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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Thursday, June 17, 1971*

The Senate met at 9:45 a.m. and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

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

Come, O Lord, to Thy servants here as a gentle spirit or as a mighty rushing wind—but come. Come to us and infuse with Thy presence all we think or say or do. Come to us to make us better men strengthened to make better laws for a better nation in a world made better by our service. Remove from us and from all men the little evils which blight the spirit and lay waste life. Take away all the big sins which pollute the human scene and destroy life.

When the day is done, may we lay our tribute of work upon the eternal altar and ask that Thou wilt correct what is wrong and bless and use what is right, to the honor and glory of Thy name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 17, 1971.

To the Senate:

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

ALLEN J. ELLENDER,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 575) to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

The President pro tempore signed the enrolled bill (S. 575) today.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 16, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

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

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

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of A. Sydney Herlong, Jr., of Florida, to be a member of the Securities and Exchange Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COUNCIL OF ECONOMIC ADVISERS

The legislative clerk read the nomination of Ezra Solomon, of California, to be a member of the Council of Economic Advisers.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

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

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

LEGISLATIVE SESSION

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

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

MICRONESIAN CLAIMS COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 143, House Joint Resolution 617.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The legislative clerk read the title as follows:

Joint resolution (H.J. Res. 617) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages rising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BURDICK. Mr. President, on June 9 the House of Representatives passed House Joint Resolution 617, which would establish a commission to hear and adjudicate claims of the citizens of Micronesia that arose during World War II and during the postwar period.

Earlier this year, on May 4, the Senate passed and sent to the House my bill, S. 860, relating to the Trust Territory of the Pacific Islands. Title II of S. 860 provides for the creation of a Micronesian Claims Commission, and for all intents and purposes is identical to the language of House Joint Resolution 617 and the proposed legislation submitted by the administration which the Interior Committee heard earlier this year, Senate Joint Resolution 35.

I might add that the Senate during the 91st Congress passed Senate Joint Resolution 211 on this same general subject, but that legislation died before final action could be taken.

The purpose of the joint resolution is to create a five-man commission to whom will be submitted the claims of the citizens of the trust territory who suffered injury during World War II and immediately thereafter. This commission would operate over a period of 3 years.

The legislation authorizes the appropriation of $5 million which is the U.S. contribution in the form of an ex gratia payment to match a similar payment by the Government of Japan. To meet the claims arising after the war, there is authorized to be appropriated a sum not to exceed $20 million.

Mr. President, for more than 25 years the people of Micronesia have been patiently awaiting the creation of a forum before which they could file their claims. This is the only area and these are the only people that have not had that opportunity. I am disappointed that the House has not taken action on S. 860, which would not only meet the claims issue but also provide for other essential legislation for the betterment of the lives of the Micronesian people. However, further delay would be extremely unfair. Therefore, I express the hope that prompt action will be taken on House Joint Resolution 617, thus clearing the measure for the signature of the President.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 10 a.m., with statements therein limited to 3 minutes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

THE VIETNAM WAR DOCUMENTS

Mr. CURTIS. Mr. President, I respectfully petition your patience and that of my other colleagues here to allow me to speak for a few moments about a very serious problem, as I see it, concerning the Vietnam war documents that are the center of a nationwide controversy.

I have been reading a lot of information in the papers and listening to the reports and discussions about these documents on radio and television. I have not seen or had a chance to read the documents themselves. But I want to make some observations that I believe the American people have every reason to be concerned about.

I do not believe the serious problem here, either to the American people or to the Government of the United States, is the fact that the New York Times began publishing a series of articles on these documents.

I share the view of the vast majority of the people of this country that the freedom of the press to publish information about the Government of the Nation, and the decisions made by the officials of this Government, is one of our most precious freedoms. I believe this freedom alone has preserved our system of free democratic government to this time and will continue to preserve it in the future, as long as it is not abridged.

In short, I do not find fault with the New York Times; I commend the Times and all the other newspapers and newspaper men and women who are constantly digging to bring out the truth and keep it squarely before the American people.

I do find very serious fault, Mr. President, with the information classification and document security system of this country.

It concerns me very much, and it should concern every American.

