell Company.

In making the announcement, the President said Mr. Peterson was his first choice for the job and added, "He is a man who has been described by his colleagues in the business community as one of the ablest, and some have even used the term brilliant, chief executive officers of this generation."

Mr. Peterson is to have a role comparable to those of John D. Ehrlichman, chief of staff for the Domestic Council, and Henry A. Kissinger, who performs that function for the National Security Council.

GATHERS MANY SUBJECTS

Foreign economic policy covers a wide range of subjects, now handled by individual departments of various interagency committees. The main items are trade, international monetary affairs and foreign aid, but the field also includes aviation, fisheries, foreign investment, tax treaties, commodity agreements and shipping. Current dealings with numerous nations are dominated by economic rather than military or political problems.

The first objective listed in the President's directive establishing the new Council on International Economic Policy was to "achieve consistency between domestic and foreign economic policy."

In talking informally with reporters, the President noted that in the last four days he had been dealing with such matters as "the oil crisis in the Middle East," the split decision of the Tariff Commission in the issue of relief for the shoe industry from import competition, and problems associated with possible British entry into the Common Market.

"There has long been needed in the White House," Mr. Nixon said, "a director adviser and assistant to the President who can coordinate all of these activities."

ROGERS TO BE A MEMBER

The President added that "of course, the State Department has the primary responsibilities."

The President will be chairman of the new council and Secretary of State William G. Rogers will be vice chairman.

The council will also include the Secretaries Treasury, Agriculture, Commerce and Labor, the Director of the Office of Management and Budget, Chairman of the Council of Economic Advisers, Mr. Kissinger, Mr. Ehrlichman and the President's special representative for trade negotiations.

The establishment of the council was recommended by the President's Advisory Council on Executive Organization, headed by Roy Ash, chairman of Litton Industries. The idea has been supported both in and out of government for some time, though some individual operating officials are not enthusiastic, fearing it will produce just another layer in the long process of making a decision.

The move is another step in the gradual centralization of the executive branch of Government in the office of the President.

BALTIMORE COLTS: WORLD'S CHAMPIONS

Mr. MATHIAS. Mr. President, with 9 seconds remaining in the Super Bowl game, January 17, rookie placekicker Jim O'Brien kicked a 32-yard field goal to give the Baltimore Colts a 16 to 13 victory over the Dallas Cowboys and football's world championship. It was the Colts first world's championship since 1959. The victory also gave the city of Baltimore and the State of Maryland their second reigning world's champions. The Baltimore Orioles defeated Cincinnati in the World Series in October. It is the first time since 1956 that any city has been the home of championship teams in professional baseball and football. What the Super Bowl victory means to the Colts and their supporters was eloquently described by the sports editors of Baltimore's three daily newspapers. I ask unanimous consent that the columns of John Steadman, of the News American; Bill Tanton, of the Evening Sun; and Bob Maisel, of the Sun be included in the RECORD. I send my congratulations to the Colt team, Coach Don McCafferty and his staff and Carroll Rosenbloom, owner of the club, on their splendid season. I also want to thank them for doubling the number of world championship teams I am privileged to represent in the State of Maryland.

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

COLTS RATED SMILE FROM LADY LUCK

(By John F. Steadman)

MIAMI.—All those near misses of years gone by resulted in the good finally catching up with the bad and the Baltimore Colts are at last the welcome recipients of a wealthy smile from the fickle fortunes of football fate.

The Colts had this one coming. It was due them. They had been so close but yet so far. The Super Bowl had eluded them despite their excellent records. But not any more.

They won what can best be desired as a "tip-in" victory as the Dallas Cowboys tapped-out in the fifth renewal of this well advertised and ballyhooed spectacular. The event from an artistic standpoint was sadly lacking in finesse and execution but the Colts won and this is the name of any game.

The Colts scored their first touchdown on a bizarre 75 yard pass play from John Unitas to John Mackey. The only change was that the throw was intended for the arms of Eddie Hinton, who deflected the ball deeper downfield for what was a stroke of pure luck.

Then there's controversy over whether a Dallas defensive back, Cornell Green, touched the pass. Green was the man-in-the-middle of the passage of this crazy flying football.

It appeared the ball went off his hands, much like a stone skipping across water and into accidental possession of Mackey. The passer, Unitas, said, "I wasn't throwing for Mackey; I was trying to reach Hinton and Mackey was downfield on the play to help clear out the area."

The pass is illegal if it goes directly from one receiver to another. But the probability it came off the hands of Green kept the ball "alive" and enabled the play to be scored as an acceptable catch and then a bonafide touchdown as Mackey raced across the goal-line.

That was tip-in number one. Two others almost as strange followed off passes that were too high for the Cowboys receivers to hold and they, too, wound up in the arms of Colts. Rick Volk got one and Mike Curtis the other, on unintentional assists from Walt Garrison and Dan Reeves.

Both of the freakish interceptions led to the important points that won the Super Bowl for Baltimore and lost it for Dallas. The Colts got the ball deep in the territory of the Cowboys twice within eight minutes and each time cashed in on the breaks.

The game was settled just five seconds before it would have carried into sudden-death over-time when Jim O'Brien, the hot-footed rookie with cold water in his veins, refused to be intimidated by the pressure that had been created.

O'Brien's million dollar kick came from the 32-yard line and made the score 16 to 13 in favor of the Colts, who quickly became richer by $15,000 per players and coach. Totaled up, the field goal will actually approach a mighty million for all those involved, with all things figured.

As poetic justice would have it, Earl Morrall, the veteran quarterback, came rushing to the Colts assistance when Unitas was flattened in the second quarter by a tackle from George Andrie that sent him to the locker room for emergency treatment and X-rays.

Unitas came back in the second half and notified head coach Don McCafferty he was ready to play but Morrall was doing the job with effectiveness and no change was made. This was a smart decision. Morrall had the Colts moving, even if they weren't scoring, and it appeared just a matter of time until he got something productive on the scoreboard.

A GAME OF MISTAKES

The Colts and Cowboys didn't look like Super Bowl teams as they fumbled and stumped on the artificial grass of the Orange Bowl. Possession changed eleven times on balls that were either fumbled or intercepted.

Unitas called it a "game of mistakes" and it couldn't be more accurately defined. The Colts aren't complaining. They have suffered from bitter defeats in the past, going back to the controversial field goal loss to the Green Bay Packers in 1965, plus other misses, not always of their making.

"I think of all those times when we played fine football and got nothing," said tackle Dan Sullivan, the nine year veteran who turned in such an outstanding job of blocking. Not once were the Cowboys able to get to either Unitas or Morrall to take them down.

The game was far from a super display of football. It was the last game of a season that carried 23 games, from the opening exhibition on Aug. 8 to the championship windup on Jan. 17. This was one of the poorest performances either team had given.

Why? Maybe the fact there's so much prestige and finance connected with the outcome, fed by an immense buildup, that the factors serve to tie-up the players and restrict the playing and presentation of what is normal football.

Often one team will perform poorly. This time both of them were way off what they are capable of doing but the Colts still prevailed—thanks to the flashing foot of O'Brien, who connected with a 32-yard field goal shot.

Quarterback Craig Morton, the Cowboys' quarterback, who had a serious arm operation last spring, had problems throwing the ball. In the opening stages, he was pitching it into the ground, in front of his recievers, and then, in the later moments, he was letting it fly so high they couldn't hold it.

This resulted in two of those weird deflected passes that wound up in the hands of Volk and Curtis. They led quickly to a tying touchdown by Tom Nowatzke, in two plays, and the ending field goal, in three plays, by O'Brien.

Both of the deflections and interceptions came deep in Dallas territory and the Colts weren't going to throw those final opportunities away. It only showed again what they have been doing all year long, just doing enough to get by. Yes, it happened once more in the Super Bowl.

All the Colts scoring plays, starting with the Mackey TD, were preceded by some of the most unbelievable accidents ever witnessed on a football field, meaning, of course, how the balls flew out of the hands of the intended receivers into the arms of others.

Jim Duncan fumbled the Colts into trouble to start the third period at their own 31

yard line and then saved them at the one yard line when Duane Thomas was hit, squirmed for another yard but lost the ball. Duncan was on top of it and this, no doubt, saved the Colts from being shoved into a deep hole, which would have been a two touchdown deficit that would have been difficult to make up.

MORRALL HAS HIS DAY

The way Morrall came in from the bench to take over after Unitas was hurt was instrumental in the outcome and gave a storied touch to the result. Two years ago, he was fitted for goat honors by some critics and now he's getting medals pinned on his chest.

Never has the Super Bowl, in its brief but eventful existence, had such a figure as Morral, who was ridiculed in 1969 and now comes back to hero status with the pressure turned on full blast.

The passers and receivers had a difficult time on the artificial turf. Unitas and Morrall slipped frequently as their back leg went out from under them as they tried to set up and throw. This was responsible for some of the inaccurate passing but not the poor handling of punts, plus the numerous mental lapses both teams exhibited.

Morrall let the clock go down to where only nine seconds remained. The ball was on the 25 yard line. O'Brien came in the game after a timeout and got ready to kick.

He rubbed his hands together and swept a blue piece of paper from the field. He didn't want anything to distract him as he waited on the snap from center Tom Goode. Morrall placed the ball down, with the laces to the outside, and O'Brien propelled it between the goal posts for the kick that gave the Colts this precious victory.

A game that had been a "comedy of errors" and a "carnival of confusion" had been ended by a field goal for a team that had been snake-bit in the past. It was the first time the Colts had won a world title since 1959 and then there were only 18 teams, not 26 like today.

For McCafferty, the head coach, it was a case of hitting the jackpot in his initial try, winning the Super Bowl all that. The Colts dominated the play, when fumbles and interceptions weren't reoccurring, and deserved an embrace from Miss Lady Luck.

So they didn't look good winning. What's the difference? They won. This is the only worthy consideration when a championship is on the line. Football record books will list them as the Super Bowl king.

The Baltimore Colts have indeed, been a quality team, with great players and coaches, for them not to have a Super Bowl prize as a reward for the things they have accomplished. Now this has been truly realized. Their are no higher goals for which to aspire.

RESOURCEFUL COLTS HAVE LAST LAUGH

(By Bill Tanton)

MIAMI.—Tom Landry leaned gently against the wall and tried one more time to explain away another heartbreaking, last-minute defeat in a big one—and this was a big one, all right, the biggest of all, Super Bowl V, in which the Colts defeated the Dallas Cowboys, 16–13.

"In the end," said Landry, "there's only one happy team, and that one is over in the other dressing room."

On the other side of the wall behind Landry were the new champions of the National Football League, which is synonymous for, as Landry suggested, the happiest football team in the world.

Maybe not the best, in spite of their Super Bowl victory, because the Colts played some incredibly sloppy football yesterday. The Cowboys were just worse.

The way those two teams played, there must have been players from at least 20 NFL teams sitting home, watching the game on TV and thinking about the $15,000 each Colt player had just won and muttering, "Daggone. We could have murdered those guys."

Perhaps because Super Bowls are so pressure packed, because there is so much hoopla connected with them, they are seldom works of art.

Extra points are blocked, as the Colts' Jim O'Brien's first one was yesterday. Great old pros like John Unitas have bad days, fumbling and throwing interceptions. Brilliant running backs like Duane Thomas get shut off. Veteran all-pros like the Cowboys' Mel Renfro watch, dumbstruck, while a field goal try is downed on the 2-inch line.

This is what Super Bowls are made of. They are played by athletes who are held up on pedestals—the gods of a football-mad sports public—but mere mortals, flesh and blood guys with weaknesses that show up under the Super Bowl microscope.

And when it is over, one team, flaws and all, reigns supreme. That team now is the Colts, who have reached the highest pinnacle in pro football, and the happiness that goes with that attainment is without parallel in sports.

M'CAFFERTY AGHAST AT TURNOVERS

Jim O'Brien, the long-haired 22-year-old rookie who wondered last summer if he'd survive the training camp cuts, is America's newest sports hero.

With five seconds to play, he kicked the 32-yard field goal that won the game for the Colts. Because he was the one who came through under the most pressure, he should have been the obvious winner of the sports car given by Sport Magazine to the game's outstanding player. But Dallas linebacker Chuck Howley, who did win it, was superb in a losing cause, and O'Brien is too full of Super Bowl happiness to begrudge the choice.

Don McCafferty, in his first year as a head coach, was elated with the outcome even though his team committed so many errors, including five fumbles and three interceptions.

"We had so many turnovers in that first half," Mac was saying incredulously, but when assistant coach Hank Bullough asked him, "Hey coach—meeting at 9 o'clock tomorrow morning?," McCafferty broke into a big smile and said, "Hell, I don't even want to see you guys for a few days."

Bill Ray Smith, Colts' 12-year veteran tackle who played his last game yesterday, is happy because the Colts have now won a Super Bowl on the very site where they were embarrassed by losing to the Jets two years ago.

"I'm going in the investment banking business," said the bloody and weary—but happy—Billy Ray. "This game's been good to me, but best of all today," he said.

Little Jimmy Orr, another great old pro, veteran of 13 years in the league, also played his last game yesterday, and he says it was the greatest thrill of his career because now he has an NFL championship ring.

CIGAR FROM THE GOVERNOR

Orr puffed happliy on a cigar that had just been given to him by Gov. Marvin Mandel and said, "Now that I've got me a ring, I can show people that I played this game."

Owner Carroll Rosenbloom, who never forgave his ex-coach, Don Shula, for losing the other Super Bowl game, was ecstatic over this one.

"What do you think of our schedule now?" he asked a writer who had said that weak opposition had paved the Colt's way to the Super Bowl. Then Carroll laughed and hugged the writer.

And Mike Curtis, the Colts' super aggressive middle linebacker, summed it up for all 40 Colts when he gushed, "This is the greatest moment of my life."

The whole Colt team felt an emotional release after the years of disappointment and struggle to become world's champions. Not since 1959 had any of Baltimore's football players won rings.

Their performance against Dallas was shabby. No doubt about that. The first Vince Lombardi Trophy was awarded to the winners, but at halftime, after viewing all the mistakes committed by both teams, Vince's widow, Marie, must have felt like going to commissioner Pete Rozelle and asking him to rename it the Harry Wismer Trophy.

"Good thing we sent these guys over to the AFL," scoffed a Detroit writer of the Colts.

"The amazing thing," said Jimmy Orr, "is that we played this way all year, just about, and now we've won a Super Bowl making all these mistakes."

THE MORNING AFTER

(By Bob Maisel)

MIAMI, FLA., January 17.—Just a few years ago, people were referring to Baltimore as a city of losers. Now they can change the dateline to Winnersville, U.S.A.

The final score of the 1971 Super Bowl was Colts 16, Dallas 13, on Jim O'Brien's field goal with five seconds left, and Baltimore becomes the only city other than New York to hold the world football and baseball championships in the same season.

In 1938, the football Giants beat Green Bay for the title and the Yankees beat the Cubs in the World Series. Then, in 1956, the Giants beat the Bears while the Yankees downed the Dodgers in the year of the Don Larsen perfect game.

So, if you want to call Baltimore the city of champions you've got my permission, because being on top of the heap in both baseball and football isn't something that happens often.

SUPER BOWL FOLLOWS PATTERN

All season long, late on Sunday afternoon, people have said of the Colts, "Well, they won again, but they still didn't look good," or "they keep winning but I still can't make up my mind if this is a good football team."

So, why shouldn't the Super Bowl follow the same pattern as the rest of the season? This was an incredible football game, one that you couldn't believe the Colts would eventually win as they made offensive mistake-after-mistake-after-mistake.

Three times they were intercepted, five times they fumbled, losing four, and there were other offensive blunders almost too numerous to enumerate without putting them in book form.

But, just as it was all year, they did just enough to win, and they did it without John Unitas, who was forced out of the game with fractured ribs in the second quarter at a time when the Colts trailed 13–6.

All of the Colts were happy when it was over, but I've got to believe that Earl Morrall might have felt just a little bit better than all the rest.

He bore the brunt of the criticism following the surpring loss to the Jets two years ago, and admitted after today's game that he was at least as harsh on himself as were his critics.

If some doubted then whether he could win the big ones, they now have their answer. He came off the bench today with his team already behind in the biggest of the big ones, and just as it was with the rest of the Colts he did enough to get the job done.

There was never any doubting the Colt defense today. It was superb, the difference really, as it stopped the Cowboys to cover up for the many turnovers. And, it was an interception by Rick Volk which set up the fourth quarter touchdown which tied it at 13–13, another interception by Mike Curtis which led to O'Brien's winning field goal from the 32, and still another by Jerry Logan which closed the season on Dallas on the final play of the game.

Three interceptions against a Dallas team whose quarterback, Craig Morton, was inter-

cepted only 7 times all year. Luck, or just another example of the Colts doing whatever had to be done to put a few more points on the board than the opposition.

NEVER LOST CONFIDENCE

After a season of watching this sort of thing, my vote goes to the latter explanation. It takes character to do it the way the Colts did it this season. Maybe they didn't always look good, but not once did they concede anything or lose their confidence that they would eventually win.

They'd hang in there, and somebody would somehow supply the needed play.

I have to believe that Don McCafferty had much to do with that type thinking, and the results. The players must have thought so too, because they voted him a game ball, and gave another to O'Brien, the cool rookie who kicked the field goal worth approximately $750,000 to the members of his organization and squad.

Quite a few times this year I didn't agree with Mac's decisions to gamble on fourth down or to go for touchdowns instead of the field goal. Most of the times he did it, the Colts came through for him.

Today, with time running out in the first half and the Colts on the 2-yard line, trailing 13–6, McCafferty instructed Morrall to go for the TD instead of taking the field goal. This time, it didn't work. Dallas held and ran out the clock.

The boys would have been kicking that one around the rest of the year had Dallas wound up a 3-point winner. "We had 4 pops from the 2-yard line," said Mac by way of explanation, "and I thought we could make it."

WAIT FOR BIG PLAY

Another case of the Colts always thinking they can get the job done. They have played it aggressively and with confidence all year, and eventually the big play came.

It didn't before the end of the half, but it eventually did at the end. Who can say the McCafferty philosophy isn't at least part of the answer?

If Morrall gained a bit more satisfaction out of this victory than the rest, you can be sure that John Mackey did too. His knee hurting, out of condition generally, he was forced into action too soon this season because of an injury to Tom Mitchell. He didn't play well, was criticized and booed.

The only thing he said at the time was, "Before this season is over, the team will need me and I'll be ready."

Today, he scored the Colts' first touchdown on a 75-yard pass and run play from Unitas. It was a freak sort of tipped completion, but true to his word Big John was ready.

And, what about Tom Nowatzke? Released before the start of the season because he was too slow for the Lions, he was the leading Colt ball carrier with 33 yards on 10 carries, caught a pass for a 45-yard gain, and ran right over tacklers in scoring the tying touchdown from the two in the last period.

CANNOT SINGLE OUT INDIVIDUAL

Defensively, all the Colts stood out, so much so that it would be almost unfair to single out any of them. So did the offensive line, which kept Colt quarterbacks from losing a single yard trying to pass.

As this game unfolded, critics in the press box were commenting on how bad the play was and saying it was a battle of "Doomsday Offenses" rather than "Doomsday Defenses."

But, as John Sandusky put it when it was all over, "They can say anything they want, the only thing I know is that I'll have that ring on my finger that says, "World Champions." How many people and how many cities can say the same thing?"

How many indeed?

FINANCIAL STATEMENT OF SENATOR ALLEN

Mr. ALLEN. Mr. President, prior to coming to the U.S. Senate on January 3, 1969, I publicly stated that I would, each year during my service in the Senate, file a statement of my financial condition with the Secretary of the U.S. Senate, the Secretary of State of the State of Alabama and the probate judge of Etowah County—my home county—Alabama.

I have pursued this policy and have filed statements of my financial condition at the end of 1968, 1969, and 1970. In addition to such filings, I have placed in the CONGRESSIONAL RECORD copies of my 1968 and 1969 statements, and ask unanimous consent that my 1970 statement be printed at this point in the RECORD. The statement sets forth my reason for making these statements public.

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

FINANCIAL STATEMENT

I, James B. Allen, Gadsden, Alabama, do hereby certify that the following is a true and correct statement of my financial condition as of December 31, 1970:

ASSETS

Home at 1321 Bellevue Drive, Gadsden, Alabama	$32,500.00
Furniture, furnishings, books	5,000.00
Automobile	2,500.00
State of Alabama; City of Huntsville, Ala. bonds at market	22,000.00
U.S. Savings Bonds, at cost	600.00
U.S. Treasury Notes	10,000.00
Residence at 7405 Hallcrest Dr., McLean, Va.—Cost $47,700 less $433.33 depreciation	47,266.67
Bank accounts	2,576.67
Payments into Civil Service Retirement account, estimate	6,500.00
Life insurance surrender value (all but $1,000 is term)	100.00
Total	129,043.34

LIABILITIES

Indebtedness on residence at 7405 Hallcrest Dr., McLean, Va., to First State Bank of Altoona, Alabama and Exchange Bank of Attalla, Alabama, monthly payment loan	39,800.00
Open note due May 15, 1971—First State Bank of Altoona, Alabama	2,000.00
Total	41,800.00
Net worth	87,243.34

I am not an officer, director, stockholder, employee or attorney for any person, firm, company, or corporation, nor am I a member of any law firm, nor am I engaged in the practice of law in any form.

My income is limited to my Senate salary and interest on assets listed above. During 1970 I received no honoraria or expense payments or reimbursements of any sort. I have never, during my service in the Senate, or at any time prior thereto, accepted any such honoraria or expense payments or reimbursements of any sort, nor do I have a committee or person designated to receive contributions, political or otherwise.

This statement is made pursuant to a declared policy of filing annually with the Secretary of the U.S. Senate, the Secretary of State of the State of Alabama, the Probate Judge of Etowah County, Alabama (my home county), a statement of my assets and liabilities. A similar statement will be filed each year during my service in the Senate.

The purpose of this statement is two-fold:

1. To show the absence of any conflict of interest between my ownership of assets and my service in the Senate in the public interest.

2. To keep the public advised as to my financial status, and to disclose the extent to which I have benefited financially during my public service.

I believe that the public is entitled to this information from me as a United States Senator in the discharge of this public trust.

Recapitulation of past years' net worth:

End of 1968	$92,984.81
End of 1969	87,750.00
End of 1970	87,243.34

JAMES B. ALLEN.

This January 21, 1971.

Sworn to and subscribed before me on this 21st day of January, 1971.

VALDA S. HARRIS,
Notary Public.

UKRAINIAN INDEPENDENCE

Mr. BURDICK. Mr. President, Friday some 25,000 Americans of Ukrainian descent living in North Dakota solemnly observed the 53d annivesary of Ukrainian independence.

This was truly a memorial day in the minds and hearts of freedom-loving Ukrainians. I join with the Ukrainian Americans in commerating their anniversary and their hope that freedom will be forthcoming soon to the brave and courageous Ukrainians not living in the free world.

Everyday is an appropriate occasion for the whole free world to demonstrate their sympathy and understanding of the aspirations of the Ukrainian people behind the Iron Curtain.

RHODE ISLAND CHRISTIAN LEADERS EXPRESS CONCERN FOR SOVIET JEWS

Mr. PELL. Mr. President, I have previously expressed here in the Senate—on December 28—my concern over the status of Jewish people in the Soviet Union and the treatment accorded them by the government of that country. More specifically at that time I urged that our people and our Government protest the harsh sentences imposed in the trial of Jews charged with planning to hijack an airplane, in the hopes that those sentences might be mitigated.

It has been gratifying in the past few weeks to learn that the worldwide protest has had its effect, and that the sentences have been reduced.

Mr. President, concern over the Leningrad trial has by no means been limited to the Jewish community in our country. Indeed, persons of many faiths with varied ethnic backgrounds have made known their concern. In my own State of Rhode Island an excellent statement of concern was issued by eight prominent leaders of the Christian community. In their statement, these Christian clergymen joined in protest on behalf of their Jewish brothers and of freedom, observing, "When the freedom of any people is imperiled, the freedom of all men is imperiled."

The statement of concern I believe is a most commendable demonstration of

the spirit of brotherhood that must be nourished if all men are to live in this world in peace and freedom. I ask unanimous consent that the statement of concern issued on January 5, 1971, by leaders of the Rhode Island Christian community be printed at this point in the RECORD.

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

We, the undersigned, wish to convey the concern of the Christian Community of Rhode Island over the incident of the Leningrad trial, and to raise our voices in protest with freedom-loving peoples everywhere.

We deplore the accusation of "treason" applied to Soviet Jews who wish to emigrate to Israel, their spiritual homeland. The reaction of the Soviet state constitutes a denial of freedom of free entry and departure. How else can this unjust and flagrant violation of liberty be interpreted, except as an attack upon the dignity of the citizen, particularly the Jewish citizen, our brother? When the freedom of any people is imperilled, the freedom of all men is imperilled.

The Jewish people have so often been the victims of tyranny. But now, the conscience of the Christian Community must decry a further affront to their dignity.

The Most Reverend Russell J. McVinney, D.D. Roman Catholic Bishop of Providence.

The Right Reverend John Seville Higgins, D.D. Episcopal Bishop of Rhode Island.

The Reverend John B. Graybill, Ph.D., Stated Clerk Providence Presbytery, United Presbyterian Church in U.S.A.

The Reverend R. Vernon Lawson, Conference Minister Rhode Island Conference United Church of Christ.

The Reverend W. Eugene Motter, Executive Minister Rhode Island Baptist State Convention.

The Reverend Morrill O. Martin, District Superintendent Rhode Island-Southeastern Massachusetts District of the Southern New England Conference of the United Methodst Church.

The Reverend Daniel J. Carlson, Dean of the Rhode Island District Lutheran Church in America.

The Reverend Wayne Artis, Ph.D., Executive Director Rhode Island State Council of Churches.

JANUARY 5, 1971.

ARTICLE BY GERMAN PUBLISHER ALEX SPRINGER

Mr. THURMOND. Mr. President, Mr. Alex Springer is one of the most distinguished newspaper publishers in West Germany, and a devoted champion of the Western alliance. His papers have the largest combined circulation in his country, and carry great weight in the decisionmaking circles among his people. Despite this great influence, or perhaps because of the responsibility involved, Mr. Springer seldom publishes his own articles in his papers. When he does write, it is on questions of the utmost importance.

For this reason, his most recent article, published in Die Welt of January 12, has great interest for American readers. He writes on a topic which is inseparable from U.S. interests; namely, the proper relations to be sought between East and West. As is well known, Chancellor Willy Brandt has been pursuing his so-called Eastern policy for over a year now, seeking a closer relationship with the Soviet Union.

With the perspective which this year offers, the question arises whether it would not be more accurate to describe Chancellor Brandt's Eastern policy as, conversely, the Western policy of the Soviet Union. On the Soviet side, we have not seen 1 inch of movement. Chancellor Brandt is the one who has had to make the concessions. Who is manipulating whom?

The United States is deeply concerned in this affair because of the intimate way in which the Brandt treaties are intermingled with the Berlin question. The Chancellor himself has insisted that a satisfactory solution to the status of Berlin is necessary to the fulfillment of his concessions to the Soviets. In the Berlin question, the rights of all the three Western allies are at stake, not to speak of the future of the Berliners themselves, and the implications for the future development of all Western Europe.

In the year since the Brandt negotiations started, we have seen a distinct hardening of the Soviet attitude toward the West. We have seen the resurgence of repression and bigotry in the Soviet Union itself. We have seen deliberate Soviet intervention in the Mideast. We have seen the Soviet hand behind the ousting of the Polish Communist Government, and the installation in Warsaw of Moscow hard liners, who were implicated in the decisions to order shooting in the streets and the elimination of dissent. We have seen the Soviets put all possible roadblocks in the way of the Berlin negotiations, as well as actual roadblocks on the access highways to Berlin.

All this demonstrates the futility of negotiating with tyrants who do not represent the people involved. The object of negotiations should be to lighten the burden of oppression; but the only consequences that may be seen as a result of Chancellor Brandt's activities are the raising of false hopes, and a further restriction of freedom in the Communist countries themselves.

I am happy to note that a number of members of this body have been speaking to this very point, and that a realization is growing that the United States cannot idly sit by and watch our common defense interests jeopardized by such ill-conceived activity. Even former Secretary of State Dean Acheson and former Under Secretary of State George Ball, with whom I do not always agree, have issued similar warnings. Unless the West stands together on such vital issues, we will see the swift erosion of our common defense capability, and of the will to use that capability.

This brings us to the excellent article by Mr. Springer, wherein he shows that he is in accord with the dominant American opinion that is doubtful about the outcome of this so-called Eastern policy. Mr. Springer is particularly eloquent, and I would like to quote one passage:

So long as Communists preach and use primitive violence, so long as world revolution remains the distant and immediate goal of communist policy, so long is resistance against communism a matter of judgment, steadfastness, of the attitude to right and justice—a matter of survival in freedom. The right to resist wrong is a basic right of free society.

Mr. President, I ask unanimous consent that the entire translation of the article by Alex Springer be printed in the RECORD at the conclusion of my remarks.

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

NO "ERSATZ" FOR RIGHT AND LIBERTY

(By Axel Springer)

The year before us is a year of destiny for Germany, for Europe. For 1971 will decide the fate of the new, and yet already aged Ostpolitik of the west German Government.

By the end of 1970 this policy had got out of breath; pierced by the pinpricks and bayonet stabs from East Berlin, chilled by the cold douches from Moscow and at the same time heated by the shooting in Danzig and Stettin. Fatigued by the small, middle sized and lastly the great steps in unrewarded rapprochement and one-sided changes.

This year we will know whether what was well meant was also well done.

The decision stands and falls in Berlin. If it is to stand and not to fall, Moscow and East Berlin will have to dismantle the crisis lever. They will have to withdraw the claim that west Berlin lies on the territory of the "GDR" and is an independent political entity; they will have to confirm the superior responsibility of the Soviet Union also for civilian traffic on the access routes, and recognise the political ties and the bonds joining West Berlin with the Federal Republic.

For if Moscow and east Berlin fail to do all of these there will be nothing which could rightly be called a "Berlin settlement." And if there is not such a settlement, there will be no success for this Ostpolitik but, instead, Berlin will be jeopardized.

The old year ended with the traditional words of enmity from the mouthpieces of that "other side" to whom the Federal Government is offering partnership. The year ended with malice and chicanerie at the checkpoints, and again, it ended with shooting at the Wall in Berlin—which the Federal Government respects as a reality—shots at a fugitive, shots from East to West.

But so long as negotiations proceed, at least they do not shoot? Negotiations are proceeding, and the shooting goes on. Is it "primitive anti-communism" to say this? This catchword has been heard frequently again lately. It is aimed at all who are concerned to warn.

But it misses. So long as Communists preach and use primitive violence, so long as world revolution remains the distant and immediate goal of communist policy, so long is resistance against communism a matter of judgement, steadfastness, of the attitude to right and justice—a matter of survival in freedom. The right to resist wrong is a basic right of free society.

This resistance is dictated not merely by emotion but also by understanding. It is neither intelligence nor wise to belittle the shots fired at Polish workers and the harrying of Soviet intellectuals as the self-defence of a system in difficulties, the SED's invective against "social democratism in the Federal Republic as insignificant propaganda, and the obstruction of traffic to and from Berlin as mere tactical episodes.

Such self-deceit helps the adversary, who does not become a partner merely because he is given the name. In reality there is no sign of partnership. Nobody could reveal or give a credible prospect of even a community of interests by the end of the past year.

The attempt at technical contacts is justified. It is sensible to examine what is possible, what impossible—whatever the result

of the test. But to overload such attempts with ambitious hopes is the reverse of sober and risks dangerous disillusionment.

It is of course still more dangerous to feed the hope that reconciliation with the peoples of the East (the most important and natural ultimate aim of all reasonable people in this country) can be achieved with a policy of understanding and appeasement towards the governments those people are exposed to.

It is dangerous to forget who actually stands on the other side.

It was dangerous to assume that the summit conference of the east bloc states would bring the SED regime to reason and to build bridges to the Federal Republic—dangerous because it was an illusion, as events soon showed.

It is altogether dangerous to pretend to decry between Moscow and its vassals, especially its satraps in East Berlin, differences which are just not there for the stage managers in the Kremlin are masters of disguise.

It was dangerous to overlook the difference between the Polish people and the communist Government in Warsaw, for the fatal lesson followed at once.

It was dangerous to prophesy progress in the ambassadors' talks in Berlin for the end of the past year, for these prophecies awakened hopes whose destruction costs strength to resist.

It simply must not be forgotten that the addressee of the Ostpolitik is a power which for very obvious motives desires the political death of the Federal Republic of Germany. Anyone who forgets or denies this is pursuing not only moral disarmament but also a policy of defencelessness in the cause itself. The cause is not the defence of untenable legal positions on yellowed paper. It is the cause of right and liberty for today and tomorrow, which are weakened by persistent casting of doubt.

Whoever fails to make right and liberty the measures of politics prepares—though perhaps involuntarily—their end. Nothing has changed this knowledge since the Weimar years.

Germans have never had the right to be the schoolmasters of other nations. And if they ever had it, then it would have been forfeited in the era which ended 25 years ago. But this frightful phase of wrong done in the name of Germany imposes on the generation now responsible a special duty: never again to make a pact with wrong! This generation's perceptiveness has been sharpened by the wrong of their own historic guilt, and it should be least disturbable where new guilt of others resembles the old German guilt.

It was a dictatorship which involved the German people in wrong. They are dictatorships to which the Federal Government is stretching out its hand. In this light it particularly concerns the Germans when the Nobel Prize winner Solzhenitsin is declared an enemy of the Soviet people, and when the young writer Amalrik suffers in the Siberian winter for having called out for freedom. Or when Jews are refused the right to travel. Or when the state of Israel has its life endangered with the help of Russian rockets and Soviet diplomats.

German ears most of all should have burned and hurt when the cry for help rang out for resistance to the trials of Russian Jews whose only crime was attempted escape in despair at an inhuman ban on their emigration.

And it strikes the German conscience when Czechoslovakia, which suffered under German conquest a third of a century ago, now suffers under Soviet occupation and under the policy of its creatures. It takes only small steps to cross the border between cooperation and complicity.

The wrong is committed within and on the borders recognized by the treaties of Moscow and Warsaw. What has happened and is happening there compels all politically-minded Germans to take a stand, to maintain morale and to examine whether under these conditions a policy of understanding, adjustment, of appeasement can be possible or even only just, with the governments responsible.

The communist governments which the Ostpolitik addresses are violent because of their weakness. This weakness alone, if nothing else, would force them to refuse to build a bridge to the West. The past year brought abundant evidence of this.

The new year will bring the proof. It will bring disappointments to all who believe anything different.

This price for repeating old experiences will be high enough. It would be fatal to pay it with the loss of credibility as well. To this credibility belongs—inconvenient as it is—confrontation, maintained for as long as the realities on the other side require it.

This calls for patience over years, perhaps over decades. But it takes a long wind to run with the course of history. The shortwinded cannot keep up.

Year after year the lines will be switched and reswitched. May it be hoped that in 1971 what was groundlessly endangered by wrong routing in the past year can be brought back on the track.

J. GLENN BEALL

Mr. MATHIAS. Mr. President, Maryland has lost one of her most distinguished citizens. J. Glenn Beall, Sr., who served 12 years in the Senate and 10 years in the other body, died at his home in Frostburg on January 14. He was 76. During his 22 years in the Congress he gained the respect and admiration of millions of Marylanders for his service to the State. The Beall tradition of serving the people of Maryland does not end with the death of former Senator Beall. His son, J. GLENN BEALL, JR., took the oath to the Senate today and will occupy the seat his father vacated in 1964. George Beall is U.S. attorney for Maryland and Richard Beall is pursuing a distinguished career in business. I ask unanimous consent that an article published in the January 15 editions of the Baltimore Sun reporting the distinguished career of former Senator Beall be included in the RECORD. It is a record that speaks for itself.

It is my intention to request an opportunity, on a more suitable occasion when other Members of the Senate may wish to join in tributes to his memory and to his contributions to the Senate. When such a time is fixed I shall advise all Members of the day and hour.

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

[From the Baltimore Sun, Jan. 15, 1971]

FORMER SENATOR J. GLENN BEALL IS DEAD

FROSTBURG, MD., January 14.—J. Glenn Beall, a United States senator for 12 years, who lived to see his son beat the man who had beaten him as he ran for his third Senate term, died early today. He was 76.

Mr. Beall died at his home on Beall's lane after being ill with a heart condition since September. Services will be conducted at 2 P.M. Saturday at St. John's Episcopal Church, Frostburg.

During his two Senate terms, Senator Beall, a life-long Republican, held the moderate political views that characterized "Eisenhower Republicanism."

Devoting most of his efforts to the interests of the State and its inhabitants, the snowy-haired Western Marylander enjoyed calling himself "the service Senator."

In the 1952 Eisenhower landslide, Senator Beall defeated George P. Mahoney by a comfortable 43,000 votes but trailed General Eisenhower.

DEFEATED BY TYDINGS

In the 1964 Republican debacle, he was defeated by Joseph Tydings by more than 287,000 votes, although he ran well ahead of his party's conservative presidential candidate, Barry Goldwater.

In 1958, when Democrats won all major contests in the State, Senator Beall defeated Thomas D'Alesandro, Jr., former Mayor of Baltimore, by a 13,000-vote majority.

Before he became Senator, Mr. Beall represented Western Maryland in the House of Representatives for five terms from 1942 to 1952. He returned to his birthplace in Frostburg after his defeat in 1964.

CAREER STARTED EARLY

Born June 5, 1894, James Glenn Beall was indoctrinated into politics before he was old enough to vote. At the age of 20, he was an Election Day worker in arch-Republican Allegany county.

His first political appointment was in 1919, when, fresh out of the ordnance branch of the Army, he was made Frostburg's tax collector. Upon his discharge as a sergeant, he had gone into the real estate and insurance business in Frostburg.

In 1926 he was married to the former Miss M. Margaret Schwarzenbach. They had three sons, John Glenn, Richard O. and George Beall.

Between his State senate years and his election to Congress, Mr. Beall was a member and later chairman of the State Roads Commission.

HELPED PLAN TUNNEL

His main interests while serving with the roads group revolved around plans to begin a Baltimore harbor tunnel and to link the State with the rest of the Atlantic Seaboard by constructing several four-lane highways.

By the time Mr. Beall left, the Susquehanna and the Potomac bridges had been completed.

Mr. Beall's springboard to his Washington career was the 1942 election. In the primary, he opposed Walter Johnson, the former major league pitcher known as "Big Train."

Defeating Mr. Johnson, Senator Beall then swamped E. Brooke Lee, Montgomery county Democrat boss, by 9,200 votes, the largest majority ever polled by a congressional candidate in the district.

OPPOSED BY LABOR

Despite frequent opposition from organized labor, his subsequent races in the 6th Congressional district usually ended with clean sweeps of all the counties.

The sole exception came in 1948, when he lost his home Allegany county by 487 votes out of a total of more than 28,000.

In December, 1951, he announced he would run for the Senate seat of Herbert P. O'Connor. The following May he won the Republican nomination from H. Grady Gore by 21,000 votes.

In his campaign against Mr. Mahoney, Senator Beall accused his Democratic opponent of being a "captive of corrupting forces" the Republican said had riddled the Truman Administration.

BACKED IKE'S POLICIES

Mr. Beall pledged that if elected he would support the policies of General Eisenhower.

Senator Beall's reelection in 1958 broke a string of 23 wins for Mr. D'Alesandro. Run-

ning on his own and President Eisenhower's record, Senator Beall defeated the colorful Baltimore Mayor, who campaigned on Senator Beall's votes for tidelands oil and natural gas interests.

But in the 1964 election, Senator Beall faced a different kind of opponent in a different atmosphere. He was fighting against a younger man.

His decision to run again in January 1964, Senator Beall said, was made after a doctor certified his good health and after a testimonial dinner which brought in $80,000 in campaign funds.

Several Republican leaders, however, refused to attend the dinner.

Senator Beall easily defeated his only chief primary candidate, James P. Gleason, a conservative Silver Spring attorney, by 33,000 votes.

The Democratic candidate campaigned on Johnson Administration proposals that Senator Beall would not support: Medicare, youth training programs and the war on poverty.

Senator Beall's campaign was stranded. He could not bear to support fully Senator Goldwater, with whom he had differed on key Senate votes.

TECHNIQUE FAILS

He went down to defeat on a campaign technique which minimized his party affiliation and emphasized his State-wide popularity.

But it was also a campaign technique which carried Senator Beall to his long string of victories. It was composed of a handshake, a smile and a straightforward, personal appeal for a vote.

The limelight and the ballyhoo of campaigning were usually left for others. In 1964, he remained in Washington most of the time he might have been out stumping.

Admitting that he was far from being an accomplished orator, Senator Beall preferred to mingle with the crowd and woo their votes directly.

His work in Congress frequently followed the same pattern: unspectacular, but marked by a forthright approach and subsequent doggedness of spirit.

CHANGED WITH PARTY

A faithful party-man Senator Beall began as a conservative. But he remained sensitive to changing world conditions and he liberalized his own views as the Republican party itself became more liberal.

In 1949 he voted against supplying arms to Western Europe for fear the countries would fall under communism's dominance. But years later he supported the nuclear test ban treaty.

He was highly critical of the New Deal and the later Fair Deal policies of President Truman. He was a constant advocate of reduced Government spending and increased free enterprise.

He was a regular foe of communism and unlimited foreign aid.

SOME AID SUPPORTED

But he voted with the liberal wing of his party in favor of Federal aid to education and to areas of chronic unemployment during the Johnson Administration.

He voted for admission of Hawaii and Alaska to the union and fought long and hard for all civil rights legislation.

In 1954, he voted with 44 Democrats and 22 other Republicans to censure the late Senator Joseph McCarthy.

But it was the State of Maryland for which he worked hardest during his career.

In the first two years of his senatorial career, he was recorded opposing the Eisenhower Administration only once. That was over the St. Lawrence Seaway.

It offended Senator Beall less because of the Federal activism it represented than because of its threat to the port of Baltimore. Senator Beall was ready, and even eager for Federal aid if it would help the State.

In October, 1964, he co-sponsored the Johnson Administration's Appalachian development bill. He produced a nuclear reactor for the Aberdeen Proving Ground, the Health, Education and Welfare Department's Social Security offices in Woodlawn, a $25,000,000 Federal building for Charles Center and a $51,000,000 dam for Westernport.

He sought legislation protecting Maryland from unscrupulous savings and loan operations after he uncovered in 1958 irregularities in a savings and loan firm in Silver Spring. After his investigations the company went into receivership in 1961 and the president was arrested.

PARK EFFORTS FAIL

But his persistent efforts to make the C.&O. Canal from Great Falls to Cumberland a national park were unsuccessful throughout his Senate career.

He first introduced the legislation in 1956. But it never passed, although much of the area was made a national monument in January, 1961.

Senator Beall was also unable to stop the Eisenhower Administration from starting construction of Dulles Airport in the Virginia suburbs of Washington. Senator Beall called it "unnecessary" and "a boondoggle" but could not stop construction.

Most of the time, however, he stood by the Republican Administration.

His belief in voting on all issues reflected his interest in his constituents' views, and he regularly sent out a written poll to thousands of Marylanders on his mailing list.

The polls' results, which he published, seemed at times to influence his senatorial behavior. In a State with a two-and-a-half-to-one majority of Democratic voters, Senator Beall found service to his constituents the key to political success.

Explaining once why he was never too harsh on the Democratic party itself, Senator Beall said too many of my supporters are Democrats."

Senator Beall retired from politics after his 1964 defeat.

He had been active during the past several years in the Allegany county League for Crippled Children and was a member of the Masons, the Shrine, the Elks, the Eagles, the Knights of Pythias, the American Legion and Rotary International.

SON DEFEATED TYDINGS

Two of his three sons followed in his political footsteps. J. Glenn, Jr. was elected to a House seat in the state legislature in 1962. He was re-elected four years later and in 1968 won the U.S. House seat formerly held by his father. Last November he beat Mr. Tydings to take his father's old seat in the Senate.

Another son, George, was an attorney in Baltimore active in Republican affairs and last May he became the U.S. attorney for Maryland.

Besides his wife and three sons, Mr. Beall is survived by a sister, Mrs. Owen Hitchins, of Cumberland; a brother, John Barton Beall, of Bel Air, and five granddaughters.

Senator-elect Beall has canceled all public engagements through Sunday including a reception planned to mark his taking office January 21.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

Mr. HUMPHREY. Mr. President, is it within order to deliver statements at this time concerning the late Senator RUSSELL?

The PRESIDENT pro tempore. That will start after the morning business.

Mr. HUMPHREY. I will withhold it.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

Mr. TALMADGE obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield, without losing his right to the floor?

Mr. TALMADGE. I yield to the distinguished Senator from Montana, with the understanding that I will not lose my right to the floor.

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

The PRESIDENT pro tempore. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

RICHARD BREVARD RUSSELL: A GEORGIA GIANT AND GREAT AMERICAN

Mr. TALMADGE. Mr. President, this is a time of sadness for the Senate of the United States, for the Nation, the free world, and especially for the State of Georgia.

We mourn the passing of RICHARD BREVARD RUSSELL. We have lost a great leader. DICK RUSSELL was one of the most outstanding Senators ever to sit in this Chamber in all the history of our Republic.

He was our friend and beloved colleague. The Senate rises today to honor his memory in a manner befitting the sterling statemenlike character of Senator RUSSELL, and the wisdom, courage, and dignity of this great man whom we all loved so dearly.

The President of the United States paused Friday night in the delivery of his annual state of the Union address to a joint session of Congress to pay eloquent and heartfelt tribute to Senator RUSSELL.

President Nixon called Senator RUSSELL "one of the most magnificant Americans of all time."

The Congress, the President's Cabinet, the Supreme Court of the United States, and high-ranking personages from all over the country stood as one and bowed their heads in silent respect.

President Nixon paid his last respects to Senator RUSSELL as he lay in state Saturday at the Georgia Capitol in Atlanta. The President placed a wreath on his bier, and then went outside to address a throng of Georgians on the greatness of this fallen patriot.

More than half the Members of the Senate, led by the distinguished Vice President, planned to attend the funeral

Saturday at the old Russell homeplace in Winder, Ga. Bad weather and flying conditions in Atlanta and that entire area prevented the airborne party from landing. We were compelled to fly to Charleston Air Force Base. Over the facilities of WCSC Television and on every television station within the State of Georgia, eulogies were transmitted to the graveside at Winder. Solemn eulogies were delivered by Vice President AGNEW; the Senator from Mississippi, Mr. STENNIS; the distinguished majority leader, the Senator from Montana; Representative PHIL LANDRUM, dean of the Georgia delegation in the House of Representatives; the Reverend Edward L. F. Elson, Chaplain of the Senate; and myself.

On a dark and rain-swept day, RICHARD BREVARD RUSSELL was interred in the family cemetery at Russell Memorial Park in Winder, Ga.

When life passed from Senator RUSSELL, that marked the end of an era in the U.S. Senate. He was the only Senator in history to serve more than half his life—38 years—in this body. He was truly a man of the Senate. No man more than he symbolized the greatness of the Senate as a unique American institution.

The place he occupied in the U.S. Senate is now empty. There has been created a void that can never really be filled.

There will never be another U.S. Senator of the stature and indeed the grandeur of DICK RUSSELL.

The distinguished service of Senator RUSSELL invokes the hallowed memory of other Senate giants like John Calhoun, Daniel Webster, Henry Clay, and other great Americans whose names are forever enshrined in history.

Greatness in a man can sometimes be an elusive term, and often it can be a transient quality—not so with RICHARD B. RUSSELL.

Senator RUSSELL was a great U.S. Senator—a great American—and a great Georgian in the highest sense of that term. This man possessed the full measure of greatness that was neither illusory nor transitory. Greatness illuminated all the adult life and long career of public service of RICHARD BREVARD RUSSELL.

DICK RUSSELL was destined for greatness. He was ordained to be a leader. This was his mission in life. He never failed.

Senator RUSSELL attained great heights. He earned immense respect and prestige. Over half a century, in various high positions of State and national leadership, power and authority were his constant companions.

But it must be said of DICK RUSSELL that he was a humble man, even to the point almost of being shy and retiring. He was a modest man. He could sometimes be even self-effacing.

Yet, DICK RUSSELL knew he was a Senator of considerable power and authority. But he regarded as most important, not the mere possession of power, but how it was used. He never abused authority that was accorded him. He merged the exercise of power with his innate humility. There resulted a rare blend that was worthy of the man, the office he held, and the Nation he served.

In debate and in championing principles to which he had dedicated his body and soul, Senator RUSSELL was a tenacious fighter. Senators whose own principles put them on opposite sides from him on legislative or constitutional issues found him to be a learned and formidable opponent.

They found arrayed against them a master of parliamentary procedure and an almost uncanny judge of human nature.

Probably no other Member of the Senate in modern history was more familiar with the complexities of the rules of the Senate. This after all is not surprising. The past 38 years in the U.S. Senate were DICK RUSSELL'S whole life. It was more than that. The Senate was his love.

He was a jealous guardian in the Senate of what he held to be right and good. He was an indispensable ally and a resourceful foe. But through it all, in all the legislative and forensic engagements on and off the floor of the Senate, Senator RUSSELL was above all a gentleman.

He could be courtly in the patrician style. This distinctive quality of his was sometimes particularly pronounced after he had vanquished his adversaries and scored a major victory.

Over the years, Senator RUSSELL met many adversaries and won many triumphs. There were also defeats. But after the dust had settled, win or lose, Senator RUSSELL always retained the respect of his fellow Senators and countrymen. He maintained the same high standards of personal conduct in his setbacks as he did in his gains. This was because he was a statesman and a gentleman.

To fully assess the greatness of Senator RUSSELL, one need only to examine the 50 years of his life that he gave to public service. All the things that he did, all the advancements and material progress that he brought to the Nation and his beloved home State, and the national security that Americans and the free world now enjoy, stand as evidence of the greatness of DICK RUSSELL.

Such was his public record, power and prestige, that President Harry Truman wrote in his memoirs:

> If Russell had been from Indiana, or Missouri or Kentucky he may very well have been the President of the United States. He had the ability, integrity, and honesty.

To fully understand the man one must go back further, deeper into Georgia history to study the modest origins that produced RICHARD RUSSELL.

The late senior Senator from Georgia was a Russell of Georgia. His father was Richard Brevard Russell, Sr., chief justice of the Supreme Court of the State of Georgia. His mother was Ina Dillard Russell, a lady of great dignity and a devoted mother who guided the upbringing of her children with a firm, and sometimes not very gentle but always loving, hand.

RICHARD BREVARD RUSSELL, Jr., who went on to walk with Presidents and sit on the highest and most important councils of the U.S. Government, was born—the fourth of 15 children—before the turn of the century, in 1897. When he was in the fourth grade, young RICHARD RUSSELL likened himself to a star for a composition assignment. He wrote in his book:

> I cannot do much to make the dark world bright. My silver beams cannot pierce far into the gleam of night. Yet I am part of God's plan, and I will do the best I can.

Five years later, when he was 9, he wrote again, prophetically, in a little book that he expected to be Governor someday.

He did become Governor of Georgia. His administration was characterized by far-reaching reform and fiscal responsibility. But before that, he went to the State legislature, at the age of 22. He served in the Georgia House of Representatives for 10 years, and was elected Speaker of the House when he was only 30 years old.

He was elected Governor of Georgia in 1930, and took over the reins of State government while he was only 33 years old, the youngest Governor in the history of our State. He brought the State through the critical years of the great depression by putting through a rigid program of austerity and economy. One of the first things he did was reduce his own salary by almost $4,000 a year.

During the last year of his term as Governor. RICHARD RUSSELL was elected to the U.S. Senate.

On January 12, 1933, RICHARD BREVARD RUSSELL took the Senatorial oath of office. He was the youngest Member of the Senate at that time, and the years ahead were to prove that he would be one of the most able.

He went on to become one of the most influential men not only in the U.S. Senate but throughout all the U.S. Government as well.

He served under six Presidents of the United States and was adviser and confidant to them all.

Presidents of the United States may not always have agreed with DICK RUSSELL, from Franklin Roosevelt to the present, and most assuredly he was often at odds with them. But Presidents paid attention when Senator RUSSELL spoke.

In the words of President Nixon:

> When the security of the United States was the issue six American Presidents leaned upon this great patriot; he never failed them.

From the time of his youthful admission to the Senate, and throughout almost four decades that followed, Senator RUSSELL put his keen mind to work on legislative problems of the American Government. He grew in experience, seniority, and stature and assumed unparallelled positions of leadership and responsibility.

Chairmanship of the Senate Armed Services Committee for more than 15 years;

Chairmanship of the Senate Appropriations Committee since 1969;

Chairman of the Defense Subcommittee of the Appropriations Committee that is responsible for providing funds for the Nation's defense;

An influential member of the Senate Democratic Policy Committee since 1947; and

Powerful member of the steering committee since 1957.

He was father of the national school

lunch program, that has benefited untold millions of American children since the program's inception in 1946.

Senator RUSSELL wore the mantle of leadership—in the Senate and in the hierarchy of government—proudly and with distinction. He became a figure of national prominence.

In 1952 he waged a campaign for the Democratic nomination to the Presidency of the United States, and received almost 300 ballots, many of them cast by delegates from 27 States outside the South.

In addition to the many heavy burdens and responsibilities that Senator RUSSELL carried in the Senate, he was assigned other momentous tasks that produced still further testimony to the greatness of the man whose memory we honor today.

He presided over the joint Armed Service-Foreign Relations Committee inquiry into the recall of Gen. Douglas MacArthur as U.S. Commander in the Far East. Because of Senator RUSSELL's firm and fair hand, these hearings are still regarded today as a model for the conduct of congressional inquiry.

He served as ranking member of the Commission investigation into the assassination of President John F. Kennedy. He was appointed to the Warren Commission by his longtime friend, Lyndon B. Johnson, who was RUSSELL's protege when the former President was a Member of the Senate, and whose rise to majority leader came largely as a result of the efforts of Senator RUSSELL.

In all these duties, as in everything the man did, Senator RUSSELL acted strictly in accordance with what he believed to be the best interests of the United States and the people of Georgia whom he represented.

One outstanding characteristic of Senator RUSSELL was that he never wavered nor compromised his integrity or conviction.

The record of RICHARD RUSSELL in the U.S. Senate is replete with occasions when he was called upon to defend his convictions and to fight for his belief in the American way of life.

He did so with the fierce courage of the great gladiator that he was, although the odds were often overwhelming.

He was a stern and devoted disciple of the U.S. Constitution. He never misplaced nor abandoned his faith in the Constitution and the American Republic.

When he was pained by what he regarded as legalistic, unjustified tampering with the spirit and letter of the Constitution, regardless of whether it came from the executive, legislative, or judicial branches of our Government, Senator RUSSELL never hesitated to let it be known far and wide.

This was to his everlasting credit. Before coming to Washington in 1933 as a young, new Senator, he memorized the U.S. Constitution. He took a solemn oath every 6 years since that time to uphold that Constitution. And that was what he did to the very best of his ability until his last breath.

The freedom of all Americans, their individual liberty and privacy, are more secure today because of Senator RUSSELL. I must say in recent years we have seen encroachments on some of these freedoms and liberties. This was a great source of sorrow, and sometimes anger, to Senator RUSSELL. But it can accurately be said that whatever erosions of strict constitutional government as have occurred came over the strong and vigorous opposition of Senator RUSSELL. He provided brilliant and inspiring leadership for many other Senators who shared his concern for preserving the Constitution as it was written and intended by the Founding Fathers.

The memory of RICHARD RUSSELL and the great U.S. Senator that he was will live forever. One important way that the people of Georgia desire to honor his memory is through the preservation of his personal and public papers and other memorabilia.

It has been my high honor to be selected as chairman of the Richard B. Russell Foundation, Inc. It is the purpose of the foundation "to collect and preserve a documented record of the life and public service of the Honorable RICHARD BREVARD RUSSELL, U.S. Senator."

The Russell papers, which rank in importance with Presidential papers, will be preserved for posterity at the library of the University of Georgia, at Athens, Ga., for students, scholars, and historians.

The foundation is presently engaged in a fund-raising campaign to finance equipping the library, to provide for a Russell chair of history at the university, graduate assistantships, fellowships, and historical research material.

I am very proud to have the assignment as chairman of the foundation's board of trustees. The Russell Library will be a great credit to the State of Georgia and the Nation. The library will stand as a permanent memorial to the late, great Senator RICHARD BREVARD RUSSELL.

I know of no better way to portray my feelings about my departed beloved friend and colleague than to recall the words of Senator RUSSELL himself in this Chamber some years ago. Senator RUSSELL rose to rightfully express the deep sense of honor that he possessed. He told the Senate:

> When the time comes for me to go out of this chamber, whether I go voluntarily, whether my commission is revoked by the electorate of Georgia, or whether I am carried out in a box, I hope it will at least be possible to say of me that I was an honorable man. I do not know of anything that might be said that would better please me.

I know of no other man who has ever served his State and Nation with more honor than DICK RUSSELL.

I am confident that I can speak for the Senate when I say that Senator RUSSELL was an honorable man. It is my prayer to the Almighty that the United States of America will always continue to produce such leaders, such men of iron will and devotion to duty, as the late senior Senator from Georgia.

Mr. President, a great statesman, one of Georgia's own, has fallen.

Mrs. Talmadge and I feel a deep sense of personal loss.

Mr. President, I have an obituary on Senator RUSSELL from the Atlanta Constitution, along with eulogies by State and other public officials, editorial comments, and the text of my graveside remarks. I ask unanimous consent that this material be printed in the RECORD.

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

RICHARD RUSSELL DIES AT 73: NIXON, L. B. J. LEAD TRIBUTES: TWO SISTERS, AIDES AT HIS BEDSIDE

(By Bob Hurt)

WASHINGTON.—Richard Brevard Russell, who had served in the United States Senate longer than half the population of Georgia has lived, died Thursday. His body will be flown home Friday for all the honors that the state and region can pay his memory.

Sen. Russell died at 2:25 p.m. Thursday in the two-room suite at Walter Reed Army Medical Center that he had visited so frequently in recent months.

In death, his body will be returned to Winder, the little Georgia town a remarkable clan of Russells called their home. Russell himself came to have a voice in the councils of the Free World and was third in line to succeed to the presidency of the United States.

His lungs crippled by chronic emphysema, the 73-year-old Georgian finally succumbed to the strain of a recurring respiratory infection that had kept him hospitalized since Dec. 8.

Death came in the same two-room Walter Reed suite where the senator had rallied from numerous other respiratory attacks that had plagued him since his emphysema conditions was first diagnosed in 1958.

Attending physician Dr. Robert Zurek, an Army lieutenant colonel, announced the cause of death as "respiratory insufficiency as a result of pulmonary deficiency."

With Sen. Russell at the time of death were two sisters, Mrs. J. K. Stacy of Atlanta and Mrs. Hugh Peterson of Ailey, and two of Russell's closest staff aides, administrative assistant Charles Campbell and special assistant Proctor Jones, along with medical personnel.

The flag at the White House was lowered to half-staff at 2:45 p.m. Flags in Washington will fly at half-staff until after the senator's funeral.

Moments after the senator's death, his press aide, Powell Moore, was notified by phone at Russell's main Senate office.

Moore moved quietly among the Senator's office workers giving them the news individually.

The official announcement to the press was delayed about 10 minute while members of Russell's immediate family were informed by phone.

The senator's body was taken to Gawler's Funeral Home in Northwest Washington Thursday evening. By midnight about a dozen old friends had come by to pay their respects.

Most of the visitors were Capitol Hill staff members who had worked with Russell through the years.

A small gathering of close friends and nine relatives had held vigil at Walter Reed since about 3 a.m. Tuesday as Russell fought a determined though steadily faltering battle against respiratory failure.

As early as Tuesday morning, doctors were confiding privately that they felt Russell would not live out the day, but the strength that had carried him through 12 years of illness sustained him during repeated crisis.

Russell's fight for life ended only two hours and 45 minutes after the formal recess from the opening session of the Senate of the 92nd Congress.

It marked the first time in 38 years that Russell had not attended a convening session.

Shortly before noon, Sen. Herman E. Talmadge stood before the 55 Democratic sen-

ators meeting in closed-door caucus and nominated Russell for reelection as the Senate's president pro tempore, the post he had held since January of last year.

The Democrats voted approval by acclamation and rose in a standing ovation.

It is Talmadge's task to deliver the message of Russell's death formally to the full Senate when it reconvenes at 3 p.m. Friday just before moving to the House Chamber to hear President Richard M. Nixon's State of the Union address.

Talmadge's message is expected to be in the form of a resolution calling for a period of recess in mouring of Russell's death. Formal eulogies will be delivered by individual senators later.

Talmadge will lead a Senate delegation expected to leave for Georgia on the date to be set for the Russell funeral.

The emphysema, apparently spawned by Russell's formerly heavy cigaret habit, had hardened the linings of the senator's lungs and made him highly susceptible to any respiratory infection. Any lung ailment, no matter how mild, was considered serious.

After his 1965 hospital stay, weeks of recuperation restored Russell's health to the point that, though whisper-voiced and short of breath, he was unchallenged for re-election in 1966.

On March 20, 1969 he held a press conference to announce his next crisis, the discovery of a lung tumor believed to be malignant.

Declaring that he wanted to keep the people of Georgia fully informed of his condition, he told newsmen, "If you have any questions, don't spare me on account of any personal feelings you may have."

But intensive cobalt X-ray therapy cleared up the growth, and May 6 Russell announced his recovery was "almost fantastic."

The continuing bouts with infection gradually curtailed Russell's old routine of a 12-hour work day. In recent months he had relied on a cane for moving about, and later acquired an electric cart to travel through the corridors of Capitol Hill.

He was forced to keep oxygen containers in his office and home, and underwent exhaustive medical checkups every six weeks.

A new infection was detected in March 1970, followed by a month-long stay in Walter Reed.

During the election day congressional recess in November, Russell again became ill and was hospitalized briefly for an extensive checkup.

He worked three-to-four-hour days after his release and rarely appeared on the Senate floor. His condition was such that no requests for press interviews had been granted since October.

Russell's life was interwined into the power of the United States Senate.

He had become its senior member, its master parliamentarian and the measure by which the performance of his colleagues will be judged for years to come.

He died only a week after the Jan. 12 anniversary date that marked the beginning of his 38th year of service in the Senate.

Only former Sen. Carl Hayden of Arizona, 93, had served longer. Hayden retired in January 1969 after 42 years of service.

By virtue of his seniority, Sen. Russell had held the most powerful legislative posts in the Senate.

As president pro tempore of the Senate, he was third in line of succession for the presidency and the Senate's primary presiding officer.

As chairman of the Senate Appropriations Committee since 1969, he held life-or-death power over every money-spending bill in Congress.

As ranking Democrat on the Senate Armed Services Committee—and a chairman of that committee for 16 years—he played a greater role than any other senator in shaping the defense establishment of post-World War II America.

He was the leader of the Southern bloc, the senior member of the Democratic Policy Committee and the Democratic Steering Committee—the major administrative-political organs of the Senate—and ranking Democrat on the Senate Aeronautical and Space Sciences Committee and the Joint Committee on Atomic Science.

He was privy to the most sensitive national defense secrets of the United States by virtue of his chairmanship of the select committee on the Central Intelligence Agency. He received regular, private briefings from the director of the CIA.

And, at the height of his power, Russell was acknowledged as the master legislator of the U.S. Senate. His knowledge of Senate rules, parliamentary procedures and the voting inclinations of each of his 99 colleagues made him a legislative floor manager without peer.

He had been condemned during his career for his powerful role in opposition to civil rights measures and was the ultimate enemy of critics of expanded defense spending.

But at the same time, Russell's sense of personal honor and his quiet, courtly manner had won him the respect of his most outspoken foes.

He had been counselor to six presidents and was the only man in history to serve more than half his life in the U.S. Senate.

Above all, Russell had earned the undisputed reputation as a "senator's senator," a man straightforward in his dealings and committed to his personal ideals.

He formed those ideals under the Calvinistic discipline of a family of the land-owning, agrarian South. He was the fourth child and the first-born son in a family of six boys and seven girls, reared on a 1,000-acre farm near Winder, 55 miles northeast of Atlanta.

Sen. Russell's survivors include four sisters, Mrs. Stacy of Atlanta; Mrs. S. Gordon Green of Winder; Mrs. Peterson of Alley, and Mrs. L. Nelson of Thomson, and five brothers, Dr. Fielding B. Russell of Statesboro; Col. Walter B. Russell of Decatur; Dr. Henry Edward Russell of Memphis, Tenn., and Dr. Alexander B. Russell and William J. Russell, both of Winder.

As patriarch of the far-flung Russell clan, the senator had continued to live in the large 2-story family home.

His father was a lawyer, banker, newspaper editor and president of the Georgia College for Women at Milledgeville, but his abiding interest was politics.

The elder Russell was elected to the Georgia House of Representatives two years after he graduated from law school, later ran unsuccessful races for governor and U.S. senator, finally winning election in 1922 as chief justice of the Georgia Supreme Court.

Under his tutelage and the devoted attention of his mother, the former Ina Dillard, Russell became the most precocious state political figure of his time.

He graduated from the University of Georgia Law School at the age of 21, and one year later was elected to the Georgia House.

Six years later, in 1927, he became speaker of the House and four years later was elected governor at the age of 33, the youngest chief executive in the history of Georgia.

Russell engineered his surprising gubernatorial victory with a grueling, statewide automobile tour that brought him face to face with the people of a state caught in the depths of the depression.

As a "reform" governor, his first actions were to cut his own salary by $3,950, cut the number of state bureaus and departments from 102 to 17 and trim the state budget by 20 per cent.

He redesigned Georgia's higher education program, establishing the state's first board of regents.

During the final year of Russell's term as governor, U.S. Sen. W. J. Harris died in office, and Russell launched his third major campaign. On Jan. 12, 1933, he was sworn in at the age of 35 as the youngest member of the U.S. Senate at that time.

His rise to power already had been noted outside Georgia. Six months earlier he had delivered the seconding speech nominating Franklin Delano Roosevelt as the Democratic presidential candidate.

Russell, remembering the agonies of Georgians caught in the depression, became one of Roosevelt's strongest Southern allies in the Senate and a wholehearted champion of the New Deal.

Before he came to Washington he had memorized the U.S. Constitution, the Declaration of Independence and the Senate's all-important 40 Rules and arranged for special tutoring from the Senate parliamentarian.

Though a junior senator operating in the shadow of Sen. Walter F. George, he soon was floor-managing major New Deal legislation.

Russell's early interest were agriculture, conservation and forestry programs and he acted as floor manager for the 1936 act creating the Rural Electrification Administration.

In 1936, he authored and won passage of the legislative program establishing the first nationwide school lunch program, and was instrumental in creating the Farmers Home Administration.

That fear also brought his most rugged election battle, a challenge from then Gov. Eugene Talmadge. Russell waged the most vigorous campaign of his career, answering charges of being a liberal and a Roosevelt puppet.

The campaign was punctuated by threats against both candidates and some of the most bitter political convolutions in Georgia history. But Russell won a substantial victory and never again faced a serious challenge.

His close association with Roosevelt soured when he returned to the Senate and refused the President's request to lead the behind-the-scenes maneuvering to unseat Sen. George, a plan that was part of Roosevelt's tactics to win Senate approval of his efforts to expand the U.S. Supreme Court.

Two years later the break was complete when Russell sided with conservatives attacking the President's high-spending policies of ending the depression.

With the outbreak of World War II, Russell's interests turned to the military establishment, and he journeyed to England to inspect U.S. bases. He was a member of the Senate Committee on Naval Affairs, a body later to be consolidated into the Armed Services Committee.

As Russell's seniority and legislative reputation grew, he became one of the South's best-known conservative spokesmen.

In 1948, Southerners chaffing under the early civil rights statements of President Harry Truman urged Russell to become the nominee of the state's rights Democratic party. He declined, and later received 263 votes at the Democratic National Convention.

But Russell's national political ambitions were stirred by the unexpected presidential feelers. In 1953 he entered the Florida presidential primary, partly to dampen the ambitions of Tennessee Sen. Estes Kefauver and partly to test his own strength.

Russell won the primary and set a brisk pre-convention speaking schedule across the nation. He said later that he considered his race a vehicle to act as spokesman for the conservatives of the party, but those who knew him well said the senator was looking hard for his national campaign possibilities.

He drew 294 votes at the party convention, many of them from delegates in 27 states outside the South.

But Russell was a political realist, and his loss at the convention closed his ambitions for national office.

President Truman was to say later, "I believe that if Russell had been from Indiana or Missouri or Kentucky, he may very well have been president of the United States."

President Richard M. Nixon was to recall and concur in those words at a reception honoring the senator in February 1970.

The flirtation with presidential politics had brought Russell before the national eye, but not for the first time.

A year earlier, in 1951, the Georgian found himself the new chairman of the Armed Services Committee and facing a major crisis when President Truman fired Gen. Douglas MacArthur at the height of the Korean war.

MacArthur's admirers were quietly working for impeachment of Truman and Republicans moved quickly to run the flamboyant commander's dismissal into a presidential election issue.

Russell intervened immediately by wiring MacArthur an invitation to testify before his committee. The general accepted and Russell maneuvered to hold the hearings behind closed doors.

Transcripts were provided the press each day, and for two months the senator held reign over the most political explosive issue of the day.

Russell carefully explored both sides of the case, letting MacArthur and his followers vent their feelings.

The disciplined pace of the proceedings blunted the crisis atmosphere and the issue faded to the point that the committee was never called to issue a report of its findings.

At about the same time, Russell became the confidant and prime mentor of then Sen. Lyndon B. Johnson.

The Georgian had known Johnson since he had been a House member seeking Senate help for REA legislation. In the early 1950s their friendship in the Senate had become unshakable. Russell helped engineer Johnson's successful race for Senate minority leader in 1953 when Republicans controlled the Senate.

It was a friendship that was to survive a later split in ideologies.

Russell had maintained his state's rights advocacy of segregation throughout his Senate career, and by virtue of his mastery of parliamentary maneuvering had been a leader in blocking or weakening major civil rights legislation.

In 1964 when President Johnson brought his expansive civil rights act before the Senate, Russell launched a historic battle.

For 83 days—the longest continuous debate in the Senate's history—he led the Southern filibuster to block the measure. A cloture vote finally cut off debate and the bill was passed.

The defeat seemed to signal a mellowing in Russell's vehemence against such legislation.

He returned to Georgia after the loss and said, "I have no apologies to anyone for the fight that I made. I only regret that we did not prevail. But these statutes are now on the books and it becomes our duty as good citizens to live with them."

At the same time he was marshaling the Southern civil rights opposition, Russell had been named by the President as a member of the Warren Commission, charged with the duty of investigating the assassination of President John F. Kennedy.

Suspicious that Lee Harvey Oswald acted under foreign influence, the Georgian was the only one of the six commission members who initially refused to sign the report.

He withheld approval until a clause was added saying their conclusions represented a judgment based upon the best information available.

As chairman of the Armed Services Committee, Russell was the first and loudest critic of U.S. military support to the French in Vietnam in 1954. He later condemned President Kennedy's dispatch of advisers and predicted a widening military quagmire.

But when large-scale American involvement was committed, Russell became one of President Johnson's most hawkish supporters. He advocated blocking North Vietnamese harbors and destroying food supplies in the north.

In other actions, he was a leader in establishing the U.S. nuclear-powered submarine fleet, and his opposition in 1961 was largely responsible for the reversal of a Kennedy administration decision to stop development of manned bombers.

With his influence in military affairs, Russell brought Georgia a lion's share of U.S. defense dollars. A total of 15 major military installations flourish in the state, bringing in a combined military and civilian payroll of more than $1 billion annually.

Despite his prestige and power, Russell led an austere life in Washington. A bachelor, he lived in a modest apartment in the Foggy Bottoms section of the district and drove himself to work until his health began to fail.

His few concessions to his position were a chauffeured limousine he was authorized in 1969 by virtue of his office as president pro tempore, and a 24-hour call on a private Air Force jet, a privilege he used for his trips to the family home in Winder.

Russell maintained an unusually small staff for a senator of his seniority, preferring to take most of the responsibilities of his office on himself. When his health permitted, he regularly worked 12-hour days, six days a week.

Among the organizations to which he belonged were the American and Georgia state bar association, the American Legion, the Forty and Eight, Sigma Alpha Epsilon, Kiwanis, the Odd Fellows, the Shriners, the Elks, the Masons, the Burns Club of Atlanta and the Sphinx honorary society of the University of Georgia.

He attended the public schools of Winder. The Agricultural and Mechanical School of Powder Springs and Gordon Institute in Barnesville. He received his bachelor of law degree from the University of Georgia at Athens in 1918.

He held honorary doctor of laws degrees from Mercer University and The Citadel.

[From The Atlanta Constitution, Friday, Jan. 22, 1971]

DICK RUSSELL

Among all the thousands of words in the Congressional Directory, devoted to the sometimes self-serving biographies submitted by members of Congress, the shortest of all was that offered by Georgia's senior senator, *Richard Brevard Russell, Democrat, of Winder, Ga.*

It was a modest entry, typical of the man.

Sen. Russell, dead at 73, gave in yesterday to a better-than-five year struggle with a lung disease, chronic emphysema. His long battle befitted the man. It was a gallant battle, uncomplaining, a battle Dick Russell knew in the end he must lose.

Russell, aware of his problems of health, always said he would step down at any point when he could no longer serve his constituents. He meant it. He gave his staff stern instructions to be candid about his condition whenever he was in the hospital. He was aware, no doubt, when he last sought re-election in 1966, that he might not live out another six-year term.

We feel certain that Russell would have stepped down at any point when, in his view, his health interfered with his duties. But, at the same time, we pay him the compliment of thinking perhaps he wanted to die in office, to let his life and his long significant career in the U.S. Senate end at the same time.

He never married. He loved his family, the many brothers and sisters and nieces and nephews. He was inordinately fond of the children of his staff members. He seemed an austere public man, almost Spartan in outlook, but those near him found him a warm and friendly man. He never married, but he took as mistress the United States Senate, and his full 38 years service in the Senate amounted to more than half his span of life.

In later years, Russell led the Southern Senate opposition to civil rights legislation. We believed him wrong on that issue and said so. But it's worth noting the reason *why* he was the leader of the Southern group: it was inevitable, because of Russell's own character and intelligence. Lesser men often hid behind that leadership, men who used the cheap demagogic tactics of racist politics to win public office. Russell never did that; he was neither a hater nor a demagogue.

Harry Truman once wrote that Russell probably would have been President of the United States, had he not been a Southerner, and it's probably true. But his service meant much to the nation, from the days when he helped mold New Deal legislation in the 1930s to the years of influencing our entire military structure. He was an adviser to presidents, giving his best counsel when asked, and never then vaingloriously quoting to others what he said to the President or the President to him.

Russell completed his 38th year in the U.S. Senate a few days ago and, in a statement issued from his hospital bed, he thanked Georgia citizens "for permitting me to serve at the very hub of our national life during the most exciting era in human history."

Let that stand as a farewell. Dick Russell was a man of honesty, and character, and devotion to public service. We salute him.

[From the Atlanta Constitution, Jan. 22, 1971]

SENATOR CALLED A GIANT

President Richard M. Nixon led the nation's political leaders Thursday in mourning the death of Georgia's Sen. Richard B. Russell, praising him as "a rare blend of courage, character, vision and ability that moved him indisputedly into the ranks of those giants who have served in the United States Senate."

Former President Lyndon B. Johnson, one of Russell's oldest friends, called him "a giant among his colleagues."

If Russell had not been a Southerner, said Senate Majority Leader Mike Mansfield of Montana, echoing the words of former President Harry S. Truman, "he would have been president of the United States. He could have gone far—much farther than he did."

In his statement, President Nixon said:

"With the death of Sen. Richard Russell, America mourns the passing of one of her greatest sons. A quarter of a century ago, when I first came to the Congress of the United States, Richard Russell was already a name that inspired a universal admiration and respect from legislators, adversaries and allies alike.

"When the security of the United States was the issue six American Presidents leaned upon this great patriot; he never failed them.

"I am honored to have served with him briefly in the Senate; I am honored to have known him as a friend. The nation whose security was his constant concern for four decades in the upper chamber will be ever in his debt. His home state of Georgia which he represented with such nobility, perseverance and skill, can take perpetual pride in his memory."

Senate Republican Leader Hugh Scott of Pennsylvania called Russell "a giant among giants."

"His dedication to his country, to his state, to his party and to his beloved Senate knew no bounds," Sen. Scott said. "There has never been nor do I believe there ever will be a finer parliamentarian in the Senate than the senator from Georgia."

"We shall all miss him as a colleague and shall feel his loss deeply, but the country will feel his loss even more."

Mississippi Sen. James Eastland called him "the rock upon which the Senate rested during periods of great danger and times of great trials."

Sen. Eastland added, "All in all, I thought he had the best grasp of all the major problems of our government—more so than anyone in Washington for the last 20 years.

"He represented and rigidly followed the highest standards of conduct as a public official. His passing is a great loss to the Senate, but we can remember that his many contributions to the nation for four decades have left many constructive achievements that, in effect, mean Richard Russell and his influence will be with us for more decades to come.

"There is no doubt that amid all his activities his first love and devotion was to the State of Georgia and its people. He never forgot those who entrusted him with his high responsibility. He never varied from his devotion to them."

Sen. Allen Ellender, D-La., who is in line to succeed Russell as Senate president pro tem, said, "The loss of Sen. Richard Russell will be keenly felt by this Senate, the state of Georgia and the nation. I share this loss with a deep sense of personal sorrow over the passing of my longtime friend."

Sen. Russell B. Long, D-La., called Russell "the ablest member" of the Senate who represented "an institution, an exemplary standard, a code of ethics."

The U.S. Senate, declared Sen. Henry M. Jackson, D-Wash., lost "a giant in its history."

Former Secretary of State Dean Rusk, now a professor of international law at the University of Georgia, said the Winder senator was "a valued and trusted confidant of all our post-war Presidents."

Carl Vinson, retired chairman of the House Armed Services Committee and a longtime friend, called Russell "one of the most brilliant men of my acquaintance."

[From the Atlanta (Ga.) Constitution, Jan. 22, 1970]

CARTER LEADS STATE'S EULOGY

Praise for Sen. Richard B. Russell's character and achievements came from state and local leaders following the senator's death Thursday.

"The people of Georgia have lost a friend for whom we had the greatest personal affection," said Gov. Jimmy Carter. "We have lost a senator who spoke for us all. The nation has lost a statesman.

". . . Yet even in our sorrow, we are thankful for the contributions this great and humble man made to our country and our state," the governor said. "His life has been an example to all who would truly serve their fellow men.

"People who are close to me know what an intimate friend Sen. Russell was to me," Carter recalled. "While I was in the Naval Academy he was my hero. All Georgians join the Russell family in sorrow at his passing."

Former Secretary of State Dean Rusk, now teaching at the University of Georgia in Athens, called Russell "one of the truly great senators in the history of our republic. A valued and trusted confidant of all our post-war presidents, his integrity and sense of honor inspired all those who worked with him in both the legislative and executive branches of our government."

Lt. Gov. Lester Maddox said he first came to know Sen. Russell in the mid-1950s "because of visits to his office when I used to go to Washington with problems about wage-and-hour laws and business—that sort of thing.

"I always felt I was a better man when I had talked with Sen. Russell," Maddox said. "The people who loved freedom in Georgia and in the country and in the world have lost a champion."

Former Gov. E. Ernest Vandiver, now adjutant general of the Georgia National Guard, said, "The United States and the state of Georgia have lost their greatest statesman. His splendid works will be inscribed in our nation's history, and succeeding generations will be aware of and will discuss the greatness of Sen. Richard B. Russell.

"It goes without saying that our family feels a keen personal loss," said Vandiver, who married Russell's niece, Betty Russell. "I am grateful that my children had the privilege of knowing and loving him."

Atlanta Mayor Sam Massell said the loss of Russell "depletes a part of our heritage and a part of our future. He was a symbol of strength in our democracy and as one of the country's most important public officials he brought unequalled fame to his home state. The respect he enjoyed from Georgians, as well as people throughout the free world, has rarely been equalled by any statesman."

Former Mayor Ivan Allen Jr. observed that Russell's leadership "covered the space of three generations of Georgians, and it is doubtful that any other Georgian served so long and so honorably the people of this state. His record as legislator, governor and United States senator will stand as a symbol of greatness amongst Georgia people for all times. He will be greatly missed."

Officials at St. Joseph's Infirmary, where Mayor Emeritus William B. Hartsfield is recovering from a heart attack, said the 80-year-old former Atlanta mayor had not been informed of Russell's death and was not in good enough health to be told.

Bishop John Owen Smith, resident bishop of the United Methodist Church in Georgia, called Russell "one of history's most powerful, yet most humble men. Those of us who knew him remember that the senator spent many hours in the Library of Congress meditating on the works of the great Christian philosophers. He studied them as he studied men of history. From now on we shall find ourselves studying Sen. Russell."

Bishop Smith said Russell, a lifelong Methodist, "will be recorded as a worthy statesman, capable servant of the public and a Christian gentleman."

Scores of other local and state leaders reacted to Russell's passing:

Atlanta Vice Mayor Maynard Jackson: "I'm sure untold numbers of Georgians will mourn the passing of this man whose entire life was devoted to public service. Obviously no one will be able to assume the particular mantle of power which he so easily wore."

State Sen. Leroy Johnson, first Negro to serve in the Georgia Senate in modern times: "Sen. Russell was without question considered by all who knew him as a man of great integrity. He will be missed by Georgians and more specifically by his colleagues in the Senate."

A GREAT LOSS

Bond Almand, chief justice of the Georgia Supreme Court: "Georgia and the nation have suffered a great loss in the death of Richard Brevard Russell. He served his state as governor and the nation as senator from Georgia with fidelity, honor and credit."

George L. Smith II, speaker of the House of Representatives: "The noblest Georgian of them all is gone. He always will be remembered."

Oliver Bateman, minority leader of the State Senate: "Few of us realize the impact Sen. Russell had on national policy, particularly in the area of defense and foreign policy. And it's a great loss to the administration because Sen. Russell consistently has supported those things he felt were good for the nation, without political bias."

Tom Murphy, speaker pro tem of the House: "He was a great man. Even though he was in a high place he never forgot the little people."

Al Hollowoy, majority leader of the Senate: "The footprints left by Sen. Russell have been much deeper than any other Georgian prior or current. The United States has certainly lost a champion of public service."

Regent Roy Harris of Augusta: "I have known Dick since he was about 18 years old. . . . His death is a great loss to the people of Georgia, to the people of the South. He's led nearly every fight that Southerners have made to prevent discrimination and punishment of the people of the South."

[From the Atlanta (Ga.) Journal, Jan. 22, 1970]

RICHARD B. RUSSELL

The death of Sen. Richard Brevard Russell Jr. leaves a void in the state and in the nation which will not be filled within the foreseeable future.

He was a giant of a man whose influence shaped and molded national policy, particularly in the vital and all-encompassing fields of money and defense.

At his death he was chairman of the Senate Appropriations Committee as well as president pro tem of the Senate. Prior to that he had been chairman of the Senate Armed Services Committee since 1951.

He was the friend of presidents from both political parties. His influence and support were eagerly sought by whoever happened to reside in the White House.

It is characteristic of the man that although he was a life-long Democrat on matters of national interest he did not hold to a narrow and partisan view. His outlook was too broad to be so constricted. And he threw his support to whatever he thought in the best interests of the nation as a whole.

"I'm a reactionary when times are good," he said in 1963. "In a depression I'm a liberal."

Sen. Russell's potential stature was indicated when he first entered politics. Going to the Georgia House of Representatives in 1921 at the age of 23, he was designated speaker pro tem in 1923 and was elected speaker four years later.

When his father, the late Chief Justice of the Georgia Supreme Court, Richard B. Russell Sr., swore him in as governor of the state in 1931, he was the second youngest governor in Georgia history.

He went to Washington as a U.S. senator in 1933 and there he remained until his death.

Without seeking the nomination, in 1948 Sen. Russell received 263 votes in Democratic convention balloting for a presidential candidate. Four years later he did actively seek the prize, but the second ballot was his high point and he was not to receive it.

Indicative of the esteem in which he was held, he headed a 1951 Senate investigation of the explosive issue of President Truman's firing Gen. of the Army Douglas MacArthur, and in 1963 was appointed to the Warren Commission which investigated the assassination of President Kennedy.

Throughout his Senate career, Sen. Russell reflected glory and honor upon his native state.

Sen. Russell's accomplishments brought him worldwide fame and renown. At home this is remembered with pride, but at home the senator is remembered for other things. He is remembered for his devotion to his family and to the family home, which was his home at the time of his death, and for the care he took of his family's burying

ground near this home. He is remembered at home for his personal charm and rare, dry wit, qualities which he did not trouble to project to the nation and world, saving them for those he knew. He is remembered at home for his pride in his state and in his people who helped develop it from the beginning. He is remembered here for his clean taste for simple things. He is remembered as the father of the University System of Georgia, for he was the governor who organized the system when he reorganized the state, bringing order out of chaos in which separate institutions fought each other for appropriations. In this chaos there was no possibility for growth or quality.

So will he be remembered by the many Georgians who brushed against him or came within his range. He will be remembered also for his adherence to what he considered to be right, and what he was taught was right as a youth. He believed in the Constitution as interpreted prior to the presidency of Franklin D. Roosevelt and he did not change his opinions here, though he must have known that modern historians might judge him harshly on this point. In this as in other things he was consistent to the end.

EULOGY TO THE LATE UNITED STATES SENATOR RICHARD BREVARD RUSSELL

(By Senator HERMAN E. TALMADGE at the graveside, Winder, Georgia, Sunday, January 24, 1971, 2:00 P.M.)

The Roman statesman, Seneca, avowed that a man who is great when he falls is great still in his prostration.

We are here today to honor a man whose greatness in life embraced 50 years of unexcelled service to his beloved state and nation . . . a man whose greatness will be everlasting.

His heart has been stilled. The grandeur of his life has been taken from this world.

But the memory of Richard Brevard Russell will remain alive in the minds and hearts of all of us here today as, I am sure it will, in generations of Georgians yet unborn.

The greatness of a state or nation is not measured by their mountains or streams, or rolling hills or plains, and not by material things or even immense wealth.

The capacity for greatness resides in the spirit of the man. This is a unique blessing of God. Man is the embodiment of dignity and integrity. It is man who gives majesty to states and nations.

Such a man was Richard Brevard Russell. Such men as he have made Georgia a great and proud state. Such men of wisdom and foresight as Senator Russell built the United States, and made our nation the world leader that it is today.

Freedom and human dignity are more secure because of patriots such as Senator Russell.

Georgia, the nation, the free world are in his debt. We mourn his death.

Dick Russell's roots ran deep in Georgia. He loved this state, and he was as much a part of it as the ground on which we now stand.

There has never been a greater family than the Russells of Georgia. There was never a greater Russell than Richard Brevard Russell.

I first knew Dick Russell when he was Speaker of the Georgia House of Representatives. I was just a boy then, and I got a job as page. I was only there a few days, and Speaker Russell was far too busy to get to know me very well personally.

I didn't see him again for three years, when he came to McRae, Georgia, to make a speech. I went up to speak to him afterwards, and he immediately extended a cordial greeting and called me by name. I have never forgotten that. I cherish the memory of Senator Russell as that kind of man.

For all of his greatness and the heavy burdens and responsibilities that he carried throughout all of his adult life, Senator Russell was a kind and considerate and gentle man.

He was a man of all people, but he was particularly Georgia's own.

As one of the greatest U.S. Senators of all time, confidant of Presidents of the United States, a party to momentous decision making at the national and international level, Senator Russell was known and respected throughout all this land and the world over.

He brought unprecedented credit to Georgia, wherever he went and in everything he did.

Today, Georgians bow their heads in respect. A great statesman, one of our own, has fallen.

I know of no higher honor that could befall me than to have had the privilege to serve with this brilliant and courageous man in the Senate of the United States.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the RECORD remain open for a period of 15 days for eulogies to Senator RUSSELL and that at the conclusion of that time the eulogies be printed as a Senate document.

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

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

Mr. TALMADGE. Mr. President, I yield to my distinguished friend and colleague, the majority leader.

Mr. MANSFIELD. Mr. President, words are difficult to find to express one's feelings toward a departed friend, a former colleague, a great legislator, and a gentleman.

The great and the near great and the humble and even the not too humble have spoken in sorrow. Now it is the moment for expressions by his colleagues in this body with whom he served so long and who owe him so much. This is the body which he respected and revered and for which he fought to uphold at all times. Though the times have changed, the depth of his respect and reverence for the Senate did not.

There is very little that I can add to what the distinguished senior Senator from Georgia (Mr. TALMADGE) has already said. However, if the Senator would allow me, I would like to repeat at this time what I said yesterday when I had the honor to speak along with the distinguished Senator from Georgia (Mr. TALMADGE), the distinguished Senator from Mississippi (Mr. STENNIS), and the distinguished gentleman representing our late colleague's home district, Mr. LANDRUM. What I said was also said by others both at Charleston and at Winder. But into this expression I put my feelings as best as I knew how. I must say that the full depth of my respect and regard and the friendship I felt for this great man can never fully or adequately be expressed.

What is 50 years in public life?

It is the end of a war long ago and a young lawyer's practice in a town where the railroad runs through cotton fields. It is the lift of a first election and a seat in a State legislature.

It is an ear given to the past and to the words of a family rich in the law, the Bible and the bitter fruits of an ancient war.

It is an ear given to the present, to neighbors who need and do not need, to the rich and the poor, to the harsh and the gentle, to the black and to the white. It is the Speaker's chair in the Georgia House and the learning of the machinery through which freedom seeks to speak.

What is 50 years in public life?

It is the confidence of a people whose confidence in all else has been shaken. It is the agony of an empty public purse when many hands stretch out for help.

It is a fury of frustration as the land dries up and factories stand still even as men go in want and there are the sounds of violent discontent rising. It is the weighing of plea against plea, hope against hope, need against need. It is a mandate to decide, whether it is easy to decide or hard.

It is a Governor's house in a Nation's dark hours.

What is 50 years in public life?

It is a long journey to a Nation's Capitol and to the Senate of the United States. It is the mixing of an old experience and a new.

It is another war, another, and another yet, and a militant defense of the Nation's defense.

It is the pleas of a people remembered out of the past and the means, at last to respond to them.

It is all the ways that States draw strength from the Federal Government.

It is school lunches and food for the hungry, the farmer helped, the roads built, the schools expanded and the dignity of hope reborn.

It is the mastery of new legislative machinery and, as conscience compels, its vigorous use.

It is, at last, the Chair of the Senate of the United States and the high trust of a nation.

Fifty years in public life.

It closes where it began, where it is green and there is the smell of pines.

RICHARD BREVARD RUSSELL, Winder, Ga., a Senator of the United States.

Mr. TALMADGE. Mr. President, I yield next to the distinguished senior Senator from Alabama.

Mr. SPARKMAN. Mr. President, yesterday DICK RUSSELL, as we all knew him, was returned to the soil of his native State where he lived, which he loved, and which he served so well over the years. I cannot add to what the Senator from Georgia (Mr. TALMADGE) has said so well regarding him.

DICK RUSSELL was a man whom anyone coming to know him would love and admire. DICK RUSSELL had been in the Senate of the United States for 4 years when I entered the House of Representatives. I came to know him early. He was from my neighboring State, and I learned to follow his leadership. Later I joined him here in the Senate and came to know him as a Senator.

I remember the time in 1952, as the Senator from Georgia (Mr. TALMADGE) has said, when Senator RUSSELL was the candidate of many people throughout the country for the Presidency of the United States. DICK's friends had opened up a headquarters for him in Chicago. I went out to the convention about 10 days later and worked in his headquarters for him.

I was amazed and pleased at the great

numbers of people from all over the United States who came to those headquarters to see and talk with DICK RUSSELL. I remember a good while before the convention urging DICK to make speeches throughout the country in order that he would become more closely known by many of the people, but he felt his duty called on him to stay here at his work.

I think he would have liked well to have been the President of the United States under different circumstances. DICK was a great Senator; he was a great man; he was a great friend.

You know, Mr. President, many years ago when I was a student at Latin, I remember I was taught that the Romans had no words for "He has died." Instead, if they wanted to say that someone had reached the end of his life, they would say, "He has lived." So it is with DICK RUSSELL. He has lived and the name of RICHARD BREVARD RUSSELL will go down in history as one of the truly great Senators to serve in this body and one of the truly great Americans of all time.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, the State of Georgia, the South, and the Nation have lost a man of great stature and influence in the death of Senator RICHARD RUSSELL. He was a statesman in the truest sense of the word.

It was my privilege to serve with him on the Senate Armed Services Committee since 1958. His leadership in military affairs which resulted in a record of military preparedness for this country will stand as a memorial to this gifted and admired public servant.

He was a champion of America's servicemen, and his dedication to their welfare resulted in our soldiers being the best equipped and supported fighting men ever to go on the battlefield.

He believed in America maintaining a defense posture which could be challenged by no adversary. He not only espoused this policy, but he took the necessary steps to see that it was carried out.

Because of his forceful position on defense policies and national security he was frequently consulted by Presidents, Secretaries of Defense and State as well as others who filled key positions in our Government.

Besides his leadership in this area Senator RUSSELL stood firm as a champion of constitutional government. He served as the leader of Senate forces who opposed the so-called civil rights bills of recent years. His opposition to these legislative proposals was soundly based on his conviction that they were contrary to the Constitution and politically inspired.

Because of the great respect in which he was held by the Members of the Senate and the Nation as a whole, many unwise legislative proposals in the area of constitutional rights were rejected by the Senate and the Congress.

Mr. President, I believe the Nation will best remember RICHARD RUSSELL for his record in these two areas—national defense and constitutional government.

To these causes, and many others, he brought a rare quality of dedication and leadership. As a man of integrity and ability his days in these Chambers will be not soon forgotten.

My sympathy is especially extended to his family, his staff, and the people of Georgia, for their loss is great. But I submit also that the Nation and the world have lost a man whose character and counsel will be sorely missed in the days ahead.

Mr. President, I ask unanimous consent that an editorial entitled "Denied the Presidency, RUSSELL Graced the Senate," which appeared in The State newspaper, Columbia, S.C. on January 23, 1971, be printed in the RECORD following my remarks.

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

DENIED THE PRESIDENCY, RUSSELL GRACED THE SENATE

The death of Georgia's Senator Richard B. Russell has brought forth tributes from Americans of all walks of life and all sections of the country—united in praise of a great United States senator.

South Carolinians, however, feel a special loss because of a special bond with the distinguished Georgian. Almost a quarter century ago, "Dick" Russell was the choice of South Carolina Democrats for President of the United States. Again in 1952, South Carolinians at the Democratic National Convention backed him for the presidential nomination.

Had Russell received the nomination at Philadelphia in 1948, there would have been no bolt by the States' Rights Democrats under Strom Thurmond, for Russell personified the South's opposition to President Truman's civil rights program and to the centralization of power in Washington.

Had Russell been nominated in 1952, he would likewise have swept South Carolina and the South. Furthermore, he would have drawn powerful support throughout the nation, for even then his stature as a statesman and a senator was such that he commanded respect from all who knew him.

But Richard Brevard Russell came from the wrong part of the nation to become the nominee of a national political party. The regional discrimination which thwarted Russell was feelingly portrayed by Washington columnist William S. White when it was learned almost two years ago that Russell was seriously ill:

"He has not simply been a senator from Georgia," White wrote, "but rather, in the best and highest meaning of that old-fashioned term, a senator of the United States of America. On every single ordinary and rational test of performance, of competence, and of private and public honor, no politician in his time has more clearly and more repeatedly earned consideration for the highest office of them all . . .

"But the trouble for Richard Brevard Russell has not been that he ever lacked the ability to be an outstanding President but only that he was born in the wrong place and the wrong time and thus was forever denied even a chance at that elevation which otherwise could hardly have been refused to him.

"In a word, the door to the White House was locked and nailed up against him because he was 'a Southerner' and thus a member of a lesser breed without the law . . ."

South Carolinians mourn the death of Richard Russell, as they mourn the loss of their own patriot and champion of national defense, Mendel Rivers. But in Russell's case, they have occasion to lament the passing of a man who not only could have been, but should have been, President.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, under the request already granted to the Senator from Georgia (Mr. TALMADGE) for the inclusion of additional remarks which would be included in a printed copy of the eulogies to our late friend, I propose to take advantage of it and have additional remarks at some later time.

Senator RUSSELL and I had identical committee assignments in the Senate—members of the Armed Services Committee, the Appropriations Committee, and the Aeronautical and Space Sciences Committee; and in those committee assignments I was blessed as much as a fellow Senator could be blessed by association, counsel, and advice from our departed friend.

I speak with all deference to every one of the Members here, now or before, in any recent times. I believe that he was the ablest man in the Senate of our time.

Today I want to speak from the contents of a eulogy that I prepared to deliver yesterday at his funeral, when due to inclement weather, we were prevented from reaching Winder and the place of the funeral, but, through the marvelous arrangements that were made through the television stations, messages of those of us who were to speak were conveyed. Nevertheless, I want to have in the RECORD and to speak here on the floor this eulogy to our friend.

We come today in reverence to honor the life and memory of our late, esteemed friend, RICHARD B. RUSSELL. He needs no praise; praise is not my purpose, even though he was a dear and valued friend, and I owe him much.

I believe we can bring him the greatest honor by brief references to some high points of his notable career, search for the basis of his achievements, and hold forth the qualities and principles he followed as a legacy to the youth of our land.

During almost four decades of active service in the Senate, vast changes and challenges confronted our Nation, far beyond any other period of history.

These included the Depression, World War II, the postwar years in which a new foreign policy had to be evolved, the special problems of nuclear power and nuclear weapons.

Grave questions arose concerning crises in Europe and in Asia. Then came the Korean war, and now the present war.

The task of effectively arming America, in both nuclear and conventional weaponry, was always a pressing one.

In all these grave matters, Senator RUSSELL had a firm and active hand, was a major influence with wise and constructive suggestions, and then played a major role in actually welding together each and all of our major policies, including, of course, our national security.

I believe he had the most thorough grasp of more of our major problems of government than any man that I have ever known, and good ideas, too, about a possible remedy. This was based partly on long experience, and partly on the fullest application and attention by a

splendid and talented mind. But further he had the gift—the gift of uncommon common sense, and he used it exceedingly well.

Far beyond what any Senator has done in modern times, he mastered the Senate's rules and was the Senate's valuable Member Parliamentarian.

He knew our Constitution and understood the operations of constitutional systems—our system—as few men do. He believed in that Constitution, he loved it, he followed it, and he lived it, in truth and in spirit. These are just some of the things he did concerning major legislative policies.

Some of his greatest achievements came though in actions beyond the call of duty as a legislator. During the tenures of six Presidents, including President Richard Nixon, Senator RUSSELL, as a Senator and as a wise counselor, was called to the White House many, many times, sometimes alone, for intimate conferences with the Presidents, concerning the Nation's welfare and security. His counsel was sought, and always given, frankly and without partisanship. The course finally adopted by the Executives often reflected his conclusions and received his strong and valuable support.

I want to mention one special and partly overlooked major achievement of his that I had intimate knowledge of, the Senate hearings in 1951 following the dismissal by President Truman of General Douglas MacArthur, his Commander-in-Chief in the Korean war. The people of the entire Nation were shaken and bewildered. In a quiver of emotions and despair, strong men shed tears, while many wise men were actually doubtful whether our system could survive the shock of this event. Tensions were high indeed. Someone had to lead the way. Senator RUSSELL was the man.

Quietly, quickly, skillfully, he conducted full hearings, which gradually became assuring to the people. General MacArthur and other notable witnesses testified fully. The evidence was quickly cleared for publication. Gradually, the people understood. The crisis passed. The superior role that Sen. RUSSELL played brought the realization to the Nation that the constitutional role, in a broad sense, of both the President and the Congress had been carried out. The people were content to let the matter rest on that basis, and calm was restored. Senator RUSSELL received little outward credit for this superb service. But I know he was awarded an inward satisfaction that came from the knowledge that duty was met. Such a man was Senator RUSSELL.

All these achievements, and many others, could not have been made unless there had been found in this noble man the full measure of integrity, respect and trust for him, and for his wise judgment. He served with more than 450 Senators. During these 38 years, and all, I think, would call him honest, able, fair, an impartial man of great talent and ability, always, always with the security of the Nation and the principles of our government foremost in his mind.

These are qualities that cannot be bought. They cannot be bestowed by gift. Rather, they must always be earned.

Over and over again, this strong man has thus been a tower of strength in the Senate at every turn of major events for almost 40 years. He never bluffed, he never applied pressure. He never sought nor held an office of power in the Senate. However, he got results. He had power in his qualities. He was the strong man of the Senate. There were and are other strong men, but he was number one.

In person, he has now introduced his last bill, has held his last hearing, has made his last conference report, and has made his last speech. But RICHARD RUSSEL continues to live. His influence will be felt; the policies he helped formulate will serve us and continue to strengthen our Nation in the years ahead.

Moreover, he taught through example. He has left the American youth of this and future generations both a challenge and a pattern of conduct for citizenship, as well as public life. I hold forth the qualities he followed as a legacy; a gift to the youth of our Nation.

What can our young citizens of today find here to emulate? A course of conduct that inspires confidence; absolute personal dedication; noble purposes always foremost as a motive and objective; standards in public and private life unexcelled; a willingness to serve; a willingness to lead and endlessly carry the penalty of leadership; and above all else, the attainment of being an honorable man.

Youth and others will find here a man and a record that fully live up to the everlasting call of the poet, Gilbert Holland, who said:

God, give us men! A time like this demands
Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
Men who the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Strong men, who live above the fog

In public duty and in private thinking.

No remembrance would be complete without a word about the simplicity of his personal life. Following long toil—often many months without a break—his idea of a real treat was not a visit to some renowned spot, or some foreign country, but rather to spend a few days with the people of Georgia, including a visit to Winder, to be with his mother, his sisters, his brothers, his nieces, his nephews, and other kin whom he admired and loved so much. The principal objectives of Senator Russell's devotion in life were his relatives, the State and the people of Georgia, his country and, particularly, the United States Senate.

Even though his influence was nationwide, and he carried responsibilities for the entire Nation, his first devotion was always to the State of Georgia and her people. From this he never varied.

And so it is proper that the mortal remains of this renowned and loyal son of the State of Georgia were brought directly to the Capitol of the State that he loved, there to be directly revered by the people he faithfully served—the people he never forgot.

So, now, in a few moments, we shall return the mortal remains of this great man to the red soil of Georgia to rest beside his noted parents and his other dear and respected ones.

Should I attempt to summarize the career and the qualities of this matchless man with a single word applied to his name, my summary would be:

RICHARD BREVARD RUSSELL—Patriot—May God Rest His Honorable Soul.

Mr. President, that concludes the words of the eulogy.

One further word: he told me soon after I arrived as a Senator, and I am sure he said the same to many others in their time:

> You are the newest arrival here, but you are a full-fledged member, entitled to be heard and to exercise your influence as well as cast your vote. However, there is something here that is far more important than you, or any other Senator; in fact, more important than all Senators—that is, the Senate itself.

Thus he spoke; thus he lived; and thus in his 38 years here he made the greatest contribution, I believe, of this century to the Senate as an institution of problems that have beset us.

Many have said he was an honorable man, and indeed he was. Truly his was a noble character. All of us in the Senate and in the Nation owe him a great deal, but no one owes him more than I do.

It is impossible to fully review the influence that Senator RUSSELL had on legislation during his long service in this body. It extends to many hundreds of pieces of legislation, some of which were enacted and some of which were not.

His position on legislative matters dealing with security of this country is well known. To state it simply, he believed that we had to do whatever was necessary to protect the American way of life.

However, he knew that the American way of life that had to be protected dictated that the military must be subjected to absolute civilian control, and his thinking on this subject is the basis of our system today.

Senator RUSSELL recognized that, in order to have an adequate defense posture in this country, we must have a system of selective service. However, the fact that the draft was not a completely fair system to all young men involved was a matter that caused him great concern, and he considered as one of his greatest legislative accomplishments the passage in the Senate shortly after World War II of the Universal Military Training Act, even though this legislation never passed the other body. Typically, it was his position that, if one young American had to be called to serve his country, then every young American should share in this responsibility.

Senator RUSSELL was one of the leaders in the Congress for the development of atomic energy, and he was one of the original members of the Joint Committee on Atomic Energy. He recognized early that such a potent force must be brought under absolute civilian control, rather than under the military, and he was one of the leaders in the efforts to establish the Atomic Energy Commission. This was typical of his philosophy that we must have a strong military, but one which would always be subject to absolute civilian control.

Following World War II, Senator RUS-

SELL, along with others, recognized that the intelligence operation of this country had to be brought under one central head. It was his view that such an important function should be outside the military as an independent agency, answerable directly to the President, and the Central Intelligence Agency as we know it today reflects his thinking on this matter.

Just as Senator RUSSELL recognized the potentials of atomic energy, he recognized the potential of our efforts in space. He agreed with the basic decision that this country's space efforts should be a civilian effort, but he recognized that there were certain areas in space that had tremendous military application and insisted that the Department of Defense have the responsibility for space development in those areas. The rules of this body in establishing the jurisdiction of the Committees on Armed Services and Aeronautical and Space Sciences recognize this philosophy.

One of his areas of interest that I think he enjoyed the most was legislation involving agriculture and conservation of resources. Shortly after he came to the Senate, he became chairman of the Subcommittee on Appropriations for the Department of Agriculture, and he served as chairman of this subcommittee or as its ranking minority member for 30 years.

His accomplishments as chairman of the Agriculture Subcommittee of the Appropriations Committee and while he was a member of the Standing Committee on Agriculture and Forestry during his early years of service in the Senate were landmarks in the development of programs of the Department of Agriculture which are often taken for granted today.

As chairman of the Agriculture Appropriations Subcommittee, he provided in an appropriation bill for the initiation of the hot-school-lunch program which has been vastly expanded over the years. He was a strong supporter of the rural electrification program. He was a strong and consistent supporter of the Farmers Home Administration program under the Bankhead-Jones Act and other legislation of the early New Deal days. He was a strong and consistent supporter of soil and water conservation programs. Many times he took action, as chairman of the Subcommittee, to increase the appropriations over and above the budget estimates for the soil and water conservation programs which have made such a great contribution to the preservation of the Nation's soil and water resources. He was a strong supporter of agricultural research both at the national level and in payments to our nationwide system of land grant colleges and State universities. Similarly, he supported the expansion of the program for the county extension service throughout the Nation. In all aspects of appropriations dealing with the Department of Agriculture and its many programs, Senator RUSSELL was known as a true and tested friend. Notwithstanding the adversities of budget strictures, he, as chairman, recommended for consideration of the Senate the funding which he thought necessary to maintain—and in many instances, to enlarge upon—vital agriculture programs which served not only the American farmer but also served us all in protecting our resources and in providing a strong and viable American agriculture.

Mr. President, I thank the Senator for yielding to me.

Mr. TALMADGE. Mr. President, I yield next to the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, I had the great honor and privilege of serving with Senator RUSSELL ever since I came to the Senate. Therefore, I think it is almost my duty to speak in memoriam of the Senator, with whom, in my earliest days I developed profound differences of viewpoint, and yet those differences were matched equally with a rising tide of regard which was one of the best elements of my education in the Senate. The greatest tribute that I could pay to Senator RUSSELL is that his friendship for me, which was manifested in many ways, increased rather than diminished with the degree to which we found ourselves on opposite sides of the monumental and historic civil rights issues that were before the Senate.

He was unqualifiedly and unreservedly a gentleman in the finest American tradition. He was a parliamentarian to the very innermost core of his being. Because he understood the nature of our differences, and that the differences were not personal, this added immeasurably to the respect of one man for the other. So I have a very dear memory of this remarkable historic figure in the U.S. Senate, from very revealing and rather extensive personal experiences.

The second point, Mr. President, that impressed me about Senator RUSSELL, was the fact that he always had a remarkable knowledge of the facts. He was an extraordinary debater who always tested your mettle by having rational and reasonable arguments in support of his positions which compelled you to respond to no matter how much you might differ with him. These arguments were not assumed just for the sake of the occasion, but were held with deep sincerity in what he considered manifestly to be the highest interests of our Nation.

Finally, Senator RUSSELL was a man whose word was as good as his bond. He had an almost reverent sense of discretion and personal taste in his relations to the greatest affairs of the Nation as in his relations to individuals.

Mr. President, his voice was an absolutely indispensable element, much as I may have disagreed with him on many occasions, of the total decisionmaking process which is the very pride of the Senate of the United States. This has now been lost, and will be very hard to replace. Indeed, we can only hope and pray that another Member or Members will be found who can measure up to his ability and will make his voice count as heavily as RICHARD RUSSELL did in respect of the high decisions which we must make in our land.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, the United States has lost a great servant of the Republic. RICHARD RUSSELL personified, the highest ideals of patriotism, During the long years of his service to this country, he proved a wise and prudent statesman in foreign policy and defense.

A strong constitutionalist, RICHARD RUSSELL understood and respected the central role and the special responsibilities of a President in national security affairs. Small wonder that all Presidents, regardless of party, turned to him for counsel and criticism, starting with Franklin D. Roosevelt. Small wonder, also, that the two living former Presidents speak of Senator RUSSELL with deep respect and profound gratitude for his advice and steadiness in times of national crisis.

The Senate has lost a giant of its history. RICHARD RUSSELL was a great parliamentarian and a superb legislator who commanded the respect of all Senators regardless of political persuasion. No man in the Senate's history so well understood the rules and precedents, and so mastered the art of legislation. Many of us who joined this body as younger Senators, will remember him as long as we live with grateful affection for his dedication as a Senator which inspired us, his wisdom in legislating which chastened us, and his support at critical junctures which encouraged us.

It has been my honor and privilege to be closely associated with Senator RUSSELL for more than 18 years. I have lost a dear friend. We are thankful for his character, for his modesty and selflessness, for his devotion to his family, for his outgoing good will to his friends, for his high honor as a man. We extend to those who most intimately mourn his going our heartfelt sympathy.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, probably no man was ever more dedicated to the U.S. Senate than RICHARD RUSSELL. He made it his life, and he served long and honorably.

For nearly four decades, the Senate and the Nation have benefited from his leadership. Few men in history have exerted as much influence in Congress as Senator RUSSELL.

In my own years of service in the Senate, I have observed on countless occasions the wisdom and judgment brought to bear by the Senator from Georgia. Frequently, I worked alongside Senator RUSSELL on the many matters on which we agreed. On occasion we held opposing views, but this never altered my respect and admiration for him.

In recent years, one matter of major importance about which we were both concerned was the constitutional role of the Senate in foreign affairs, particularly in regard to national commitments. We were in complete agreement about the importance of preserving and strengthening the influence of the Senate upon the policies of our Government. He believed, as I do, that full and thorough discussion of important issues on the Senate floor is indispensable to the preservation of a genuine democratic system, responsive to the needs of the people of this country.

In July of 1967, Senator RUSSELL and

I engaged in a colloquy in the Senate in regard to the dispatch by the Government of some transport planes to the Congo. We were both concerned that this might well be a prelude to a new military intervention.

Senator RUSSELL made a statement in that discussion—July 10, 1967—that I think we would do well to long remember. He said:

Mr. President, I have spent most of my career here in the Senate laboring and working to try to assure that the armed strength of these United States is sufficient to defend the people of this country; but I have not spent that time and that effort striving to create forces that would be sent all over the world under such circumstances as these people are going. "Oh," Senators might say, "there are only about 100 of them; about 60 Air Force people and 45 paratroopers." But . . . Vietnam started out with a force not much larger than this. This presence can swell, and it will swell . . . We should have enough commonsense to keep our heads, and keep our people out of situations of that kind over the world. It is disheartening to me to see such abuse of the military forces of the United States.

Our discussion that day was a part of the impetus for the National Commitments Resolution, passed by the Senate on June 25, 1969. The Senator from Georgia and I discussed the matter and considered this would be a proper way to reassert what we thought to be the legitimate function of the Senate in participating in the making of commitments by the United States. He was very instrumental in the formulation of the resolution.

Senator RUSSELL was a man blessed with a great deal of commonsense. He was also a professional, in the best sense of the word, whose understanding of the Government and the legislative process has seldom been matched.

He was a public servant of the highest caliber, and the loss to his State of Georgia, the Senate, and the Nation is a considerable one, and to me personally it is a great loss.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from Oregon.

Mr. HATFIELD. Mr. President, with the passing of Senator RICHARD RUSSELL, the Senate lost one who has served this body with tireless dedication for 38 years. History will remember him for his resolute commitment to his ideals and for the selfless service he has rendered to the U.S. Senate. He will be regarded as one of the finest and most notable Senators to serve in this body during the 20th century.

He knew the dangers of overcommitting ourselves in Southeast Asia. During the very first days of our involvement in Vietnam, back in 1954, he told the administration that he was "weary of seeing American soldiers being used as gladiators to be thrown into every arena around the world," and warned that our involvement would be "a long drawn-out affair costly in both blood and treasure."

Yet, while many have focused attention on Senator RUSSELL's distinguished accomplishments during his tenure of service, I will always remember this very distinguished gentleman as one who extended to me and to all I know the kindness and personal consideration which always exemplified his actions. Edmund Burke once said:

Manners are of more importance than laws. Upon them, in a great measure, the laws depend.

In all of my personal dealings with the late Senator I was most deeply impressed with the generosity and respect which he demonstrated in all his relationships with fellow Senators. In times of growing divisiveness, it is well to remember that simple acts of personal kindness can build the bonds which will transcend the barriers of political ideology. RICHARD RUSSELL was one who knew and demonstrated this truth; that is perhaps the deepest reason for us to regret his passing.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Georgia for yielding to me.

Mr. President, I am always made humble by the fact that the only way in which 3.5 million Alabamians can be heard on the floor of the U.S. Senate is through their two U.S. Senators.

My distinguished senior colleague (Mr. SPARKMAN) has already spoken. It is an honor and a privilege for me, at this time, to be able to address the Senate on behalf of the people of Alabama to express our admiration, and our respect, for this great Senator, this great Georgian, this great southerner—this great American; and to have the opportunity to express my own deep sense of personal loss at his passing.

When I was a schoolboy in Alabama, I remember the time Senator RUSSELL was elected Governor of the State of Georgia. From afar I followed his career with great interest, respect, and admiration. On one occasion, in 1952, when he was, I might say, a reluctant candidate for the Democratic nomination for the Presidency, I had the privilege of casting the very first vote in the Democratic National Convention for his nomination for the Presidency.

It was the first vote because at that time it was the privilege of any member of a delegation to ask that the delegation be polled, and since my name was the first one among the Alabama delegates to that convention, my name was called first and I, therefore, had the opportunity to cast the first vote for Senator RUSSELL for the Democratic nomination for the Presidency.

When I was elected to the Senate in 1968, and as I contemplated the service I was going to have the privilege of rendering in the Senate, I thought, which one of the Senators do I wish to emulate, which one do I wish to look to for leadership? It was not difficult to reach the conclusion that I wanted to follow the leadership of Senator RUSSELL, to walk in his footsteps, and to emulate him in my service in the Senate.

Mr. President, in the Senate Reception Room, there are pictures of five distinguished former U.S. Senators. They were chosen by a commission headed by then Senator John F. Kennedy, as the five greatest Senators of all time. They are Webster, Calhoun, Clay, Taft, and LaFollette. Certainly, no one would say that Senator RUSSELL was not the peer of any of those great men.

Mr. President, when a person, through the years, has thought of the U.S. Senate, the first person who has come to his mind, I believe, in most every instance, would be that of Senator RICHARD BREVARD RUSSELL of Georgia, for he was truly the personification of the designation of the Senate as the greatest deliberative body in the world.

It has been said that if Senator RUSSELL had lived in another section of our country, in all likelihood he would have been elected as President of the United States. That is certainly a sentiment we enjoy meditating upon, and it is a sentiment which may well be true. But I am wondering, Mr. President, whether Senator RUSSELL, if he had been born in a section of the country other than the South, would have been the same Senator RUSSELL that we all loved and admired and respected. I am wondering whether the intellectual honesty that certainly was the hallmark of Senator RUSSELL would have allowed him to come to any political philosophy other than the one to which he came. Also I am wondering whether he would have been the great and admirable leader of a lost cause that made him so dear to Members of the Senate and to the people throughout the country.

Mr. President, even though Senator RUSSELL became a nationally and internationally known figure, he never ceased to be a Georgian. So now home is the warrior, home among the hills of his great State of Georgia, among the people he loved and the people who loved him best.

I am wondering if even the Presidency itself would have gilded or embellished the career of this great Senator, whose 38 years of service in this body most assuredly set him apart as a great statesman and a great patriot. I am wondering whether he would have been greater in stature even if he had served as President of the United States. I believe that the career of Senator RUSSELL could not have been embellished even by service in the Presidency. Who remembers who served as Presidents during the days of Webster, Clay, and Calhoun?

So, Mr. President, speaking on behalf of the people of Alabama, and speaking for myself, I say that America has lost a great statesman, a great patriot, and a great leader.

In the words of the poet, "This was the truest warrior that ever buckled sword."

Mr. President, I thank the distinguished Senator from Georgia (Mr. TALMADGE) for yielding to me.

Mr. TALMADGE. Mr. President, I now yield to the distinguished senior Senator from Idaho.

RICHARD RUSSELL: A MEMORABLE MAN

Mr. CHURCH. Mr. President, I wish to express my sorrow over the death of RICHARD B. RUSSELL and the consequential loss of a Senator of transcendent stature.

When I first came to the Senate, in January 1957, RICHARD RUSSELL had already served 24 years. Last Thursday, when he passed away after a long siege

at Walter Reed Hospital, the senior Senator from Georgia had spent the greater part of his life as a Member of this body.

Those years were spent in the assiduous pursuit of excellence. No Senator who watched DICK RUSSELL function, whether on this floor, or in the cloakrooms, or in the discharge of his committee responsibilities, could help but marvel at his legislative skills. His mastery of the rules knew no peer.

DICK RUSSELL decided, as a young man, to devote his talents to public service. At age 23 a State legislator, at 33 the youngest man ever to serve as Governor of his native Georgia; a U.S. Senator at 36.

When he same here, on January 12, 1933, he joined the company of such celebrities as William E. Borah of my own State of Idaho, George Norris, of Nebraska, Cordell Hull, of Tennessee, James F. Byrnes, of South Carolina, Alben W. Barkley, of Kentucky, and his esteemed colleague, Walter George. It was not long before the name of RICHARD B. RUSSELL was to be added to this select list of senatorial statesmen.

Ultimately, before he died, having served 38 years in the U.S. Senate, RICHARD B. RUSSELL became the "dean of the Senate." But, in his case, this was more than a title. Senator RUSSELL was, in truth, dean among his fellow Senators, dean among the parliamentarians of his country, and dean in the affections of his colleagues.

Consequently, it is appropriate that the obituary published in the New York Times should describe him in these words:

> He was a master of parliamentary maneuvers, a formidable debator, a Senator's Senator who preferred quiet evenings at home memorizing Senate rules to moving around the lively Washington cocktail circuit.

This was RICHARD B. RUSSELL, courtly and genteel, patriotic and incorruptible, universally respected because he was, above all else, an honorable man.

His passing is like the felling of a great tree in a small forest. No other loomed so large as he in this Senate that he loved and served so well.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, for many years RICHARD RUSSELL was the ablest Member of the Senate. I recall in 1953 when I was one of those privileged to be invited to a luncheon honoring RICHARD RUSSELL's 20 years in the Senate. Most of us who attended the meeting on that occasion felt that he had achieved that standing so envied among all Members of this body of being the most effective Senator here. He remained in contention for that distinction from that date forward.

He was a code of ethics in the Senate; not one who was pontifical or holier than thou, but one who conducted himself in a manner that was approved, agreed, and followed by other Senators.

RICHARD RUSSELL was an adviser of Senators, not because he needlessly suggested to one what he should do, but because one could—and frequently would—go to RICHARD RUSSELL to seek his counsel. Invariably his advice was sound. I know that I was one of those who many times went to him. I was always glad that I did.

I can recall one occasion when the then majority leader went to Senator RUSSELL and asked him what he would do under the circumstances that existed at the time. Senator RUSSELL asked:

> Well, did you make the statement that you were going to follow a certain procedure here today?

The then majority leader said that he had, although he found himself in a difficult position because he had done so.

Senator RUSSELL said:

> Well, if you said you were going to do it, then I think you ought to do it.

It was just that simple.

That was rather typical of Senator RUSSELL. He could find a very simple answer for a very complicated problem. And invariably the answer seemed to be correct.

That was so because DICK RUSSELL possessed in such a tremendous abundance the one thing which is undoubtedly the scarcest commodity in government—commonsense.

He was an adviser of Presidents. Many times a President sought RICHARD RUSSELL's advice. He was correctly described in a syndicated column of yesterday as a President's Senator.

It was my privilege to observe him meeting with Presidents on occasion. He never once departed from his role of a U.S. Senator. He never suggested to a President that he should transgress the separation of powers between the Senate and the Presidency or between the House and the Presidency. Yet Senator RUSSELL would advise a President what he thought was sensible, what he thought was the answer to a particular problem. And the President could feel that RICHARD RUSSELL, having so advised him, would pursue a parallel course that would not cause the President to regret that he had sought RICHARD RUSSELL's advice.

One could work with him. RICHARD RUSSELL would meet a fellow Senator halfway. RICHARD RUSSELL never departed, even in terms of compromise, from his deep, inner convictions.

The Senate does not replace a man like RICHARD RUSSELL. The void is filled by what other men have to offer. But for a period of time, the general level will be somewhat lower than it was while we were privileged to have him among us.

After an appropriate passage of time, I would like to offer a resolution proposing that a place be set aside for RICHARD RUSSELL in the Senate Reception Room, along with Webster, Clay, Calhoun, Lafayette, and Taft. He belongs in that company. I will not propose it at this time because I would not want to see the Senate's judgment of him prejudiced by the strong emotion and grief that many of us feel at the passing of this great man I think we should do it with the thoughtful and dispassionate view that is appropriate for such selection. I would like to see Senator RUSSELL appropriately honored by being in the kind of company he deserves.

One can state that it was a frustrating experiencing for a man of this greatness to have failed to be elevated to the Presidency or Vice Presidency of the United States. I do not think it so. A number of great Senators have failed to measure up to what we had a right to expect of them because they thought they should go beyond the U.S. Senate.

It can be a very satisfying experience for a man to serve here with the type of honor and distinction with which RICHARD RUSSELL graced this body.

We have lost a great Senator. However, I must say, Mr. President, that when one can make the kind of record RICHARD RUSSELL has made, he has satisfied everything that one man could ask in this life.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I am deeply saddened, as is every Member of the Senate, at the death of our esteemed colleague Senator RICHARD B. RUSSELL.

History will record him as one of the greatest alltime members of the U.S. Senate. He was a brilliant man, and an intellectual in the highest sense of the word. This, coupled with his great courage, sound judgment, and lovable personality, won for him the respect and admiration of everyone. No Senator in my time has been more highly respected and revered.

He could be critical on occasion, but his criticism never descended to the personal basis. He could be frankly partisan, but it was a dispassionate partisanship, based on the accumulation of evidence and the conviction that he was right. Nor was it his nature to temporize, regardless of consequence. He had a courage bred of character, nurtured by his upbringing, and embodied in integrity.

He was a Senator's Senator.

To all who knew him well, and there were many, it was a high honor to be considered his friend. He possessed a personal warmth and a concern for his fellow man that reflected his great humanity. One had only to be in his presence for a short time to be warmed by his charm and enriched by his keen intellect. His advice was sought by those in the highest offices of this Nation, by his peers and colleagues, by the common man. And he gave it freely, objectively, without reservation.

Matthew Arnold said of Sophocles that he saw life clearly and he saw it whole. Certainly this was true of the senior Senator from the State of Georgia. He was gifted with an uncommon depth of vision, a breadth of experience, an outstanding knowledge of the world and its history, and unerring instinct that made his every word an invaluable distillation of measured judgment. Ours is a greater Nation because of Senator RUSSELL.

To me, DICK RUSSELL's passing brings a very personal grief. I enjoyed a closer personal friendship and working relationship with him than with any other Senator. I was fortunate when I first came to the Senate to become closely associated with him. For many years we cosponsored farm legislation, and all during my time in the Senate we had worked together as ranking members on agriculture appropriations and later on defense appropriations.

In recent years, I worked with him even more closely on the Senate Appropriations Committee—he as chairman and I as ranking Republican. In this and every other working relationship I had with him, he was a tower of strength and always most helpful to me.

I have been a better Senator because of DICK RUSSELL.

He was a modest man, but he had an uncanny ability to look into the future and foresee the basic needs of our country and, however, unpopular the issue, through his indominatable will and courage, to press for the successful accomplishment of these goals. He shared with Thomas Jefferson the belief that eternal vigilance is the price of liberty. From the time he came to the Senate until the day he died almost four decades later, he strove unceasingly to provide a strong national defense—a defense that he strongly believed would deter potential aggressors.

Long years ago, when Senator RUSSELL was a little boy, he inscribed in his fourth grade composition book an imaginary conversation given by a tiny star high in the heaven. He wrote:

"I cannot do much," said the little star, "to make the dark world bright. My silver beams cannot pierce far into the gleam of night. Yet I am part of God's plan and I shall do the best I can."

DICK RUSSELL was a part of God's plan. I know that his silver beams did pierce far into the gleam of America's night.

To his family, I offer my deepest sympathy. He maintained and cherished the close bonds of blood that united him with each individual that was his kin. His affection for them bespoke the pride with which he held them and their accomplishments.

Apart from his family and friends, DICK RUSSELL had three loves.

He loved his State, and represented it in a way that made him Georgia's most valuable individual possession.

He loved the U.S. Senate, protected its function, and enhanced its prestige by his presence.

But most of all he loved the United States of America and devoted his strength and wisdom into fashioning a nation that was strong in its character, bountiful in its largesse, respected among other nations, and revered by its people.

His State has lost its greatest citizen. The Senate has lost a great mentor.

Our country has lost one of its most noble patriots.

And I have lost one of the best and closest friends I ever had.

Mr. TALMADGE. Mr. President, I yield next to the distinguished senior Senator from Colorado.

Mr. ALLOTT. Mr. President, today we mourn a varied loss. The United States has lost a noble statesman. The Senate has lost one of the most skillful and revered men to ever grace this Chamber. And each of us has lost a cherished friend.

RICHARD BREVARD RUSSELL has died. But he will live on as long as the United States endures. Henry Adams once wrote:

A teacher affects eternity; he can never tell where his influence stops.

The same is true of a statesman who leaves a lasting mark on the polity he serves. And it is especially true of a statesman such as Senator RUSSELL, who was a great teacher as well as a great statesman. In fact, he understood that the role of teacher was a necessary dimension of the role of statesman. He felt it was his duty not just to cleave to constitutional principles, but to be their effective advocate among those whose understanding of them was insufficient, or whose affection for them was weak.

It is for us, his colleagues, and for all Americans, his beneficiaries, to rededicate ourselves to the timeless truths to which he, like the Founding Fathers he so much resembled, was faithful.

These principles are as clear, practicable and lucid as they were when the Founding Fathers propounded them. They are the essential principles of constitutional federalism. They concern the necessary division of political labor between the various hierarchies of government, a division that is sensible in terms of efficiency, and prudent in terms of the preservation of the people's liberties.

These principles are Washingtonian—they hold that the highest act of statesmanship is to discipline the appetite for power. These principles are Madisonian—they hold that the Federal appetite must conform to the constitutional fact that the Federal Government's proper powers are those—and only those—which are delegated by the States.

These principles are Jeffersonian—they hold that that government is best which governs least. These principles are Lincolnian—they hold that it is the duty of the government to do for its citizens those things which the citizens cannot do for themselves.

But above all stands the fundamental principle of popular government—the principle that, in a system of separation of powers, legislative supremacy is the keystone of good government. This great principle—that the legislative branch is the first branch of government—is not associated with one great man. Rather, it is associated with all America's great legislators, from Clay and Webster and Calhoun through Taft and Hayden and RICHARD RUSSELL.

These principles, distilled by the Founding Fathers from the great philosophers of popular government, and cast by the Founding Fathers into vital, enduring institutions, are not much in fashion these days. But Senator RUSSELL was not concerned with being fashionable. He was concerned with every citizen's duty, and with his oath of office, both of which require steadfast resistance to those whose understanding of our Constitution is inversely proportional to the energy they invest in trying to "improve" upon the Founding Fathers.

Senate RUSSELL of Georgia spent his life in service to the various constituencies to which we as Senators are responsible. He was attentive to the interests and dedicated to the principles of his State. But he also had a deep interest in, and profound understanding of, the larger national and international issues of his day.

His "day" in the Senate was nearly 14,000 days, during which the problems confronting the American people, at home and abroad, grew in number, complexity and seriousness. But Senator RUSSELL grew, too, until he attained a position of preeminence and respect rarely enjoyed by any man in any period of American history. I am proud to have served with him.

Mr. President, it is hard to make these remarks about RICHARD RUSSELL without becoming involved in deep emotion. Certainly here was one man who, because of his character, because of his strength, because of his adherence to principle, endeared himself and enshrined himself forever in the hearts of all of us.

Mr. TALMADGE. Mr. President, I yield next to the senior Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, it seems almost like an act of futility for me to try to add to the words of appreciation of and respect for our late colleague, RICHARD RUSSELL.

It has been my privilege to have served with Senator RUSSELL from the first day I arrived in the Senate, and it has been a still greater privilege to have served with him on committees during all the years that I have been a Member of this body. For the first few years it was on the Committee on Agriculture and Forestry. After a few years, RICHARD RUSSELL left the Committee on Agriculture and Forestry to take positions on committees which were of greater national import at that particular time—the Committees on Armed Services and Appropriations. I am sure that he always regretted that he could not remain a member of the Committee on Agriculture and Forestry, because his heart was always in the rural areas of his State and of the Nation.

During all of the years that I was privileged to serve with him, I found he was always considerate, cooperative, knowledgeable, and helpful. He had a passionate devotion to his State and to his country. His experience served both his State and the country well, as evidenced by the fact that he was reelected virtually without trouble from his home State of Georgia time and time again.

As I said, it is almost futile to try to add to the expressions which have already been made upon the Senate floor. I simply want to conclude my statement by saying that we are a better Nation today because RICHARD RUSSELL lived and served.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from Nevada (Mr. BIBLE).

Mr. BIBLE. Mr. President, most Americans knew Senator RICHARD RUSSELL as a giant of the American legislative process who wielded enormous persuasion in shaping the laws by which we live. They did not share our great fortune in knowing him also as an extraordinary personality who seemed to possess all the praiseworthy virtues of mankind.

As the most senior among us, he occupied a position of special stature and commanded an extra measure of respect.

But he merited our deference even without that distinction. For we relied upon his remarkable mind as a source of concise and sound judgments on any subject of mutual concern.

The fact is, RICHARD RUSSELL had authoritative knowledge of every aspect of American Government and a brilliant grasp of the most important of those areas. No man knew more about the Nation's defense posture and our overseas intelligence network. No man had greater expertise on the appropriations process.

Those who borrowed liberally from his accumulated wisdom, and acted upon his advice, profited accordingly. A few moments of his time offered a shortcut to answers otherwise requiring long hours of scholarship.

If we would choose one word to summarize his splendid record of achievement, it would be "leadership." RICHARD RUSSELL was a born leader. He was a member of the Georgia House of Representatives at the age of 24, speaker of the house at the age of 29, the youngest Governor of the State of Georgia at the age of 33, and the youngest Member of the U.S. Senate at the age of 35.

No office in America was beyond his immense ability. Indeed, the vigor of his leadership, the creative brilliance of his ideas, and the warmth of his personality made him ideally suited for the Nation's highest office. Most political observers agree with President Nixon and President Truman that RICHARD RUSSELL would have occupied that office had geographic circumstances not been a consideration. In any event, I am proud that I supported him in his candidacy, and voted for him in the Chicago convention of 1952.

For whatever measure of success I have achieved in my service here, RICHARD RUSSELL deserves substantial credit. He was more than a friend. He was a mentor who provided direction and purpose and a clear understanding of the means to secure effective action within the legislative framework. He was particularly helpful to me during our long and close association on the Appropriations Committee, but I relied upon him for suggestions and advice in a great many other areas of endeavor.

I feel a keen sense of loss. It is a feeling shared by other Members of this body, and by all the American people. It is a feeling that comes when a great man has passed from among us, and we know we shall never again see his like. For RICHARD RUSSELL, the distinguished senior Senator from the State of Georgia, was one of a kind—a giant of the 20th century. We are immeasurably richer for having known him, and infinitely poorer by his passing.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from Arkansas (Mr. MCCLELLAN).

Mr. MCCLELLAN. Mr. President, the distinguished Senator from Georgia, Senator RICHARD B. RUSSELL, whose passing we mourn today, served for 38 years as a Member of this body. It was my privilege and pleasure to serve with him during the last 28 years of his service here. During that time I served with him for 22 years on the Appropriations Committee of the Senate.

During these most pleasant and enriching associations, I came to know him well. My personal friendship, respect, and esteem for him increased with each passing year.

RICHARD RUSSELL was a strong man. He was a pillar of strength in National affairs. I had occasion often to seek his wise and friendly counsel as I deliberated on important issues that came before this body for solution.

Mr. President, to eulogize Senator RICHARD B. RUSSELL is to eulogize the Senate, for in many ways he was the spirit, the sense, and the soul of this great body.

DICK RUSSELL was the embodiment of the Senate tradition, the fount of its wisdom, the example of its excellence, the epitome of its dignity, the image of its greatness, and the reflection of its elegance.

This was a hallowed Chamber to him—one which he deeply revered and one which he richly graced by his noble stature and profound wisdom.

Counsel to Presidents, Senators, family, and friends, DICK RUSSELL gave of himself unstintingly, unselfishly—indeed, he gave his all until there was no more to give.

An unswerving disciple of constitutional government, DICK RUSSELL was dedicated to the principles upon which this Nation was founded. He was an uncommon man devoted to the common notion that this Nation was to be governed by the people.

DICK RUSSELL revered America's institutions—from the family to the Senate. He cherished them, honored them, protected them, and served them with every ounce of his strength and intellect.

DICK RUSSELL was a gentle man who had no enemies—only adversaries—and they were counted among his friends.

DICK RUSSELL was a great American—eminent statesman—and a good friend. But he was first—last—and always—a U.S. Senator.

To me DICK RUSSELL was the sage of the Senate. Better than any man, he knew the Senate, he captured its essence, savored it, labored in it and loved it.

Perhaps in another time—another era—he could have climbed higher mountains, but he was content, indeed, happy in his work, and proud to labor in the National Legislative Vineyard.

Measured against all earthly standards, DICK RUSSELL excels. And in the judgment of the Good Book he measures equally well for it is written that he who—

> Walketh uprightly—
> Worketh righteously—
> and
> Speaketh the truth in his heart,
> Shall dwell with the Lord.

DICK RUSSELL truly served his Master, his people, and his Nation in that manner.

We have lost DICK RUSSELL and his wise advice, kindly counsel, courtly demeanor, and unassailable logic will be sorely missed. But as some unknown poet has said:

> When a star quenched on high,
> For Ages would its light
> Still travel downward from the sky
> Shine on our mortal sight,
> So when a great man dies,
> For years beyond our ken
> The light he leaves behind him lies
> Upon the paths of men.

The light DICK RUSSELL left behind him will shine on the paths of Members of this body for untold years to come.

Mrs. McClellan joins with me in extending our heartfelt sympathy to DICK RUSSELL's family.

Mr. TALMADGE. Mr. President I yield next to the distinguished senior Senator from Florida.

Mr. GURNEY. Mr. President, it is an understatement to say that the late Senator RICHARD B. RUSSELL of Georgia was one of the truly great Members of this illustrious body. His passing is a national loss, an implaceable loss to this unique legislative body, to his great State of Georgia, and also a personal loss to his host of friends in Washington.

There were very few men in our Nation's history who had such an enormous influence on national policies for so long a time, as did Senator RUSSELL.

He fulfilled his responsibilities over the years honorably and courageously. He always did his duty, whether it was on the Pearl Harbor inquiry, the investigation concerning President Truman's removal of General MacArthur during the Korean war, or the Warren Commission to investigate the assassination of our late President, John F. Kennedy.

Senator RUSSELL brought splendid natural gifts into the service of his country; and to those natural gifts, he added great learning, great industry and great attention to his work. He spent more than half his life in this historic Chamber, and he knew the ways of the U.S. Senate as few men ever have had or ever will have.

Even when Members disagreed with Senator RUSSELL, they found they had to respect him personally and professionally. The personal integrity of RICHARD RUSSELL was universally recognized in Washington and even when their disagreement on an issue was total, RICHARD RUSSELL's opponents continued to admire the man. And, in that statement, is a measure of the man: RICHARD RUSSELL had many opponents on many issues over the years, but he had no personal enemies; his opponents were also his friends and admirers.

RICHARD RUSSELL was a good man, a patriot and a statesman. He was one of the best Senators who ever served in this Chamber. We pray that his great and generous soul may rest in peace forever.

Mr. TALMADGE. Mr. President I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, all the Members of this body, and indeed all the citizens of this Nation, have reason for sadness and a sense of loss at the passing of Senator RICHARD B. RUSSELL.

A private man; an honorable man; a thoughtful and determined man—these are the phrases which come to mind in describing RICHARD RUSSELL.

No one who serves this Nation can hope to solve, or even to deal with, all

the problems which we face. But in terms of sheer output and effect on human life Senator RUSSELL's 38 years in the Senate have been among the most productive in our history.

Because of his understanding of poverty and youth, 18 million children now enjoy the benefits of a school lunch program. Because of his familiarity with the hardships of rural life, many millions of families across this Nation have had their lot improved through the rural electrification program. Because he could see the better future science offered, many billions of dollars have been allocated to agricultural, conservation, and medical research.

Senator RUSSELL is probably best remembered in our time for his dedication to the cause of national security. It is true, he has done much to keep our country militarily strong, and to reward those who participate in its defense. But Senator RUSSELL will also be remembered for the many measures he promoted to keep our country strong in faith and promise.

It has been said the Senator's father once told his seven sons that: "All of them could not be brilliant, all of them could not be successful, but all of them could be honorable." It is our privilege to have known, and now to honor, a man who was all three.

Mr. President, former Senator Leverett B. Saltonstall, who served in this body for many years, has asked that I include his tribute with my own, as follows:

DEAR SENATOR BROOKE: As a colleague and friend of Senator Dick Russell for over twenty years and as a committee member with him on the Armed Services Committee and Defense Appropriations Sub-committee for most of that period I appreciate your permitting me to join with his many friends in paying my small tribute to his extraordinary service in the United States Senate. He was not only respected and admired for his knowledge of the needs of our Nation's Security but above all for his understanding of the ideals and history of the Senate and his integrity and personal character. He was above reproach in all his many years of service in that body.

I have personally lost a dear friend with whom I served so closely for all my years in the Senate.

I appreciate, Senator Brooke, your courtesy in making it possible for me to add my tribute to Senator Russell.

LEVERETT B. SALTONSTALL.

Mr. TALMADGE. Mr. President, I yield to the distinguished junior Senator from Ohio.

Mr. TAFT. I thank the Senator for yielding.

Mr. President, it is a sad fact that the first words a new Member of this body should have to say on the floor of the Senate should relate to the loss of one of its greatest Members, Senator RICHARD RUSSELL.

I was privileged to know Senator RUSSELL personally and to admire him greatly. But I speak especially because I know of the high regard in which my father held RICHARD RUSSELL and the close and warm friendship between them and the importance of their work together. I know also of my father's great regard for Senator RUSSELL's integrity and legislative ability. I think particularly that they understood the principles that were necessary to be maintained and at the same time the art of legislative compromise.

It seems almost a personal deprivation and misfortune that we new Members of the Senate cannot be privileged to serve with Senator RUSSELL. But his mark will be here—an inspiration for those of us who now serve here and a mark for which we can strive even though we doubt our ability to attain it.

I extend to the Russell family my deep sympathy. The Nation joins in our grief at his loss and offers admiration and gratitude for his dedicated and invaluable years of service.

Mr. TALMADGE. Mr. President (Mr. DOLE), I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, today we mourn the passing of this century's most effective legislator. One would have to hearken back to the days of Clay, Calhoun, and Webster to find the peer of RICHARD BREVARD RUSSELL. His influence is enshrined not only in the books of law but also in the very character of the Senate. It is a better body for the years that RICHARD RUSSELL spent here.

In honoring the leading statesman of the Senate, we pay homage to an idea as well as gratitude for the man. The idea is the nobility of character, a concept whose praises are often sung but whose strictures are as often breached. It was the character of the man that led President John F. Kennedy to describe him as "the most individually respected member" of the U.S. Senate. It was his character that impelled Senator RUSSELL to devote his every energy to the performance of his duties, often under the duress of extreme physical discomfort. He read the CONGRESSIONAL RECORD, all of it, each day. He studied the rules of parliamentary procedure as perhaps no Member of this Chamber has ever done. Such perseverance, obvious in all the daily transactions of his life, won the universal esteem of his colleagues on both sides of the aisle.

The character of which I speak by itself entitles a man to the respect of his fellows. But in Senator RUSSELL's mind there was something else, for his was a character nourished by superior wisdom. Time and again the course of events has vindicated his judgments. On the issue of our early involvment in Vietnam, for example, Senator RUSSELL counseled against our entry. But once the commitment was made, he fought valiantly for a more vigorous prosecution of our military effort. Would that we followed his advice. No slave to outdated dogma, he led his people toward a new and better era. He was perhaps proudest of his sponsorship of the school lunch program which earned him the grateful thanks of men and women all across the land.

Few men are cloaked in the power and influence which belonged to this proud son of Georgia. An acknowledged expert on military and financial matters, his suggestions and bills more often than not found their way into the law of the land. Yet RICHARD RUSSELL had no worship of power. He wielded his vast authority with the care and thoughtful concern of a sage. He recoiled from the pomp which attended his power, preferring the simplicity of his earlier life to the entertainments of a more lavish society. "I am a ham-and-eggs man mostly," he said, but he often found himself at the tables of Presidents who eagerly sought the wisdom of his advice. But for the happenstances of geography, RICHARD RUSSELL would have been President himself.

His advice was by no means reserved for the six Presidents and dozens of world statesmen who courted him. It was given as openly and freely to anyone willing to invest a few minutes of time. It was my good fortune to be the frequent recipient of his counsel. The morning after my first election to the Senate, I traveled to Winder, Ga., to share in his wisdom. I sought it hundreds of times during the remaining years of his life and was inevitably the better for it.

A member of the Georgia Legislature at age 22, his State's youngest Governor at 33, a Member of the U.S. Senate for over 38 years, RICHARD BREVARD RUSSELL embodied all that a lawmaker should be. Now it is up to us to carry on. As Cicero wrote many years ago, "The life of the dead is placed in the memory of the living." We are the keepers of RICHARD RUSSELL's work and, hopefully, the disciples of his character. We will honor him best not with tears, but dedication; not with the ornamental splendor of rhetoric, but with the true splendor of deeds. He sought no monument save honor.

Several years ago, musing on the fate that befalls all mortals, he said:

I hope it will at least be possible to say of me that I was an honorable man. I do not know of anything that might be said that would better please me.

He was an honorable man. And he leaves an honorable legacy. We will praise him best by following that legacy of character and deeds. In so honoring him, we will exalt our Nation and vindicate ourselves.

Mr. TALMADGE. Mr. President, I yield next to the distinguished junior Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Georgia.

Mr. President, I rise as one who had the honor, but briefly, to serve in the Senate with RICHARD BREVARD RUSSELL. I cannot embellish the graceful and touching words of my colleagues spoken here in tribute to their departed friend and colleague. But I rise as one who nonetheless shares their loss of RICHARD RUSSELL, as a Member of the institution to which he devoted most of his life, and as a citizen of the Nation he served for all of his life.

All men who knew Senator RUSSELL recognized the monumental integrity and decency of the man. He personified the Senate—as a man of stronge will and purpose and a high intelligence, above all deeply committed to a political tradition which respects the fragility of our self-governing, free and diverse society. He was a civilized man in a still uncivilized world, courteous, and respectful of others and their differences, a patrician politician, the likes of which gave the Nation its birth and since then have helped us keep faith in ourselves and in our prospects for continuing self-government. His death leaves us the poorer and with little consolation, except to think that others may be inspired in angry times by his

memory to transmit a gentle spirit, his decency and fairness to the processes by which we govern ourselves.

In conclusion, permit me to express a word about my personal loss.

In 1952, the successful contender for the Democratic presidential nomination affectionately greeted two other contenders at the Democratic Convention as "cousin." All three—my father, RICHARD RUSSELL, and Alben Barkley—traced their origins to Iredell County, then Roan County, in North Carolina.

In about 1740, a French Huguenot, John Brevard, settled in that county. He sent six sons to the Revolutionary War, and he became a politician, as a justice of the peace and as a member of the North Carolina Assembly. From him descended RICHARD BREVARD RUSSELL and Adlai Stevenson—and with him more than 2 centuries ago may have begun the politics founded on mutual respect, devotion to the democratic principle, and a sense of history which they shared.

It is a source of eminent satisfaction to me that I had the privilege, however briefly, of serving in this body with Senator RUSSELL and that when I first met him on the Senate floor, but a few weeks ago, he greeted the very junior Senator from Illinois as "cousin."

Mr. TALMADGE. Mr. President, I yield now to the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. ERVIN. Mr. President, RICHARD RUSSELL came of Scotch-Irish ancestry. His ancestors came to this country with the King James version of the Bible in their hands and learned from it to fear God and nothing else on earth.

RICHARD RUSSELL was taught in his youth that of those to whom much is given, much is required. He was also taught that his natural gifts, which were unsurpassed, instead of being for his benefit were for the benefit of his generation and that they imposed upon him an obligation to serve.

Mr. President, RICHARD RUSSELL was a smalltown southerner. He was brought up in what one novelist so well called the land of red hills and cotton. As a smalltown boy, he knew all the persons in his locality. He had daily associations with them, with the great and the small, with the strong and the weak, with the rich and the poor. He learned from those associations that the most important things in the universe are the individual and the development of the individual.

Of DICK RUSSELL it may well be said that he was, in the finest sense of the term, a gentleman and a scholar. DICK RUSSELL was deeply versed in the history of our Nation. He was deeply versed in constitutional law. He would have graced with distinction a chair of history or chair of constitutional law in any of the institutions of learning in the land.

One of the great strengths of DICK RUSSELL came out of the fact that he was a student of history. He recognized the truth, which we all too often are tempted to forget, that a nation which ignores the lessons of history is doomed to repeat the mistakes of history.

I think that DICK RUSSELL'S essential greatness lay in many qualities, one of which was his innate humility. He had the greatness of humility which is one of the indispensable attributes of a real man.

While he probably may never have phrased it this way, I believe that DICK RUSSELL'S great strength and his great service to his country grew out of the fact that he recognized and practiced the great truth expressed by one of Shakespeare's characters:

> This above all; to thine own self be true,
> And it must follow, as the night the day,
> Thou canst not then be false to any man.

I have been convinced for a long time that there was a certain spiritual kinship and a certain commonness of attitude between Justice Brandeis and DICK RUSSELL. In his great eulogy of Justice Brandeis, Judge Learned Hand had this to say:

> He believed "that there could be no true community save that built upon the personal acquaintances of each with each; by that alone could character and ability be rightly gauged; without that "neighborly affection which would result no 'faith' could be nourished, charitable or other."

I think that DICK RUSSELL recognized what I conceive to be the tragic truth of our generation, which all too often has substituted catchword and formula for deliberation and the exercise of our God-given faculties. I think he realized this truth which was spoken by Judge Learned Hand in his eulogy of Justice Brandeis:

> And yet it is the power of reiterated suggestion and consecrated platitude that at this moment has brought our entire civilization to imminent peril of destruction.

DICK RUSSELL was an individualist. During the past few days, I have been astounded by the number of comments from commentators who proclaim themselves to be liberals, deploring the fact that a man of DICK RUSSELL'S talents did not ascend to the political heights he could have ascended in this country because he was not willing to conform to views they entertain.

We are living in an era of conformity. Today's liberalism, which is pseudo-liberalism, demands that everyone have the same thoughts, the same viewpoints, support the same proposals, and that individualism be banished from the land.

DICK RUSSELL was a true liberal in the old-fashioned sense of the word. He believed in the freedom of the individual. He believed in the dignity of the individual. He believed it was the duty of the individual to use his God-given facilities to reach his own conclusions, and then to stand up and fight for those conclusions, whether they suited those who demanded conformity or not.

DICK RUSSELL was always unwilling to do anything except be true to himself. He would have been selected as the Democratic leader of this body some years ago, but he declined to be a candidate for the post. He had the conception that it was a man's duty to think his own thoughts, to reach honest conclusions and, having reached those honest conclusions, to stand up and fight for them.

It was an illustration of the fact, as I said, that his life's motto, either consciously or unconsciously, was to be true to himself. Thus, when he became the obvious choice for the position of Democratic leader in the Senate, he declined the post, saying that he could not conscientiously support some of the proposals then being made in the name of the Democratic Party. He was mentally and spiritually incapable of selling the truth to serve the political hour. So he decided it was better to be true to DICK RUSSELL'S convictions than to seek higher office.

I have frequently said that DICK RUSSELL was the best qualified man of his generation—qualified by education, qualified by learning, qualified by experience, and qualified by dedication—to be President of the United States.

I utter an absolute truth and a very tragic truth when I say that he could not reach that high office because, as William S. White, the commentator, has so well said, he was born at the wrong time and in the wrong place to be chosen to that high office in the prevailing political climate.

DICK RUSSELL recognized that the most important unit of society is the individual.

He recognized that the centralization of power in Washington is in the long run incompatible with the freedom of the individual and his highest development.

He recognized that James Madison spoke the truth when he said:

> That the concentration of all power in the hands of one man or one government, be it hereditary or elected, is the very name of tyranny.

DICK RUSSELL was a great Senator. He was a great statesman. He was a great statesman because he was essentially a great man. He was unwilling, as I stated a moment ago, to sell the truth to serve the hour. Many who knew him but did not approve of his political philosophy, recognized that he was well qualified for the Presidency. They have expressed regret that he did not conform to the prevalent political climate of our day, and have confessed that this deprived him of the office of the Presidency. As one other great southerner did, DICK RUSSELL showed that defeat must serve as well as victory to shake the soul and let the glory out.

RICHARD RUSSELL sought to preserve the Federal system of Government.

He recognized the fact that Justice Brandeis was absolutely right when he said that the States are the only breakwater against the everpounding surf which threatens to submerge the individual and destroy the only society in which personality can exist.

That is the danger which confronts our country today.

I was much impressed by the statement of the President in his state of the Union message the other night that we should return power to the States. That was what DICK RUSSELL believed. DICK RUSSELL was fighting for that because he recognized that there are some eternal truths in Government just as there are some eternal truths in religion. He realized, if I may repeat that the

States are the only breakwater against the everpounding surf which threatens to submerge the individual and destroy the only society in which personality can exist.

I think this country will come to recognize in the days ahead that DICK RUSSELL'S insistence upon the maintenance of the federal system, that DICK RUSSELL'S insistence that the Constitution be obeyed and observed, and that DICK RUSSELL'S love for the individual and his fights against further centralization of power in the Federal Government in Washington are the things to which this Nation must return if this Nation is to endure as a free society and the individual is to have an opportunity to make of himself everything which God gave him the power of being.

I feel in the passing of DICK RUSSELL an irreparable personal loss. He was a congenial companion. He had a wonderful sense of humor. We just heard a very fine statement made about him by the junior Senator from Illinois, Senator ADLAI STEVENSON.

I think DICK RUSSELL'S sense of humor was exhibited at the time his name was placed in nomination for the Presidency in 1952 at the Democratic Convention in Chicago. At the same time the name of Adlai Stevenson was placed in nomination. Adlai Stevenson was ultimately nominated.

Some historian had discovered that both Adlai Stevenson and RICHARD RUSSELL were descendants of Richard Brevard, of Mecklenburg County, N.C. Some newspaperman asked him about this discovery. RICHARD RUSSELL said:

I am not denying my relationship to any Democrat at this particular time.

DICK RUSSELL was a hard fighter, for causes he espoused, but he had a toleration for persons whose opinions did not coincide with his. I think that is a quality which we need much more of in our national life.

We shall not see DICK RUSSELL'S like again.

Mr. TALMADGE. Mr. President, I yield next to the distinguished senior Senator from Oklahoma.

Mr. HARRIS. Mr. President, America has lost a stalwart man. The Senate of the United States has lost one of its greatest Members. Senator RICHARD RUSSELL is no longer among us.

Some have rightly said he was a "Senator's Senator." Presidents have validly called him a "President's Senator." In a larger sense he was no man's Senator, he was no man's man.

Senator RUSSELL seemed to belong to the Senate and to love it because he did. The Senate was his life, and his life was the Senate's.

He was steadfast in his beliefs, strong in persuasion, wise in judgment, skillful in advocacy, honest in all his dealings, faithful in his dedication.

He was generous and helpful. I had the privilege of dining with him alone in his family home in Winder, and visiting with him from time to time at breakfast in the Senate dining room and at lunch in the Senator's private dining room, occasions which sadly became much less frequent in the last months.

He was always willing to give advice—and his advice was good. Younger men sought him out, and they were never sorry.

Senator RUSSELL served as a member of the Senate committee which chose Webster, Clay, Calhoun, Taft, and La-Follette as the five former Senators whose portraits should be displayed in the Senate reception room. He knew greatness in Senators because he had such a full measure of it in himself. Mr. President, Senator RUSSELL was great, and greatly will he be missed.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from New Mexico.

RICHARD BREVARD RUSSELL, A GIANT PASSES

Mr. MONTOYA. Mr. President, I had the privilege of serving with RICHARD RUSSELL of Georgia in this body for 6 fruitful legislative years. Even in a body with more than a normal complement of distinguished men, he was a giant among us. Yet in spite of his legislative accomplishments, it was more often the intangible influence he exercised that left its greatest mark on this Chamber.

A nation is only as strong as its institutions. An institution is viable in a democracy just so long as the majority of its people retain faith in it. No institution is more basic to this Nation than the Senate, and it was here that RICHARD RUSSELL made his most significant contribution to his country.

He radiated integrity, veracity, and honor. His behavior across the years in this body was the very epitome of decency, courage, and patriotism. The examples he set inspired three generations of U.S. Senators, crossing party and regional lines. By such behavior he set a tone for the entire Senate. The way he made and kept promises became legend here, as I have ample reason to attest. No other man's word was truer than RICHARD RUSSELL'S. His oral word was better than most written contracts, as we all know. In his life, nothing came before his country—nothing. Patriotism was not a word for the Fourth of July to him. It was an ideal motivating all his actions here. We can all testify to the trust his country in turn reposed in him.

As a legislative tactician he had no peer. It meant much to have such a man supporting constructive legislation. Often his approval had such moral influence as to make the difference between success and failure for a measure. To find him on the other side of an issue was to learn much of the art of opposition with honesty and brilliance. Mr. President, this Chamber is an integral part of the American panorama. Periodically there have been giants in this Hall. At times like this such shadows gather as they must. These men have risen to historical challenges, touching the edge of greatness. Clay, Calhoun, Webster, Stephen Douglas, Robert Taft, LaFollette, Borah, Hiram Johnson, Barkley, Davis, Fesséndén, George, Glass, Byrd, Houston, Lamar, Norris, Vance. In the future, anyone naming great Senators will have to add the name of RICHARD B. RUSSELL to the front rank.

Above all he was a strong voice of his State's people in this Chamber. RICHARD RUSSELL'S door was always open to all Georgians.

No nation produces enough truly great men. Ours is no exception to that statement. In crises past, President after President immediately sought his advice and counsel. Always it was offered. Always it was judicious. Always our country benefited.

We shall all miss him sorely. His State and our entire Nation mourn him sincerely and deeply. It is fitting in closing to say that we shall not see his like again.

Mr. TALMADGE. Mr. President, I yield to the distinguished junior Senator from Rhode Island.

Mr. PELL. Mr. President, the death of Senator RUSSELL is a loss to all of us. He was a man of great knowledge, knowledge not only of the rules and customs of the Senate and its history, but of our Nation as well.

I particularly remember him from his custom of eating lunch rather late every day, as I do, and I shall always remember the conversations on such a variety of subjects that he would have with those of us who were around the table. The history and lore of our country were of particular interest and no matter how vigorous the debate had been on the floor above, Senator RUSSELL and the colleagues with him could always find themselves in a discussion on less controversial subjects concerning our history.

If ever a man combined the qualities of a gentleman and a scholar it was DICK RUSSELL; and to those qualities were added those of leadership and of a first-class intellect.

This Senator's Senator and leader of our body will be much missed by our Nation and by each of us. I know I shall miss him very much.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, few of us have the ability to describe the dimensions of RICHARD RUSSELL'S long and great service to this Nation, and to each American. I certainly do not have that ability. From his powerful position in the Senate for several decades, the wisdom of RICHARD RUSSELL has been a guiding influence for the United States.

We honor him for his great patriotism, and for the dedication to his belief in the continuing validity of work and responsibility on the part of the individual.

His skill as a parliamentarian was second to none, his integrity was never in question, and all who had the honor to know him are familiar with the regard he had for the inviolability of his word.

All of us have reason to be grateful for Senator RUSSELL'S consideration and thoughtfulness for new Members of the Senate despite the time-consuming nature of his position of significant power and great influence. He was never too busy to discuss a problem or to be courteous and thoughtful in response to questions. DICK RUSSELL set a standard to which all of us, and all Americans, can aspire.

As his presence here enriched all

Americans, so does his absence leave us poorer. But his record and actions, his dedication and devotion to duty is a legacy which will continue to strengthen and inspire all Americans who love their country and want to serve it.

Mr. TALMADGE. Mr. President, I yield to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. Mr. President, sullen skies of last Sunday kept the colleagues of U.S. Senator RICHARD RUSSELL from being present in person to pay their last respects to this great American—near to his Georgian home that was ever dear to his heart.

It seemed as though the heavens—the great air lanes to which this aviation minded Senator was so devoted—were, too, in mourning at the loss of a good friend.

So—fogbound—hundreds of miles away—our sentiments and our sorrow still reached to the resting place of this noble soul and humble citizen—so humble that his own eulogy would be simply—"RICHARD RUSSELL, Democrat, of Winder, Georgia."

Thus—briefly—he inscribed himself in the official directory of the Congress.

What time shall say of this statesman—this gentleman—this colleague—this friend who quietly slipped away from us on the very day of this Congress' beginning—what history shall say of him will cover many golden pages on these 38 most critical years of our Americ a.

Three years plus 1 week ago this very day, on the floor of this Senate, we surprised our Georgian colleague with spontaneous tributes to the 35 years of his service.

His response was that the greatest compensation that flows from service in the Senate of the United States was his privilege of associating with his colleagues from every State of the Nation.

Today those colleagues reciprocate with heartfelt appreciation of this noble Georgian—exemplary American—worthy of the highest office in the gift of our people.

This is the sincere judgment of Americans who have been Presidents themselves.

I would like to repeat my judgment of 3 years ago when I said:

> I have never met a man who is more gentle or kinder in demeanor—yet so strong and firm in conviction, character and conscience.

It has been a priceless inspiration to have served with a man of such attainments—yet so human—so humble.

A Rhode Island biographer recalls RICHARD RUSSELL as a fourth grade student writing in his composition book these simple lines:

> I cannot do much, said the littler star
> To make the dark world bright.
> My silver beams cannot pierce far
> Into the gloom of night.
> Yet—I am part of God's plan
> And I will do the best I can.

Some 60 years later—that boyhood effort could well be the epitaph of our dear friend—and I am sure that God is pleased by "the best" that DICK RUSSELL achieved for eternity.

May his soul rest in peace.

Mr. TALMADGE. Mr. President, I yield to the distinguished junior Senator from Idaho (Mr. JORDAN).

Mr. JORDAN of Idaho. Mr. President, I wish to join my colleagues in expressing my deep sorrow in the passing of our esteemed colleague, RICHARD B. RUSSELL.

When historians evaluate the contribution that Senator RUSSELL has made, I am sure he will rank as one of the all-time great Senators of the United States. DICK RUSSELL spent more than half his life in the Senate. He came to the Senate after serving his State as Governor. Before that he had served in the Georgia State Legislature.

His whole working lifetime was dedicated to public service. During that service he rose to positions of great power—yet he exercised that power with a gentle hand. An expert in matters of defense, he had seen the military experts—the generals and the admirals—come and go. Because of his vast experience and his absolute dedication to duty, there is no doubt in my mind that he knew more than any living man about the defense posture of our country. He served our country well in the finest traditions of public service.

We shall miss him. I feel that I am a better Senator for having known him and worked with him.

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

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

SENATOR RUSSELL WAS A TOWERING FIGURE IN AMERICAN PUBLIC LIFE

Mr. RANDOLPH. Mr. President, Senator RICHARD BREVARD RUSSELL is gone from this Chamber in a physical sense. His words and wisdom cannot now provide us with the counsel he gave in such full measure over a long period of constructive leadership in the Senate.

I do not feel that it is inappropriate to state that when I came to the 73d Congress at age 30 on March 4, 1933, Senator RUSSELL, at age 35, had been a Member of the Senate for approximately 7 weeks. RICHARD B. RUSSELL came to the Senate in the 72d Congress, on January 12, 1933, to serve the unexpired term of William J. Harris, of Georgia, who had died on April 18, 1932. RICHARD B. RUSSELL was serving the people of Georgia in a truly magnificent manner as the Governor of that State at the time of the death of Senator Harris. He appointed John S. Cohen as of April 25, 1932, to fill the vacancy created by the death of Senator Harris. In the November 1932 election, the people of Georgia elected RICHARD B. RUSSELL to succeed Senator Cohen for the remainder of the term of Senator Harris. At the completion of his second year as Governor, RICHARD RUSSELL came to the Senate, as I have indicated, on January 12, 1933, and was seated as a Member of the 72d Congress on that date.

On March 4, 1933, when I became a Member of the House of Representatives, I had a very wonderful fellow townsman of Elkins, W. Va., Herman Guy Kump, who became the Governor of the State of West Virginia, and on the same date, his boyhood friend, Harry Byrd of Virginia, was appointed to the U.S. Senate from the Commonwealth of Virginia to succeed Claude Swanson, who had resigned from this body to become Secretary of the Navy in the first Cabinet of President Franklin D. Roosevelt.

Those of us throughout the country who were beginning public service at that time remember the deep depression—many have called it the Great Depression, which was to cause, as it did, monumental problems for the people of the United States and for our economy generally. Today I recall especially the impact of that depression on the State of West Virginia and its people.

The West Virginia situation had been further complicated, from a fiscal standpoint, for our people and our legislature and the new Governor, my fellow townsman.

The voters had ratified a property tax limitation amendment to the State's constitution at the general election in the fall of 1932. So, there was a combination of circumstances—the depression and the tax limitation amendment—that necessitated a complete revamping of West Virginia government at the State and the local levels. And the base of taxation had to be shifted from a principal reliance on levies on real estate to a new reliance on indirect taxes.

There were two men in public life to whom the then Governor of West Virginia, my fellow townsman, turned: Senator RICHARD B. RUSSELL and Senator Harry Flood Byrd.

He held continuing conferences with those men. It was my privilege to assume from my new Washington office major responsibility for activating these consultations between the then Governor of West Virginia and the two former Governors of Georgia and Virginia, Senator RUSSELL and Senator Byrd, father of our colleague, the present senior Senator from Virginia.

So in the late winter and the spring of 1933, those consultations of Governor Kump and Senators RUSSELL and Byrd were held. The new Governor of West Virginia sought competent advice of those former Governors in whom he had confidence. Our Governor considered them intellectually brilliant and men of experience, even though Senator RUSSELL was only 35 years old at that time. Indeed, general confidence in Senator RUSSELL, even then, in the early days of his service in this body, is indicated by the fact that Senator Harry Flood Byrd was the one who urged upon our Governor that Senator RICHARD B. RUSSELL join in the conferences to find solutions for West Virginia's unusually critical problems. The advice of our former colleague was a major input to the solution finding that, in my judgment, brought West Virginia from near governmental bankruptcy to fiscal solvency and made the administration of Governor Kump one of the most respected in the State's history.

So this afternoon I repeat that Sena-

tor RUSSELL is gone from this Chamber physically. His words and wisdom cannot now provide us with the counsel he gave in such full measure during his lengthy period of truly dedicated and outstanding service in the U.S. Senate, but his profoundness will always be remembered by those of us privileged to serve with him. Yes, Senator RUSSELL demonstrated extraordinary capacity, intellectual and otherwise. He possessed a special gift for legislative and executive understanding as a member of the Georgia House of Representatives, as the speaker of that body, and as Governor of Georgia. In the Senate of the United States his special type of leadership, his truly remarkable insight, and his courage were exemplified in full measure. The long years of public service of Senator DICK RUSSELL yielded much that will be of lasting benefit to our country, even though in some areas of American life his positions on public matters were controversial.

My wife recalled to me this weekend that on the first occasion when we visited the White House in 1933, Senator RICHARD RUSSELL was there, and it was her good fortune, as she reminded me, to talk with him. She recalled also, as of yesterday, her feelings on that night when we returned to our residence. She expressed not only her delight in the conversations with the Senator from Georgia, but her feeling that here was a man of great leadership, a man of great understanding, a man of great talent. Mrs. Randolph, as well as millions and millions of Americans, not only watched the career of Senator RUSSELL and approved of his high-quality service during that career but also realized the debt that the Nation owed this statesman for the work so nobly begun and so splendidly carried forward during his lifetime.

I recall that, as a delegate-at-large from the State of West Virginia to the Democratic National Convention, I gave to Senator RUSSELL my vote when he was an active contestant in the national convention for the Presidency of the United States. I did so at that time in 1952 with the realization that, although he might not be nominated and probably would never become the President of this Republic, he had the characteristics which I felt were necessary to lead this Nation in time of crisis, in time of peace, and in time of conflict.

It is easy sometimes to say that a man is a great man or that a man is a good man or that a man is a gallant man. But as I think of Senator RUSSELL, to me he was a patriot, not necessarily a patriot who stood always beside the flag and wanted to unfurl it, although he was proud of the symbol of this Republic. He always made clear to the Nation by spoken or written word where he stood on the issues. His intellect and his forthrightness made him a towering figure in American public life.

Mine was a close and cherished friendship with Senator RUSSELL for a period of 38 years. I am genuinely saddened by his leaving this body and leaving his work, which he loved so well. In a sense, his colleagues in the Senate were part of his family. In a sense, that was true, because he looked upon each of us, even though we had varying viewpoints on subject matter, as one member would look upon another member in a family—in this instance, the family of the Senate of the United States.

Four decades is a long time; yet, it is a relatively short time. But it was during that extended period that Senator RUSSELL had the opportunity, and embraced it, for an extraordinary type of service to this Republic and its people. He was not just a political leader. I would not stop at that point, as others would not stop, in assessing his contributions to public service. He was, yes, a good man, a gallant man, a great man. He was a patriotic American. He was a towering Member of the Senate because he looked always to what he believed to be best for the public good and the welfare of his beloved State and country. Those of us who knew him and were privileged to serve with him will, I truly believe, always sense the influence of his presence whether he is physically present or not in these halls. His will be a lasting imprint on this institution—the Senate of the United States.

Mr. RIBICOFF. Mr. President, I mourn the death of a friend, Senator RICHARD RUSSELL of Georgia.

His death Thursday, January 21, 1971, leaves a void in the Senate that will not easily—or perhaps ever—be filled. Senator RUSSELL has left an indelible imprint upon the Senate and the Nation.

I have known very few truly great men in my lifetime, and Senator RUSSELL was one of them.

Many have said that had he come from another section of the Nation—had he not been a southerner—Senator RUSSELL would have been elected President. There is some truth in that.

But there is more truth in the assertion that Senator RUSSELL would have lived his life in no other way and in no other place. For this great American was a southerner, he was a Georgian, and to imagine him, or to speculate about him, as anything else, or as being from anywhere else, is to misunderstand him and miss the lesson of his life.

Several years ago, on a trip to Georgia, I had the privilege of visiting Senator RUSSELL at his family home in Winder. I was struck by the simplicity of his home and the simple, gentle manner in which he lived. RICHARD RUSSELL, the most powerful man in the Senate, lived totally without pretense, without any of the trappings of power.

Counselor to Presidents and other Americans of high position and trust, Senator RUSSELL was respected and admired by all Senators, irrespective of political party and philosophy.

As President pro tempore of the Senate, as chairman of the Appropriations Committee and as the ranking member and former chairman of the Armed Services Committee, Senator RUSSELL held immense power within the Congress. But he exercised that power thoughtfully, responsibly, and with uncommon discipline.

He took seriously his many responsibilities and strove diligently and tirelessly to carry them out. I have never known any Senator—or any other public servant—who came to his work with such thorough preparation as did Senator RUSSELL.

He was blessed with a brilliant mind but he nourished that gifted intellect with constant reading, study, and attention to both policy and detail.

History will record RICHARD RUSSELL of Georgia as one of the greatest Senators who ever served in this body. In his 38 years in the Senate, he fulfilled his duties with skill, dignity, and grace. He, more than anyone else, reflected the essence of what the Senate is. By his presence he reminded us of what it means to be a Senator. We will all miss him very much.

Mr. BYRD of West Virginia. Mr. President, RICHARD BREVARD RUSSELL was once advised by his father to "marry your work if you are going into a public career." That he took this advice to heart has been of incalculable benefit to the State of Georgia and the Senate of the United States. He spent more than half his life in the Senate, having begun his service in 1933 at the age of 35.

His political career began at the tender age of 23 upon his election to the Georgia House of Representatives, in which he served for 10 years. At the age of 30 he was elected Speaker of the Georgia House and at 33 became the youngest Governor in Georgia's history. His term as Governor is remembered for the streamlining he imposed upon the executive branch, reducing the number of departments and agencies from 102 to 18.

He was elected to fill a vacancy in the Senate and took the oath of office on January 12, 1933. By 1944 he had assumed the mantle of leader of the so-called Southern bloc of Senators, a position he has maintained since that time. As leader of the Southern forces he was hailed as a brilliant tactician and an adamant adversary, but also a courtly and gracious gentleman. He himself best explained the nature of his being when he said:

> My father used to tell his seven sons that all of them could not be brilliant, all of them could not be successful, but all of them could be honorable. . . . I have tried to follow that course throughout my life.

No one could deny him this modest self-estimation.

A Senate colleague once analyzed the enormous influence Senator RUSSELL exercised upon the Senate in these words:

> First of all, there's seniority. Second, he is a man with a brilliant mind who uses it tirelessly. Third, he is on the job all the time. In establishing power it is of the utmost importance to be here, to be in attendance, to be doing the work. Particularly in committee. Russell is a stickler for that. Then, he knows the rules.

His outstanding parliamentary skill was once attested to by our former colleague, the honorable Paul Douglas of Illinois, who yielded to him with these words:

> I yield, though my knees are knocking, to one of the subtlest men and one of the most able field generals who ever appeared on the floor of the Senate.

In 1948, and again in 1952, Senator RUSSELL received a substantial number of votes for the presidential nomination

of the Democratic Party. It has been said that he would have won that nomination had he not been a southerner. It has also been said that had he been elected to the Presidency he would have done it as much justice as any man who has held the office.

During his illustrious career in the Senate he served, since 1933, on the Committee on Appropriations, and, since 1947, on the Armed Services Committee. From 1951 through 1968 he was chairman of the Armed Services Committee. In 1969 he relinquished that post to assume the chairmanship of the Appropriations Committee, following the departure from the Senate of the distinguished Carl Hayden, of Arizona. In 1969 his colleagues accorded him the high privilege of election to the office of President pro tempore of the Senate.

As chairman of the Armed Services Committee he had a hand in virtually every important item of defense legislation enacted since 1951. Even in 1940 his influence on defense legislation was noticeable when he authored an amendment to the Selective Service Act of that year which permitted the Governor to draft industry for war production.

His fashioning of legislation was most often accomplished behind the scenes. A colleague once pointed out:

> No major compromise can be concluded in the Senate without submission to his professional hand. His role as compriser was once pithily characterized as that of the man who says the blessing over the legislative wine.

He was always an advocate of a strong defense for the Nation, considering it an imperative need given the state of world affairs and our position as leader of the Western democracies. At the same time, he believed in cautious use of our power and was early opposed to our massive commitment of troops in Vietnam and our policy there of graduated response. He described this military engagement as "the nearest thing to a total national frustration this country has ever encountered," and warned that we should either fight to win or leave.

Senator RUSSELL was always a leading supporter of legislation to aid the American farmer. He played an important role in establishing Government programs to conserve the soil and our forestry resources. He supported programs to develop water resources. Rural electrification was of long interest to him. He was among those who launched our farm parity program and aided in drafting the original legislation in the 1930's.

He supported selectively certain Federal programs to aid education and schoolchildren and was particularly proud of his role in initiating the school lunch program.

He helped to write the first Atomic Energy Act and was a charter member of the Joint Committee on Atomic Energy. In 1938 he supported domestic air carrier service in the United States on the premise that the United States should have a corner on this vital form of transportation.

This towering figure was a leader of his party in the Senate. From 1947 he served on the Democratic policy committee and from 1957 on the Democratic steering committee, which makes committee assignments for Democrats in the Senate.

His devotion to duty and his impeccable manners earned him the sobriquet of a "Senator's Senator," the ultimate honor.

Senator RUSSELL's philosophy of government was rooted in constitutionalism. His belief in the limits of Federal power was the main force behind his opposition to what are popularly known as civil rights acts. His attitude toward the role of government he summed up once by saying:

> I'm a reactionary when times are good. In a depression, I'm a liberal.

He was always regarded as one of the most fair and conscientious Members of this body. The truth of this was clearly demonstrated during the Senate inquiry of President Truman's dismissal of General Douglas MacArthur from his command in Korea. Senator RUSSELL presided over those hearings from May 3 to June 27, 1951. During that time he was unfailingly courteous and was particularly solicitous of the general's views. In hindsight it has been claimed that his judicious handling of this volatile event did much to defuse an explosive situation.

Through it all for the past four decades he served his nation well. He was the good and faithful servant of the people. He was good for the Senate and he loved it dearly. I can say without hesitation that he was a remarkable Senator, a remarkable man, who enjoyed the respect and affection of all those who served with him.

Mr. President, in the death of Senator RUSSELL, I feel possibly the greatest personal loss I have experienced apart from the loss of close family members. He was the man I most admired in Washington—a man of great intellect, the finest of public servants.

His patriotism and love of country will never be excelled. From my first days in the U.S. Senate, he was my mentor, and I take pride in knowing that he came to be also my friend.

Mr. President, a great man, a statesman, a distinguished citizen of the Republic—has "reached the silent haven that all the dead have reached," and where the voyage of every life must end.

How poor this world would be without the memories of its mighty dead. Only the voiceless speak forever.

The memory of this noble and great man will ever be like a star, which is not extinguished when it sets upon the dull horizon; it but goes to shine in other skies, then reappears in ours, as fresh as when it first arose.

Mr. PERCY. Mr. President, I am very proud indeed to follow our newly elected Democratic whip whose very presence in that chair was made possible by a remarkable vote cast by Senator RUSSELL and the following man who knew him so intimately and so well over so many years.

My own relationship and acquaintanceship with Senator RUSSELL is a much shorter term, only 4 years, but I had always heard about him and looked forward very much indeed to meeting him. I was unprepared for the fact that rather than have me come over to meet Senator RUSSELL, as I felt was appropriate on my opening day in the Senate, when friends of ours gave a reception for me, Senator RUSSELL came in to meet me instead.

I thought that some of my colleagues who were about to move their offices might have come in just out of interest in looking over Senator Neuberger's office, which I was temporarily located in, just to size up the situation, and that they might want to move in. Senator RUSSELL came simply to extend the hand of fellowship and to offer any assistance he could provide. I thought that was a wonderful gesture for this great man to make to a freshman Senator on his first day in the Senate.

Above all, he was a gentleman. But he was also a scholar. We all recognized the deep intellect and scholarship he possessed. Never did he take for granted his position in the Senate. Never did he address himself to an issue that he had not researched thoroughly. His understanding of the procedures, the rules, the customs, and the habits of the Senate were second to no man.

His understanding of the U.S. Government was very profound indeed. His work on the Appropriations Committee gave hims a cross section of all Government operations. Senator RUSSELL had an overseeing responsibility and also the responsibility to exercise at various levels a priority.

His knowledge was very great indeed. He was a man of deep convictions. He believed deeply in certain principles of government. He believed deeply in some of the things he wanted to see done for this country. As a result of his birth, background, and experience, he had certain ideas which were in conflict with those of some of his colleagues, including myself, on some occasions. However, I know that he was always a man of honor. He always respected another person's point of view.

Having been raised in a family under a father who was born in Mobile, Ala., and lived there all his life until he moved north after marriage, I had a better opportunity and a better understanding through my father of some of the background for the thinking of Senator RUSSELL on some matters such as civil rights.

Senator RUSSELL was a man of utter fairness and deep conviction. He always respected another person's point of view. Certainly every courtesy was extended by him to freshmen and junior Senators throughout his time of service in the U.S. Senate.

We have suffered a great loss. Many times a man in this life contributes so much to making this a better world in which all of us can live and work. Many times the living memorial and legacy that man leaves are the qualities and the characteristics that all of those who have been privileged to know him admire and respect.

Perhaps the best tribute we can pay to him is to attempt in every way to live up to the principles in which he believed, the principles of fairness, equity, and justice, as he saw them, and certainly the principle of scholarship in our senatorial work.

Above all, a Senator is a gentleman.

Senator RUSSELL was a gentleman among gentlemen.

Mr. GRIFFIN. Mr. President, it is with a sense of deep loss that I join with my colleagues in paying tribute to a gallant American who was recognized in life, as he will be recognized in history—as one of the Nation's foremost leaders.

One must delve deep in the storehouse of words to find means to express even inadequately the debt we all owe to RICHARD BREVARD RUSSELL.

As all of his colleagues here in the Senate know so well in no man ever served his State, the Senate and the Nation with more devotion, fidelity, and dignity. Within him there was a majesty of purpose and principle which gave a shining luster to his long years of service in the Senate.

What was once said of another great American, Theodore Roosevelt, can also be said most appropriately of DICK RUSSELL:

He was a great patriot, a great man; above all, a great American. His country was the ruling, mastering passion of his life from the beginning even unto the end.

As a rather junior Senator, I count it a high privilege to have had the opportunity to have served as a colleague of this great American. His exceptional ability, great intellect, and strong convictions earned for him an honored place among such titans of the Senate as Daniel Webster, John Calhoun, Robert LaFollette, and Robert A. Taft. In his quiet and characteristically unassuming way, he was most helpful to me on numerous occasions, as I am sure he was to many others.

But what I am most grateful for is the example he set for all of us by his service to the Senate and the Nation. He was a man who had the courage to walk alone, if need be, on a course he thought was right, exercising what the poet Burns called "the glorious privilege of being independent." But the man we honor here today seldom had to walk alone, so great was the force of his personality, his persuasion and the logic of the positions he took. He once said:

Any man who dares to vote independently is a leader and any man who can persuade three or four men to vote with him is a power.

In this respect, as many a debate on this floor has proved, DICK RUSSELL was a leader many times over.

None has deserved more the description as "a Senator's Senator." Just as appropriately, he has been referred to as "Mr. Senate." He exemplified the Senate's finest traditions. He was, as he considered the Senate to be, a citadel of the Nation's strength and freedom—a continuing link in the Nation's history—linking the past with the present; linking the present with the future.

For him it was no idle belief that, as he once said that—

If it had not been for the Senate, there would be an all-powerful central Government in this country.

As is well known, he was an eloquent advocate of States' rights throughout his many years of Senate service. The fact that we are now talking about a new federalism—that we talk about stregthening—not weakening—the role of States in our system of government—stands as another tribute to DICK RUSSELL's leadership.

As he was a Senator's Senator, he also was a President's Senator. His service in the Senate starting in January 1933 spanned the administrations of six Presidents. Each of them, regardless of party, sought his counsel, particularly on matters relating to national defense.

Henry Adams once wrote that "a friend in power is a friend lost"—but with DICK RUSSELL this was never so. His integrity was such that whatever differences he may have had with occupants of the White House, he never lost their friendship. As a realist, he understood that modern politics is a struggle, not so much of men, as of forces—and this enabled him to judge events and their impact with rare objectivity and detachment. And this, no doubt, was why his advice was so frequently sought.

Perhaps history will record his support for strong U.S. military forces in a world of rapid—and often violent—change as his outstanding achievement. While he desired peace as earnestly as any man, he knew that in the turbulence of this age peace—and freedom—could be maintained only through strength.

Even early in his Senate career he had the foresight to see the shadow of World War II descending over Europe, and he supported the ending of the arms embargo, the selective service and lend-lease.

For different reasons he opposed American involvement in Southeast Asia, for he foresaw that this could lead to what has become the longest, costliest and most unpopular war in the Nation's history. One can only surmise what the course of history would have been during the last 15 years if his advice had been followed.

Senator RUSSELL left for us an unfading example of public service in the Senate's highest traditions. We will miss him sorely.

With his death we have come to the end of an era in the Senate—and we cannot hope to be fortunate enough to see his like again.

Mr. ELLENDER. Mr. President, no one who possesses a sense of history can contemplate the lifespan and record of the late Senator RUSSELL without a feeling of humility. His life and public service spanned two world wars, the great depression, and the tremendous changes which these events brought to our Nation and the world.

There is no need to dwell on the public record he compiled during his 50 years of public service to the State of Georgia, his beloved country, and the U.S. Senate to which he was so devoted and gave so much. Those facts are well known, and will no doubt be stated by others who will pay him tribute.

Monuments are built to those who have passed away, but in many respects Senator RUSSELL was a monument in his own time. Those who are aware of and appreciate the forces of historical change must also recognize the importance of those things which are unchanging—those sea anchors, as they are sometimes called—which allow us to maintain a heading against the winds of this moment and the next.

Those individuals in public life and those beliefs and institutions which are monumental in character have always served a special purpose and filled a special place in the development of these United States. They have provided our society with its "sea anchors." Senator RUSSELL was unique in this respect. At the beginning of an era of unprecedented and perhaps unmeasurable change, he was destined to combine the attributes of the individual in public life with a system of deeply held beliefs at the highest institutional level in the political life of our Nation. This made of him a monumental figure in his own right. He held a position which was relatively constant while many of those about him were jostling each year for new cornerstones on which to build.

I have known Senator RUSSELL, and worked closely with him, longer than any man now serving as a Member of the U.S. Senate—34 years to be exact. I knew him well, and I knew him as a man of the people. When I say that he was monumental in character and in the place he held in our Government, I do not speak lightly. From his vantage point in the U.S. Senate, he worked to draft and push to passage the measures designed to bring our Nation up from the depths of the great depression, and which were destined to radically alter the character of American life. He came to the Senate as a young man, as we all know, and absorbed knowledge from those about him at the highest levels of our Government. He shaped it by his own beliefs and experiences and used it to become one of the legislative giants of our time, and to assist and guide his colleagues following his footsteps in the Senate. I can recall much of his wisdom and advice given to me over the years as, I am sure, can many others here.

Senator RUSSELL used his natural abilities to shape and protect the institution he was to call his home, second only to his native State, for almost 40 years. The Senate gave him knowledge and almost unprecedented experience, and he repaid that debt by breathing into our Upper House that life and vitality that any institution must possess if it is to survive in a fluctuating world.

At the same time, he was confident that there are substantial principles that do not change, and which must act to sustain this republic, this society, during moments of historical conflict. Our Constitution formed such a cornerstone for him, as did the time-honored and hard-won rules of paliamentary procedure. Winston Churchill has pointed out that the rules of proper procedure, the principles by which public decisions are to be made, represent one of the greatest gifts that the English-speaking people have given to all mankind. Without doubt, Senator RUSSELL agreed with that premise. In him Churchill found a willing and great disciple on this side of the Atlantic, acting as a constitutional bastion in the U.S. Senate. In many respects the Senator from Georgia represented and embodied those most serious concerns of the Founding Fathers meeting in Philadelphia 183 years ago—a con-

cern that the Senate be so constructed as to resist the pressure of public hysteria, that it should provide an element of stability against the passions of the moment, and that it should reflect American life while at the same time helping to shape its quality in the truest and most profound sense.

Certainly this was a personal goal of the man whom I now call a monument in his own time. Nothing that might be erected here on earth can adequately reflect this enduring quality of the man, just as no mere building—preserved in Philadelphia or constructed of marble in Washington—can provide a true picture of the American genius that slowly unfolded during those summer months of 1787.

This society of ours is now beset by change on every hand, if we are to believe the public press and the words of a host of social commentators. Yet nothing that we see about us, nothing, actually, that we may imagine for the immediate future, can be realistically compared to the alterations—some slowly, some more quickly—that have come about in our society during Senator RUSSELL's tenure. It is not my intention here to engage on a social commentary of my own. Yet I believe that we must not forget, particularly on this occasion, that only because of men such as Georgia's late senior Senator can we judge the tenor of present events and attempt to see things in their proper perspective.

There is much violence about us today, in many different forms. Yet when Senator RUSSELL first took office, many families in these United States were mounting machineguns under the eaves of their homes, and fortifying the boundaries of their property. Now there is violence for you, Mr. President, and there is social crisis of a very real and important sort. A study of the life of a man such as RICHARD RUSSELL can provide us with a measure of how far we have come, and some indication of where we are at the present moment of history. A monument should have a strong foundation, and cast a long shadow. In the roots and experiences of Senator RUSSELL's life, we may find written the story of a troubled and tumultuous period in the history of the greatest nation on earth. We should also find, it seems to me, the guidelines which will carry us safely through the future.

For Senator RUSSELL, my friend, colleague, and confidant over so many years, was quick to recognize that constant and consistent principles did not require an unbending and unyielding opposition to the forces that were acting to change the structure of our society, even in ways that he did not entirely approve of. Senators know that area of which I am speaking. He and I fought many long battles in the Senate over the subject of civil rights legislation, and we fought them together. Yet ponder upon this, as a measure of the social changes that have taken place, and as a measure of the man to whom we now give monumental qualities.

Senator RUSSELL was an active participant in the first of the great civil rights debates in this century, in 1938. That was 33 years ago. We were successful, but other battles, hard-fought and intense, were to bring a reversal of our fortunes. The tide changed. Our principles were no longer subscribed to by the majority, yet they remained of great importance to us of the South, and the Constitution remained the cornerstone of our public philosophy. In spite of this, in spite of bitter defeat at the end of the longest debate in the Senate's history, the Senator from Georgia was one of those from the South to tell his people that the law would be enacted, and that it must be obeyed as long as it remained on the books. This, too, must be taken into account in any measure of the man. It was important to him, and it is important in the development of our society. It should not be forgotten, as I am sure it will not be.

Future generations will look back, through their history books, in the recordings of the age, and perhaps tour the monuments that have been constructed by the hands of man moving sand and marble from one place to another. They shall seek to gain an understanding of what it was that happened over these four decades in the middle of the 20th century, here in these United States. They will study the documents and attempt to trace the flow of events from the 1930's into the 1950's and 1960's. The final chapters cannot be written, and hopefully they never will be. Even now we do not fully understand exactly what has taken place, or what history will write of the 1970's.

Yet those seeking to understand the last 40 years would do well not to confine themselves to the documents and evidence they will have at hand. There are limits to the insights that any monument can provide. A rich source for understanding of the past and guidance for the future will be the life of Senator RICHARD B. RUSSELL, a Senator from Winder, Ga. In what I have chosen to term his "living monument," will be found an index and guide to understanding of the last 40 years, and of the changes they have brought.

Mrs. SMITH. Mr. President, the death of RICHARD BREVARD RUSSELL marks an end to an era when the U.S. Senate achieved its greatest stature and prestige as an institution. It marks the end of an era when the Senate enjoyed great public confidence because its membership was dedicated to it as an institution and as a career and not just a stepping-stone or springboard. It marks the end of an era when practically the entire membership of the U.S. Senate put the work of the Senate ahead of all other endeavors. It marks the end of an era when practically no one in the Senate made the work of the Senate secondary to such outside activities as high-fee lectures and speeches. It marks the end to an era when the Senate was not regarded as a sort of "moonlighting" job.

The decorum, the sense of dedication to the Senate as an institution, the stature, and the prestige of the Senate began to erode as the health of RICHARD BREVARD RUSSELL began to erode. As his failing health caused his absence from the Senate floor with increasing frequency and for longer periods, the effect on the Senate became evident. The deterioration of the Senate from an orderly and dignified parliamentary body into too often the state of an anarchistic legislative jungle is directly traceable to the absence of the calm, deliberative, and wise leadership of RICHARD BREVARD RUSSELL, both on and off the Senate floor.

I pray to God that somehow the U.S. Senate will return to the quality that RICHARD BREVARD RUSSELL gave it in his fully active and healthful years.

It was my privilege to express my great respect for RICHARD BREVARD RUSSELL in the Senate on April 1, 1969. I wish to reaffirm now what I said when he was alive and I ask unanimous consent that my statement of April 1, 1969, about him be placed in the RECORD at this point.

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

STATEMENT OF SENATOR SMITH

Mr. President, one of the great privileges of serving in the United States Senate—the greatest legislative body in the history of the world—has been to associate with truly great leaders—statesmen whose deeds and wisdom and courage have deeply inspired so many.

I am deeply fortunate to be serving in my twenty-first year in the Senate—and my seventeenth year on both the Senate Appropriations Committee and the Senate Armed Services Committee for which I feel doubly fortunate because of my association during these years with the man who now chairs the Appropriations Committee after chairing the Armed Services Committee so brilliantly and wisely for many years.

Yes, the Senate has several great leaders in its history. But I think that to most of us there are only three or four or maybe five who stand out above all others—who are truly the Giants of integrity, wisdom, achievement and dedication—during our respective tenures in the Senate—the Giants who really inspire their colleagues.

One way that an outsider can identify a Giant in the Senate from a viewpoint in the Senate Gallery is to watch the Senate Floor to see the turnout of Senators to listen to a Giant speak and the hushed silence when a Giant speaks. An extremely reliable measurement within the Senate itself is whether the individual Senator can really sway votes when he rises to speak and voice his respected, often revered, views.

To me, Richard Brevard Russell, the Senior Senator from Georgia, the Senior Senator of the Senate, and the President Pro Tempore of the Senate has been, and is, one of the rare few Giants of the Senate during my tenure. I know that many, many Senators share my view.

I agree with those who say that Richard Brevard Russell should have been President of the United States. I wish he had—not only because he has been one of the most eminently qualified to be President—not only because he so richly deserved to be President—but even more important because our nation would be a better nation had he been President.

But in a selfish manner as far as the Senate is concerned—and in a less selfish manner as far as the people of America are concerned—there has been a very meaningful advantage in his not becoming President.

For had he been elected President in 1948 or 1952, our nation would have been without his leadership since 1956 or 1960 when he might have retired after eight years as President. Thus, the people of America would have been deprived of his leadership in the Senate for the past eight or twelve years—and we of the Senate would have been deprived of his sage advice, counsel and leadership. An unfillable void in the Senate would have been created.

Richard Brevard Russell has been an inspiration to me in many ways. He has been a shining example to follow. I now reveal a secret with respect to one very specific way in which I have tried to emulate him. Despite his brilliant record of innumerable achievements his biographical sketch in the Congressional Directory year after year after year by his own choice has simply read "Richard Brevard Russell, Democrat, of Winder, Ga." Such is the modesty of this tremendous Giant of the Senate.

Dick Russell has a quality of human kindness and warm gentleness that is not known as much as it should be. He is, indeed, a gentleman in the fullest sense of the word.

He has so many attributes of greatness that I hesitate to single out any two or three of them to the exclusion of the many others—integrity, intellect, wisdom, patience, forbearance, courage and many more.

When he was honored recently as the recipient of the James Forrestal Memorial Award, in accepting the award, he displayed many of these attributes, but none of them any more than his great attribute of courage to speak up and to speak out.

He said what has been in desperate need of being said in my opinion—he spoke the heart and the mind of the majority of a deeply troubled America. He made a Declaration of Conviction that needs to be repeated again and again and again.

May the good people of Georgia in their great wisdom continue to give Richard Brevard Russell to the people of America and send him to the United States Senate for as long as he is willing to serve in the United States Senate.

Mr. SCOTT. Mr. President, with the passing of DICK RUSSELL we all lost a friend, a truly fine associate, and a dedicated public servant.

For more than 50 years our distinguished late colleague enthusiastically was in the service of his constituents and loved the life he chose.

The Nation, the State of Georgia, and the Senate of the United States is the loser. We are truly pleased, though, that we had Senator DICK RUSSELL for as long as we did, because he contributed so much.

There have been many giants in the Senate of the United States, but DICK RUSSELL was a giant among giants. His dedication to his country, to his State, to his party, and to the Senate knew no bounds.

There has never been, nor do I believe there will ever be, a finer parliamentarian in the Senate of the United States than the late senior Senator from Georgia. His knowledge of the rules of the Senate was more complete than even professional parliamentarians.

With the passing of DICK RUSSELL, I have truly lost a dear and trusted colleague and friend, one whom I deeply respected and one whose counsel I sought on numerous occasions.

We shall all miss him as a colleague. We shall feel his loss deeply. But, the country will feel his loss even more.

I ask unanimous consent to have printed in the RECORD an editorial published in the Philadelphia Inquirer of January 24, 1971.

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

RICHARD RUSSELL OF GEORGIA

It was said of Richard Brevard Russell—by Harry S. Truman some years ago, by Mike Mansfield the other day—that if he had come from another section of the country he would have become President, and perhaps he would. For the Georgia Democrat was a man of remarkable qualities. He had a keen mind—one of the finest in the U. S. Senate, in which he served since 1933. He was an orator of no mean abilities, and he understood politics and power, and he had the stuff of whatever it is that political leadership is made of.

Russell's fatal flaw was not so much that he came from the South but that he was a prisoner of his section, and he could not or would not, break loose. He was on the wrong side of one of the great issues of the times—civil rights. Like other Southerners (but not only Southerners) he waged a delaying action for a lost cause, and he knew it was delaying and he knew it was lost, but he would do no other.

Yet, fighting as he did—tenaciously, bitterly, skillfully—he kept the respect of the most tenacious and bitter and skillful of his opponents, and in other ways he served his country with distinction.

Notwithstanding his well-publicized differences with President Truman, he presided over the MacArthur hearings with consummate fairness. The Senate Armed Services Committee judgment—that, in effect, the President had not only acted responsibly in firing the flamboyant commander but that he could not have acted otherwise—did much to defuse an explosive issue in a heated time.

If one can wish that his posture on civil rights had been different, and reflect that the country might have been saved much grief if it had, one can also wish that his advice on Vietnam had been taken as far back as 1954, when he took a very dim view of our involvement there and a far-sighted view of the consequences.

Mr. EASTLAND. Mr. President, we are gathered here today to pay tribute to RICHARD B. RUSSELL of Georgia, one of the truly great men of our Nation's history. It is one of those memorable occasions when the Senate is truly of one mind and heart, bound together by mutual love, affection, and admiration for a truly distinguished colleague, humbled by the magnitude of this loss to the Senate and the Nation. As we gather here, RICHARD RUSSELL'S place in the history of the Senate and the Nation is secure. His life and deeds will be chronicled by historians for years to come.

Born into one of Georgia's oldest and most distinguished families, RICHARD RUSSELL was the son of a noted justice of the State Supreme Court. At age 35 RICHARD RUSSELL had already accomplished more than most men could dream of in a lifetime. As a freshman Senator, he had already served as Speaker of the House of Representatives and Governor of the State of Georgia, yet his service to the Nation had only begun. He was a Senator's Senator, a statesman of the first rank.

RICHARD RUSSELL was the trusted and valued adviser to perhaps more Presidents of the United States than any other man in the history of his Nation. His wise counsel was sought and adhered to by the leaders of this country in peace and war. In the times of greatest trial, his voice was heard in the highest counsels of the land and the influence of his guiding hand will leave an indelible imprint upon this Nation for countless generations to come. He did not seek power or acclaim, but commanded it by the sheer power of his character, his intellect, and integrity. He was a devoted servant of a nation he loved, yet he was always faithful to the ideas, ideals, and aspirations of his native Southland. It was an honor to serve with him.

Mr. HARTKE. Mr. President, in any group of men and women, no matter how distinguished the general level of ability, some few will stand out above the rest, and of those few, one will seem preeminent. Among his peers, he will be considered peerless.

That, surely, was the case with the man we mourn and eulogize today, the late President pro tempore of the Senate, RICHARD BREVARD RUSSELL. He was not simply the dean of the Senate, the senior member in point of service. He was the giant of this senatorial era. Indeed, one would have to go back decades in the history of this body to find a man who achieved the same degree of moral and intellectual ascendancy among his colleagues as did RICHARD RUSSELL. Even those who found themselves more often than not at policy odds with him had no difficulty recognizing or conceding that here, truly, was the dominant figure among us.

Just about a year ago I attended a formal dinner with one of our senior and most distinguished colleagues. As we waited for the inevitable round of speeches to begin, I asked this Senator—who is not, let me add, a southerner—whom he regarded as the three or four most able and impressive Senators he had known in his own service here.

His response came at once. He said:

There is only one, RICHARD RUSSELL. There is nobody else in his class; he stands alone.

And then our colleague added after a moment's thought:

DICK RUSSELL is the greatest man I have ever known in public life, beyond comparison.

Mr. President, I believe that judgment is widely shared in this body today. It is a suitable epitaph to a very great American.

Mr. BYRD of Virginia. Mr. President, the death of Senator RICHARD B. RUSSELL last week was a great loss to the Senate and to the Nation.

It was a severe personal loss to the senior Senator from Virginia.

Senator RUSSELL came to the U.S. Senate January 12, 1933. A few weeks later my father was appointed to the Senate, and the two of them served together for 32 years.

They were close and devoted friends, and I am proud that that close friendship between Senator RUSSELL and my father likewise existed between Senator RUSSELL and me.

RICHARD RUSSELL of Georgia served in the Senate of the United States longer than any man in history, with the exception of Carl Hayden of Arizona.

The Senator from Georgia was a man of great vision and remarkable foresight.

In my judgment, he would have made an outstanding President of the United States, and the Virginia delegation to the Democratic National Convention supported him for this position in 1952.

Actually, over a long period of time as U.S. Senator, he wielded almost as much power and influence as did a President. Presidents relied on his judgment—just as did his colleagues in the Senate.

It is a mark of his greatness that he did not abuse the power entrusted to him.

His colleagues knew him—and Presidents knew him—as a man of complete integrity and one wholly dedicated to serving his Nation and his State.

The name RICHARD BREVARD RUSSELL will be written large in the history of America.

He was a great Senator, a great patriot, a great American—and to me, a beloved friend.

Mr. CANNON. Mr. President, we can add little today to embellish the monumental record of public service which our late and respected colleague RICHARD RUSSELL made during his lifetime here in the U.S. Senate.

Each of us who were privileged to serve with him during a part of his long service to our Nation recall his tireless devotion to the national good, his strict code of personal conduct, and his deep and abiding love for the Senate and its historic traditions.

DICK RUSSELL played a leading role in one of the greatest chapters of American history a—period which covered World War II, the Korean and Vietnamese conflicts, economic depressions, fabulous growth and unparalleled national advancement in every field.

When I was a junior member of the committee I had on countless occasions received his assistance and advice in learning the operations of the Congress. I found him a man who commanded respect; whose devotion to this country was exceeded only by his devotion to the cause of freedom.

We who knew him personally and closely will always remember him for his sincerity, his unselfishness, his wise counsel, his able leadership, and his valued friendship. A profound sense of fairplay was one of his attributes that he most cherished. No finer tributes have been paid to him on this quality than those from his colleagues who have disagreed with him politically.

It is merely a statement of the obvious to say that DICK RUSSELL was a very intelligent man. There are many intelligent men, but far rarer are those who combine with their brain power, as he did, such a wealth of commonsense and sound judgment.

As a counselor of Presidents, he was one of the first to see clearly the role, the burdens and the promise of the United States as leader of the free world.

The Nation has lost a faithful, dedicated public servant, and the people of America have lost one of their most stanch defenders of our national security and honor.

Mr. PEARSON. Mr. President, the passing of Senator RICHARD B. RUSSELL has caused a hurried Nation to pause and assess this extraordinary man and the great qualities he represents. As dean of the U.S. Senate, RICHARD RUSSELL stood unchallenged as the most skillful legislator of our time. His part in building and exercising civilian discipline over the Armed Forces, was perhaps as important as that of any man in the history of our Nation. And his role as advisor to Presidents, especially in periods of international crisis, is one that represents the best tradition of consultation and mutual respect as between the Senate and the executive branch. As a member of the Warren Commission, Senator RUSSELL's undisputed honesty and prestige helped bring to the Commission's report a degree of credibility demanded by the ragged emotions of the national tragedy which called the Commission into being.

As a Senator, RICHARD RUSSELL was firm, knowledgeable, and fair. His excellent staff is a credit to his judgment and the serious manner with which he approached the institution.

The fact that even his painful and burdensome illness did not prevent him from guiding the work of the Appropriations Committee, or from appearing on this floor to vote during the past year, is only the most obvious evidence of his great personal courage and dedication.

Some will say the passing of RICHARD B. RUSSELL augurs an era of change in the Senate. Perhaps such an era has come. But, if so, it will be, in my judgment, an era of growth based on the desire we all share, within the Senate and without, to see the qualities of dignity and quiet responsibility which were borne so lightly by RICHARD RUSSELL, strengthened in this institution in the 1970's and beyond.

RICHARD RUSSELL was a Senator's Senator and a dedicated patriot. He was one of the Nation's great men. We shall miss him sorely.

Mr. McGEE. Mr. President, it is with great sadness that I rise to join my colleagues from both sides of the aisle to pay tribute to our departed dean, Senator RICHARD BREVARD RUSSELL, who most decidedly was, as President Nixon called him, "a great patriot."

DICK RUSSELL was our president pro tempore by virtue of seniority, Mr. President. But it is well to recall that, although he was senior in this Chamber, it was not seniority alone which made him a powerful voice, a virtual personification of what the U.S. Senate is and should be. Indeed, it may be said the Senate was his home.

DICK RUSSELL, for all the power and influence he not only held but had earned, was a humble man. Anyone can look at his official biography in the Congressional Directory and find there the simply entry: "RICHARD BREVARD RUSSELL, Democrat, of Winder, Ga." That is all. It does not note that he came to the Senate in 1933 at the age of 35, its youngest Member, and was elected and reelected by an appreciative constituency until he became its senior Member. It does not say, for instance, that even prior to his first Senate term at what is indeed a tender age for so high an office he already had served his beloved State of Georgia as its Governor. It does not say he had served as chairman of both the Armed Services and Appropriations Committees of the Senate.

It is left for others, Mr. President, to remark that RICHARD RUSSELL was a model of fairness, of courtesy, a man of his word, and a legislator of massive knowledge and ability. He was all these things and more. He was, above all, an honorable man. He will be missed by even those who do not realize it, Mr. President.

Mr. President, I will greatly miss DICK RUSSELL, whose friendship and advice I have prized for a dozen years. My condolences are with his family, friends and the people of Georgia.

Mr. PROUTY. Mr. President, Senator RICHARD RUSSELL was a great man. He will be remembered among the greatest men who have served in this body. Like Webster and Calhoun, his greatness will continue to inspire those of us who serve here now and those who will be chosen to serve here as long as our Nation endures.

Senator RUSSELL held great power and commanded immeasurable respect. This respect of his colleagues and the Nation was accorded the man and not the power.

He deserved our respect because he was a man of honor. Several years ago, contemplating the end of his service in the Senate, he said:

> When the times comes for me to go out of this chamber, whether I go out voluntarily, whether my commission is revoked by the electorate of Georgia, or whether I am carried out in a box, I hope it will at least be possible to say of me that I was an honorable man. I do not know of anything that might be said that would better please me.

RICHARD RUSSELL was an honorable man. He was a man who served his Nation with honor for 50 years. He combined honor with a deep sense of duty. Apparently he followed his father's admonition to "marry your work if you are going into a public career." He upheld his tremendous responsibilities with unending work and the Nation was protected from peril and guided to new greatness through his labors.

Honor and duty are words that come to mind when I contemplate the life of RICHARD RUSSELL, but there is another word that remains in my thoughts of Senator RUSSELL. It is the word nobility. It is a word used infrequently in America, but I think used well when describing RICHARD RUSSELL.

In memorializing George Washington at the Washington Centenniel Service in St. Paul's Chapel in New York City, Bishop Henry Codman Potter spoke of the quality of a great leader. The words are as applicable to RICHARD RUSSELL as to our first President. Bishop Potter observed:

> If there is no nobility of descent, all the more indispensable it is that there should be a nobility of ascent—a character in them that bear rule so fine and high and pure that as men come within the circle of its influence, they involuntarily pay homage to that which is the one pre-eminent distinction, the royalty of virtue.

His service in the Senate spanned the terms of 6 Presidents. Each relied on his counsel. All acknowledged his greatness. Last February, at a reception honoring RICHARD RUSSELL, President Nixon put it this way:

> Senator Russell wanted to walk on my left, but I insisted he walk on my right. If kings and prime ministers can walk on the right of the President, the Senator from Georgia also can.

RICHARD RUSSELL nobly served his Nation and his nobility will endure.

After a brave physical struggle, he

died on the day the 92d Congress convened. I contemplated proceeding without him and though I know we shall, I realize this Congress will be different.

But if he is not with us, there remains before us a legacy of his honor, a new measure of greatness and model of nobility with which to proceed. His death sorrows me. His life shall continue to inspire me.

Mr. HUMPHREY. Mr. President, we have truly lost a great American and patriot. Senator RICHARD BREVARD RUSSELL gave more than 50 years of his life to public service. History will remember him—as do those of us who were fortunate enough to have served with him here—as one of our most famous Senators.

While steadfastly holding to his own views and political philosophy, he commanded the respect and confidence of Presidents and his colleagues in both political parties.

It has been said of him that had he been born in another region of the country, RICHARD RUSSELL might well have been President of the United States. Such was his ability.

But RICHARD RUSSELL could not be so simply transplanted. He was the personification of Georgia and the South that he loved and served so steadfastly and loyally as, first, a member of the State legislature, then as speaker of the Georgia House of Representatives, Governor of the State, and ultimately U.S. Senator.

It may be said of RICHARD RUSSELL, as Shakespeare said in Julius Caesar:

> He doth bestride the narrow world like a Colossus; and we petty men walk under his huge legs, and peep about . . . . His life was gentle, and the elements so mixed in him that Nature might stand up and say to all the world, "This was a man."

RICHARD BREVARD RUSSELL was a giant, a colossus, in the Senate. A fine parliamentarian and skillful tactician, he earned the respect of his most ardent opponents.

He and I often found ourselves on opposite sides of many issues, but we were friends. He was an honorable man, and he fought a good fight.

He was calm in the face of crisis and turmoil.

He would adroitly marshal his forces and guide them through battle with a skilled and steady hand.

He displayed an acute understanding of the issues and problems facing our Government. And whether you agreed with him or not, you could not fault RICHARD RUSSELL'S sincerity, dedication, honesty, and integrity. He fought for what he felt was best for America.

Mr. President, I would like to close with a sentence of tribute from the editorial page of last Friday's New York Times, a newspaper with which Senator RUSSELL did not always agree:

> Public men, whether they are right or wrong, are measured by their character and by the size of the issues which concern them. By these standards, RICHARD RUSSELL was a big man.

Mr. BOGGS. Mr. President, this is a very sad time for the Senate and the Nation, for today we mourn the loss of a great leader and distinguished statesman, Senator RICHARD B. RUSSELL.

The late Senator from Georgia earned the respect and admiration of all who have served with him in this body over the last 37 years. Each of us can testify to his love for his great State, his dedication to the work of the Senate, and his devotion to his country.

In carrying out his duties as president pro tempore of the Senate, as chairman of the Appropriations Committee, as member and former chairman of the Armed Services Committee, and as senior Senator from Georgia, Senator RUSSELL set a high example of integrity and hard work.

During my 2 years' services on the Appropriations Committee under the chairmanship of the late Senator, I have come to know and admire his rare leadership qualities firsthand. Senator RUSSELL served that committee and the interests of the Nation well. His guidance and judgment will be sadly missed.

Now he is gone, but the example which he set will remain in our memories. It is with a deep sense of loss that I join with my colleagues today in pausing to pay tribute to this outstanding American and distinguished colleague who has passed forever from our midst.

Mr. COTTON. Mr. President, many words come to mind when one thinks of RICHARD RUSSELL. Statesman, patriot. leader, adviser, friend.

Personally, though, I find that I invariably think first of DICK RUSSELL in connection with a term which not only summarizes his complete character but which also was reflected in every role in which he was engaged during his distinguished life.

That word is "gentleman" and I use it not only in its generally accepted meaning but more importantly I employ it in that basic sense of the term which we sometimes tend to forget until we separate the word into its two component parts: DICK RUSSELL was, indeed, a gentle man.

It is appropriate to reflect on this fact today for although DICK RUSSELL probably contributed as much to our Nation in innumerable ways as any person in the history of the Congress, his most important legacy, perhaps, is the lesson he provided us so eloquently through his own life that gentleness and power complement rather than exclude one another.

The proud eagle which is the symbol of our Nation, Mr. President, clutches the olive branch of peace, but also, in its other claws, the arrows of war—just in case.

DICK RUSSELL was the living personification of that symbol.

With the inborn warmth he inherited from his native Georgia and the deep sensitivity which enabled him to regard all men as his brothers, DICK RUSSELL helped provide health for the sick, education for the illiterate, opportunity for the oppressed, and a helping hand for the vanquished.

At the same time, though, he recognized the fact that tyrants sometimes mistake gentleness for weakness and generosity for gullibility, and consequently he made sure, especially through his efforts in behalf of our armed services, that the muscle of America would remain as strong as its heart.

Yes, Mr. President, DICK RUSSELL was a gentle man, and from his gentleness sprang such strength that untold generations to come will continue to benefit from his outstanding work.

This is how our Nation will remember him, and so will I, but on a much more personal basis, this particular Yankee Senator from New Hampshire will deeply miss the magnificient Southern gentleman from Georgia who honored him with one of the most inspiring friendships it has ever been his privilege to enjoy.

Mr. TOWER. Mr. President, when a great man like RICHARD RUSSELL dies, immediately one's own experiences with him come sharply into focus and one tends to lapse into self-pitying sentimentality, in trying to say what is on his heart and mind to say.

The Senate, the Nation, English-speaking people, are so much the less for his passing. He epitomized the better qualities—all that was best of those things. And I think that there is not the potential in any of us who remain in this body to equal him. Those of us who served with him can only be grateful that he lived and moved among us, and led us in countless crises.

By any objective standard, historians will proclaim for future generations to know how much he meant to us all.

Mr. FANNIN. Mr. President, there has never been a more dedicated Member of the U.S. Congress than Senator RICHARD BREVARD RUSSELL.

Many of us in this Chamber benefited from Senator RUSSELL'S counsel and guidance. I had the privilege of working with him on a number of occasions. He was gracious and had the generosity to extend his helping hand to neophytes in the Senate regardless of party or where they stood on the political spectrum.

In the past few days we have heard many words used to describe Senator RUSSELL. Two of these words especially stick in my mind—"gentleman" and "patriot."

Senator RUSSELL had all the qualities of a true southern gentleman. He was a man of the 20th century, yet a Senator who was endowed with courtliness of a more elegant time in our Nation's history. He was a reminder that the business of government can be and should be carried on with honor and dignity.

Senator RUSSELL was a patriot who knew that America must be strong, that our Nation must be able to defend itself and its allies against attacks from aggressors. All Americans who enjoy freedom today owe him a debt for fighting to keep the United States militarily healthy.

He was one of the great men in the history of the U.S. Senate. His death is a tremendous loss to the Nation.

Mr. BURDICK. Mr. President, the Nation and certainly the people of Georgia lost a patriot. The passing of Senator RICHARD RUSSELL was a great loss to the Nation and all who knew and who respected his dedication to America.

Senator RUSSELL performed his duties with dignity and charm, constantly striving to maintain perfection. I am grateful for having the opportunity to serve with a man whose generosity was equal to his genius.

I extend my deepest sympathy to his family in their great loss and to the people of Georgia whom he served with such devotion for more than four decades.

Mr. DOLE. Mr. President, the Nation has suffered a great loss with the passing of Senator RICHARD RUSSELL. During his nearly four decades of service in the Senate, Senator RUSSELL became a national institution, transcending partisan politics and personal ambitions to become the reigning statesman of the Senate.

He was truly a patriot first and a man who had the genuine respect of all those who served with him in Congress.

President Richard Nixon paid tribute to Senator RUSSELL in Atlanta, Ga., on Saturday, January 23, and at that time expressed his thoughts concerning this great American.

The President's remarks describe the feelings of respect and sorrow felt by so many Americans.

Mr. President, I ask unanimous consent that the remarks of President Nixon be printed in the RECORD following my comments.

Mr. President, Senator RUSSELL was a great American; he was a great U.S. Senator; he was a great defender of American security; and he was as Vice President AGNEW said yesterday, a Senator's Senator. It was a high privilege to have served with him because of his patience and his understanding of the problems, real or imaginary, of the Senate's newer Members. He is gone but his wise counsel will be remembered by many of us throughout our tenure in the Senate.

There being no objection, the President's remarks were ordered to be printed in the RECORD, as follows:

Ladies and gentlemen: I have just had the very great honor to represent the people of the United States in paying tribute to Senator RUSSELL.

I have laid a wreath on the casket in the State Capitol of Georgia, and then I have met with members of his family, a very large family and a very devoted family, and spoke to them about what Senator RUSSELL has meant to this country.

Last night on national television in the State of the Union, I asked the members of the House and the Senate to rise in a silent tribute of prayer to Senator RUSSELL. I said then that he was a great Senator, and that he was a good friend for all of those who had the privilege to know him.

I think that my feelings today, as I stand here at the Capitol in the State of Georgia, go really to things more fundamental than friendship or service in the United States Senate. They go to the character of this man.

RICHARD RUSSELL was certainly one of the most intelligent men ever to serve in the United States Senate. I have often heard it said that no new member of the Senate should ever dare try to tangle with him. In fact, no older member of the Senate would dare to do so with hope of coming out ahead.

He was one of the hardest working members of the Senate. He was one who, of course, served in the Senate so many years that he had high seniority. But what really set him apart was what we call character—character which grew up over a period of years; character that came from his native soil of his native State; character that came from his family; character that came from his deep religious belief; and character which came from a sense of patriotism that enabled him to serve five Presidents with equal devotion.

The way I summarize Senator RUSSELL'S place in history very briefly is this: Had he been born ten years later and served in the Senate ten years later, he would probably have been President of the United States. All of those who knew him put him in that league.

But not having been President of the United States, he did something else that perhaps could have meant just as much. For five Presidents of the United States—for President Roosevelt, President Truman, President Johnson, President Eisenhower, President Kennedy, and then President Nixon—he was an advisor and a tower of strength in all areas of foreign policy and in national defense.

I would remember Senator Russell as a President's Senator, one that a President could always turn to when there was a hard fight, a close vote; one that he could always turn to and confide any information that was extremely confidential, knowing that it would never go beyond that room.

And I also remember one other thing that I think summarizes it all. I mentioned last night that I called on the Senator before his death shortly at Walter Reed Hospital, and what impressed me about him was that here was this man suffering in the last days of his life and never for one moment during about 45 minutes that we were there in the room did he talk about himself. He just talked about the country that he loved so much. And he talked about the national defense of this country and the need to keep it strong.

When the conversation was over, and as left the room, I will never forget the last words that he spoke. As I recall, this is what he said: "I only wish I could get down there and help."

I think that summarizes Richard Russell's life. He always wanted to be wherever he could be to help, and he has set an example for all of us as Americans to be proud of, an example for all of us to emulate, a selfless service to America.

We rather throw the word "great" around rather loosely these days, and every man who serves in the United States Senate or the Congress is, in a sense, a great man to have achieved that place of honor. But when we use the word "great" with Senator Russell, all of us who know him, all of us who had the opportunity to serve with him, know in our hearts that if we had to pick one Senator that we felt stood out above all the rest in times of crisis, that a President could rely on, it would be Richard Russell of Georgia.

That is why he was not just this President's Senator, but every President's Senator. He is going to be missed by this State. He is going to be missed by this country. But he is particularly going to be missed by Presidents of the United States in the future.

Mr. HART. Mr. President, in the tradition of the Senate he knew so well, we pause to pay tribute to the late Senator RICHARD B. RUSSELL, of Georgia.

To some Senator RUSSELL was a great man.

To others, he was a man of great capacity whose chance for higher political office was stunted by the old politics of the South.

Mr. President, those are judgments better left to history.

Rather our task today is to define what we know of the man.

To define Senator RUSSELL primarily as an outstanding legislative tactician would be to ignore the fact that he, too, had a vision of what this Nation should be.

To stress his success as an opponent of civil rights legislation would be to ignore his success in helping to enact reforms during the era of the depression.

But above all, Senator RUSSELL should be remembered as a man of principle, as a man who fought for what he believed was right rather than for what he thought might win votes. And I say that as one who was on the opposite side of numerous legislative debates.

Cynics may dismiss my words as meaningless Senate rhetoric, and friends of Senator RUSSELL may consider them small praise indeed.

To the cynics I would say that each man is a product of his past made up of the accidents of geography, time, and upbringing.

Senator RUSSELL and I came from different pasts and had different views and visions.

To say that a person with different views and visions cannot be a man of principle is to deny the pluralistic and democratic traditions of this Nation.

To his friends who may contend my praise insignificant, I can only add that I suspect Senator RUSSELL would have rather been remembered as a man of principle than as a man who was President.

Each of us, regardless from what past we came and of what future we seek, have gained from having known and worked with Senator RUSSELL.

And because of that, each of us is poorer for his death. Let the historians of the future take these words into account when they seek to judge the Senator from Winder, Ga.

APPRECIATION FOR SPECIAL ARRANGEMENTS IN CONNECTION WITH FUNERAL SERVICES FOR SENATOR RUSSELL

Mr. HOLLINGS. Mr. President, I would like to take this opportunity to thank the many persons who contributed so much effort in allowing Members of the Senate and House of Representatives to participate in the funeral services for the late Senator Richard B. Russell, of Georgia. On Sunday, January 24, the day of the funeral, three planes left Washington carrying about 150 Members of Congress and their wives. However, because of inclement weather, it was impossible for the planes to land in Georgia. Instead, we went to Charleston, S.C.

Through the cooperation of Mr. John Rivers, president of television station WCSC in Charleston, arrangements were worked out despite seemingly impossible obstacles to allow the funeral service to continue as scheduled.

Those who were to participate in the ceremony were rushed by South Carolina Highway Patrol and Air Force cars to the downtown studios of WCSC in Charleston. They included Vice President and Mrs. AGNEW, Senator MANSFIELD, Senator ELLENDER, Senator and Mrs. TALMADGE, Senator STENNIS, Senator SCOTT, Senator BYRD, Senator and Mrs. AIKEN, Representatives PHIL LANDRUM and BILL STUCKEY, the Reverend L. R. Elson, Chaplain of the Senate, and the Honorable John Connally.

Through hasty yet remarkably efficient connections worked out between station WCSC in Charleston, WSB Television in Atlanta, and the A.T. & T., a communication link was established between

Charleston, Atlanta, and the funeral site in Winder, Ga.

The eulogy by Senator STENNIS and statements by others were piped directly to the funeral services in Winder, Ga. In addition, WSB was able to provide full coverage of the funeral via a statewide hookup to citizens throughout Georgia.

Mr. President, I consider this one of those truly amazing achievements now possible because of the skill and dedication of our communication media. I especially want to thank Mr. Rivers, who called his expert staff together on such short notice and had them standing by at his station by the time our contingent arrived from the airport. I also want to thank Capt. M. W. Cantrell, of the South Carolina Highway Patrol, who provided rapid transportation of our delegation to the television station. My special thanks also go to John Broughton, assistant chief engineer at WCSC, Jack Petit, the director; Carroll Godwin, chief announcer; Tom Crenshaw, photographer and cameraman; and the entire duty staff at WCSC. They all turned in a yeoman's job in making this project a success. In addition,, our thanks go to Leonard Reinsch and to the staff and engineers of WSB Television in Atlanta and to Jasper Dorsey and the staff of the American Telephone & Telegraph Co. in Charleston and Atlanta, who put this television and audio link together.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that various communications from foreign governments expressing condolences on the severe loss of the late distinguished President pro tempore, the distinguished Senator from Georgia (Mr. RUSSELL), be printed in the RECORD.

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

NEW YORK, N.Y.,
January 22, 1971.

Vice President SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.:

The Greek Orthodox of America and abroad mourn the death of Richard B. Russell, beloved and respected dean of the Senate, extraordinary public servant and patriot, heeded councelor of six Presidents whose half century of dedicated service to the citizenry has seldom been equaled in the annals of the Nation. We express our deepest condolences to members of his family and we pray that God may rest his soul in eternal peace.

ARCHBISHOP IAKOVOS.

PRESIDENT OF THE U.S. SENATE,
Washington, D.C.:

1. The members of United States European Command and of Allied Command Europe join me in expressing sorrow at the passing of Senator Richard B. Russell, dean of the United States Senate. His firm, able and impartial leadership will be sorely missed. A man of ability, integrity and a deeply imbued personal sense of honor, Senator Russell's achievements in the Senate and his contributions to our country merit the respect and admiration of all Americans. We in the Armed Forces in Europe honor him for his services as foremost Senate authority on military matters for many years. His death is a great loss to the people of Georgia, to the United States Senate and to the Nation.

2. We express our deepest sympathy and sincere condolences to the United States Senate.

General GOODPASTER.

GERMAN EMBASSY,
Washington, D.C., January 22, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

MY DEAR MR. VICE PRESIDENT: May I express to you my most sincere condolences on the severe loss which the United States Senate has suffered through the death of its dean, Senator Richard Brevard Russell.

Having been actively engaged for more than half his lifetime as a Senator of the United States, Richard Brevard Russell has served his country to an unusually high degree. This honorable man, who had come to symbolize the institution to which he had devoted himself so much, will always be remembered as a most outstanding personality in our country.

Sincerely yours,

HANS H. NOEBEL,
Chargé d'Affaires a. i.

NOTICE OF HEARINGS ON "POCKET" VETO

Mr. ERVIN. Mr. President, I wish to anounce that the Judiciary Subcommittee on Separation of Powers will hold hearings on Tuesday, January 26, 1971, on the "pocket" veto powers of the President.

The hearings, which will take the form of a roundtable discussion, will be held in room 1114 of the New Senate Office Building, beginning at 10 a.m. They will be open to the public.

While these hearings will deal with the overall concept of the "pocket" veto, the subcommittee will pay particular attention to President Nixon's recent action on S. 3418, the Family Practice of Medicine Act.

That bill, passed by the Congress and sent to the President on December 14, 1970, authorized the administration to spend up to $225 million over 3 years to help medical schools and hospitals establish new programs to train general-practice physicians.

President Nixon claimed that the bill was "pocket" vetoed because the Congress had "adjourned" for 4 days over Christmas and thus prevented its return within the 10-day period specified by the Constitution. The 10-day period expired on Christmas Day.

This action raises important questions under the separation of powers doctrine. On the one hand, some of us believe that the short, 4-day Christmas recess did not prevent the President from returning the bill to the Senate, where it originated, and that it subsequently became law without his signature.

On the other hand, the administration argues that this short recess was tantamount to adjournment in the constitutional sense and, under two rulings of the Supreme Court, was sufficient to support a "pocket" veto of the bill.

The Supreme Court has dealt with the "pocket" veto power, but it has not spelled out in detail whether a short recess of more than 3 days by both Houses of the Congress is an adjournment in the constitutional meaning of the word.

The subcommittee will consider the constitutional and traditional meaning of "adjournment" and possible legislation to define the word.

NOTICE OF HEARINGS OF SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Special Subcommittee on Criminal Laws and Procedures will begin its series of hearings on the recommendations of the National Commission on Reform of the Federal Law on February 10, 1971, in room 2228, New Senate Office Building. The hearings will begin at 10 a.m. We expect to hear the Attorney General as our first witness. Information on this or future hearings can be obtained from the staff in room 2204, New Senate Office Building, telephone extension 53281.

ORDER FOR ADJOURNMENT UNTIL 11:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:15 tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR BOGGS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately upon the disposition of the reading of the Journal, the distinguished Senator from Delaware (Mr. BOGGS) be recognized for not to exceed 15 minutes.

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

Mr. BYRD of West Virginia. Mr. President, it is, therefore, my understanding that following the remarks by the distinguished Senator from Delaware (Mr. BOGGS) on tomorrow, under the previous order the able Senator from Wisconsin (Mr. NELSON) will be recognized for not to exceed 15 minutes, and that he will be followed by the able Senator from New York (Mr. JAVITS), who will be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. That is correct.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. DOLE). The Chair, on behalf of the Vice President, pursuant to Public Law 91–405, makes the following appointments to the Commission on the Organization of the Government of the District of Columbia as recommended by the majority and minority leaders: Jayson Newman and James J. McIntyre.

ADJOURNMENT TO 11:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate, in accordance with the previous order, and as a further mark of respect to the memory of our late departed colleague from Georgia (Mr. RUSSELL), stand in adjournment until 11:15 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, January 26, 1971, at 11:15 a.m.

NOMINATIONS

Executive nominations received by the Senate January 25, 1971:

DEPARTMENT OF THE TREASURY

John B. Connally, of Texas, to be Secretary of the Treasury.

DEPARTMENT OF THE INTERIOR

ROGERS C. B. MORTON, of Maryland, to be Secretary of the Interior.

INTERNATIONAL MONETARY FUND, INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

John B. Connally, of Texas, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

DIPLOMATIC AND FOREIGN SERVICE

George Bush, of Texas, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

David M. Kennedy, of Illinois, to be Ambassador at Large.

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

DEPARTMENT OF COMMERCE

James H. Wakelin, Jr., of the District of Columbia, to be an Assistant Secretary of Commerce, vice Myron Tribus, resigned.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rear Adm. Don A. Jones to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration; (new position).

Rear Adm. Harley D. Nygren to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration; (new position).

INTERNATIONAL ATOMIC ENERGY AGENCY

Dwight J. Porter, of Nebraska, a Foreign Service officer of the class of career minister, to be the Deputy Representative of the United States of America to the International Atomic Energy Agency.

ENVIRONMENTAL PROTECTION AGENCY

Thomas Edmund Carroll, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency (new position).

U.S. COAST GUARD

The following named officers of the Coast Guard for promotion to the grade of Rear Admiral:

James W. Moreau
Joseph R. Steele
Owen W. Siler

The following named officers of the Coast Guard for promotion to the grade of commander:

James W. Brawley, Jr.
Robert E. Nielsen
Earl E. Martin
Raymond E. Womack
Frank E. Braman
William C. Parish
Richard W. Michaels
Douglas B. Thurnher
Henry J. Harris, Jr.
James C. Osborn
Harold E. Fallon, Jr.
Richard D. Thompson
Arnold B. Beran
Donald M. Morrison, Jr.
Donald B. Davis
Thomas P. Nolan
Peter J. Rots
Everett L. Crowell
Ralph Z. Delgiorno
John R. Erickson
Thomas T. Matteson
Harry J. Reckitt
John P. Flaherty, Jr.
Carol E. Conry
John R. Mitchell
Richard J. Marcott
Edward B. Holtzman
Dick G. Taylor
Warren J. Frederick
Weymond Davis
Maurice V. Goodroe
Bruno A. Forsterer
Milton J. Thompson
Jack A. O'Donnell
Carlton D. Leonard
Floyd A. Rice
Benjamin S. Beach, Jr.
Albert D. Grantham
Roy E. Nichols, Jr.
Ara E. Midgett, Jr.
Russell E. Sawyer
Richard N. Westcott
Wallace A. Herrington
Sanford H. Pierpoint
Paul E. Peterson
Richard B. Eldridge
William P. Penney
Rudolph T. Sommer
Robert C. Nichols
Richard M. Connor
Lee I. Levy
Robert Farmer
John C. Hanson
Karl F. Welty, Jr.
Richard H. Wight
Ronald G. Eastman
Mark W. Byrd
Robert H. Elkins
Donald P. Nachtwey
Theottis Wood
Duane P. Gatto
Ralph T. Martin
Robert E. Hynds
Dorwin W. Newman
Philip P. Coady
Robert A. Janecek
Franklin E. Thrall
James G. Lang
John J. Janda, Jr.
William H. Dotson
Philip R. Spiker
Charles H. Leckrone
Thomas W. Finnegan
Albert D. Super
Charles W. Busby
Gennaro S. Duca
Ralph W. H. Bartels
Jackson C. Arney
Emil Caminha
Charles R. Corbett
Marvin D. Henderson
Leonard W. Garrett
Alan C. Peck
Kenneth F. Franke
Ernest Bizzozero
John B. Ekman
John R. Wells, Jr.
Eugene E. E. O'Donnell
Martin H. Daniell, Jr.

The following named members of the Permanent Commissioned Teaching Staff of the Coast Guard Academy for promotion to the grade of commander:

George P. Vance
Robert I. Demichiell

The following retired officer recalled to active duty for promotion to the grade of commander:

James A. Hadley

The following named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Bobby T. Chambers
David W. Kennedy, Jr.
John P. Shioli
Jerry L. Millsaps
Robert C. Houle

U.S. AIR FORCE

The following named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of Chapter 835, Title 10 of the United States Code:

To be major general

Maj. Gen. Richard F. Shaefer, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Edmund F. O'Connor, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Louis L. Wilson, Jr., [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Carlos M. Talbott, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Rene G. Dupont, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. James M. Keck, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Ernest T. Cragg, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Snavely, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Dale S. Sweat, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Brig. Gen. Douglas T. Nelson, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Richard M. Hoban, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Joseph G. Wilson, [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William G. Moore, Jr., [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

To be brigadier general

Brig. Gen. Thomas W. Morgan, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Daniel James, Jr., [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Leroy J. Manor, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard G. Cross, Jr., [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Bryan M. Shotts, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lawrence W. Steinkraus, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Peter R. DeLonga, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Eugene Q. Steffes, Jr., [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Billie J. McGarvey, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert H. Gaughan, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William H. Holt, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John W. Pauly, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen Walter T. Galligan, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frederick C. Blesse, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Paul F. Patch [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Darrell S. Cramer, [redacted] FR (colonel, Regular Air Force), U.S, Air Force.

Brig. Gen. Harold E. Collins, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frank W. Elliott, Jr., [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen James E. Hill [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Marion L. Boswell, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John J. Burns [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Benjamin N. Bellis, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kenneth L. Tallman, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lew Allen, Jr., [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Martin G. Colladay, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William J. Evans, xxx-xx-xxxx xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kenneth R. Chapman, xxx-xx-xx... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Salvador E. Felices, xxx-xx-xxxx xxx-... FR (Colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Bryce Poe, II xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James D. Hughes, xxx-xx-xxxx xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kendall S. Young, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Lt. Gen. Richard H. Ellis xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Abraham J. Dreiseszun, xxx-xx-x... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Maurice F. Casey, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Warner E. Newby, xxx-xx-xxxx xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

The following named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. John H. Herring, Jr., xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. DeWitt R. Searles, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Joseph H. Belser, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Leo C. Lewis xxx-xx-xxxx FR Regular Air Force.

Brig. Gen. Douglas T. Nelson, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Robert N. Ginsburgh, xxx-xx-xx... XXXX FR, Regular Air Force.

Brig. Gen. Levi R. Chase xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clare T. Ireland, Jr., xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. Maurice R. Reilly, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. George H. McKee, xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. James A. Hill xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Alton D. Slay, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Abraham J. Dreiseszun, xxx-xx-x... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lee M. Paschall, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James O. Frankosky, xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. Kendall S. Young, xxx-xx-xxxx xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Woodard E. Davis, Jr., xxx-xx-x... xxx-... FR, Regular Air Force.

Brig. Gen. Ray M. Cole xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Richard C. Catledge, xxx-xx-xx... xxx-... FR, Regular Air Force.

Brig. Gen. William H. Holt, xxx-xx-xxxx FR (colonel Regular Air Force) U.S. Air Force.

Brig. Gen. James H. Watkins, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Maxwell W. Steel, Jr., xxx-xx-xx... xxx-... FR (colonel, Regular Air Force, Medical) U.S. Air Force.

Brig. Gen. Jack K. Gamble, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Foster L. Smith, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen Homer K. Hansen, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Clifford W. Hargrove, xxx-xx-xx... xxx-... FR, Regular Air Force.

Brig. Gen. Robert E. Huyser, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. William J. Evans, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen James L. Price, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. John W. Roberts, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen Devol Brett xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Salvador E. Felices, xxx-xx-xxxx xxx-... FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Martin G. Colladay, xxx-xx-xxxx FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James D. Hughes, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert E. Pursley, xxx-xx-xxxx xxx-... FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

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 xxx-... in grades as follow:

To be general

Lt. Gen. Frank Thomas Mildren, xxx-xx-xx... xxx-... U.S. Army (major general, U.S. Army).

To be lieutenant general

Maj. Gen. John Hancock Hay, Jr., xxx-xx-x... xxx-... U.S. 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 general

Gen. Ben Harrell, xxx-xx-xxxx, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section xxx-x... to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section xxx-... in grade as follows:

To be lieutenant general

Maj. Gen. Fillmore Kennady Mearns, xxx-... xxx-xx-x... 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. Willard Pearson, xxx-xx-xxxx, U.S. Army.

HOUSE OF REPRESENTATIVES—*Monday, January 25, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He who pursues righteousness and kindness will find life and honor.—Proverbs 21: 21.

O God, our Heavenly Father, whose voice is heard not in the earthquake, wind, or fire, but in the still small voice, speak to us in this moment of quiet prayer and help us to hear Thy word and, having heard it, to heed it. Grant us the gift of Thy spirit that our restless and troubled souls may find peace in Thee, peace with one another, and peace with ourselves.

We pray for our country, for all our citizens, young and old, for those in our Armed Forces around the world, and for our prisoners of war. Guide and guard us all as a nation, sustaining us with Thy presence, strengthening us with Thy power, and leading us in the ways of truth and love, for Thy name's sake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's sitting and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

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

THE SILENT PROTECTORS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the American Rifleman, one of the Nation's outstanding publications for sportsmen, has published an intriguing editorial in its January 1971 issue. It poses a challenging question and deserves both reading and thought. It follows:

THE SILENT PROTECTORS

Last year The American Rifleman published in its "Armed Citizens" columns 112 actual instances in which the mere presence of a firearm in the hands of a resolute citizen prevented crime without bloodshed. Every case came from news reports confirmed by police records in 97 communities across the land. Among these were Seattle, Kansas City, San Jose, Atlanta, Baltimore, Dallas, Detroit, El Paso and 89 others.

Every one chronicled a triumph of a self-reliant American with the "cool," to use the current slang, to stop a crime without shooting anyone. They prevented robberies and quite possibly rapes and murders. They were able to do so because they were armed—with guns.

Now on the 100th anniversary of the National Rifle Association of America, we would like to ask a simple question:

Can anyone show us where 112 crimes have been averted by the Federal Gun Control Act of 1968?

Those who uphold this act and would further disarm law-abiding American citizens owe it to the American public to explain themselves.

Can they say why it is that crime continues to rise under the 1968 act instead of decreasing?

Without putting words into overworked mouths, we can surmise that they will say the answer is a need for even stricter gun laws.

In all honesty, we must disagree. The answer is a need for many things, but laws that deprive decent persons of self-protection are not among them.