Judging by what I have read and heard about these Vietnam war documents, the Government tends to stamp a "secret" or "top secret" classification on too many documents and too much information in an attempt to hide it from the public.

The classification system should never be used to cover up a lie or a documented case of public deceit by the officials of any agency of Government.

It should be used only to protect the security of our country and our people from foreign powers that would destroy us, or subvert us for the purpose of taking our Government away from the people.

But even more importantly, when a document is classified "secret" or "top secret," the American people have a right to expect it to be kept in a vault under lock and key, or under armed guard, or both. And they have every reason and right to expect that all such documents are kept on Government premises, unless the person to whom a copy is entrusted for performance of a specific duty is given custody temporarily and is instructed to return it by a certain time or date.

I find it inconceivable, Mr. President, that copies of the documents currently in controversy are scattered clear across the country, with some of the highest officials responsible for the decisions being made in our Government in connection with the Vietnam war not even aware of the existence of these documents until the New York Times began publishing its articles.

If these documents are as highly classified as the lawsuit filed by the Attorney General against the New York Times would indicate a wanton breach of security occurred within our Government at the end of the previous administration when copies of these documents were allowed to leave Government premises apparently on a permanent basis.

I do not blame the Times or anyone else outside the Government for the so-called leak that occurred. I would not be surprised if there were copies in Moscow and Hanoi. I do not see how anyone could expect to maintain the sanctity or, if you prefer, the secrecy of the information when copies of the documents were stored in such places as the private law office of a politician involved in the selection of candidates for President by one of our major political parties. I do not see how the security of the information can be protected when two copies—not one, but two—were released on a permanent basis to a large corporation that may or may not have a future use for them. I do not see how the security of the documents can be expected to be protected when one copy is sent to a presidential library where it is available to scholars or anyone else to study.

And yet this is what happened to four of the 15 "legitimate" copies of the controversial Vietnam war reports currently in the news, Mr. President. One copy is in the private law offices of Mr. Clark Clifford in downtown Washington, two are housed in the Rand Corp., and one is in the Lyndon B. Johnson Library at Austin, Tex.

I think the person or people responsible for this scattering of the so-called classified war records should be determined, if indeed these records were so highly classified.

I believe steps should be taken immediately to tighten the security precautions to see that such a breach of security does not take place again.

And in the process, I believe it would be well for a freedom-of-information committee to be set up, including prominent members from the communications media, to determine whether there is too much classification of information in the Government today simply to keep it away from the American people, in order to deny them the right to know legitimate information about the actions and activities and decisions of their Government.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

AMENDMENT TO REQUEST FOR APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 92-20)

A communication from the President of the United States submitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1972 for the Department of Health, Education, and Welfare (with accompanying paper); to the Committee on Appropriations.

PROPOSED LEGISLATION AUTHORIZING CERTAIN NAVAL VESSEL LOANS

A letter from the Secretary of the Navy submitting proposed legislation to authorize certain naval vessel loans, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Controls Needed Over the Leasing of Land Acquired Under the Open-Space Land Program" (with accom-

panying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Progress Being Made and Difficulties Being Encountered by Credit Unions Serving Low-Income Persons" (with accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION REGARDING RECREATIONAL SMALL BOAT HARBORS

A letter from the Secretary of the Army submitting proposed legislation to provide for non-Federal operation and maintenance of recreational small boat harbors constructed by the United States (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

A resolution adopted by the Del Mar Republican Women's Club Federated, of Del Mar, Calif., praying for the restoration of freedom of the seas for vessels flying the U.S. flag; to the Committee on Commerce.

A resolution adopted by the city council of Solon, Ohio, praying for the enactment of legislation to restore the area of greater Cleveland as a bulk mail handling station for the Postal Service; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 108. A bill for the relief of Kyung Jo Min and Kyung Sook Min (Rept. No. 92–209);

S. 119. A bill for the relief of Manuela C. Bonito (Rept. No. 92–210);

S. 1489. A bill for the relief of Park Jung Ok (Rept. No. 92–211);

S. 1759. A bill for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza (Rept. No. 92–212);

H.R. 1729. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States (Rept. No. 92–217); and

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu (Rept. No. 92–218).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 60. A bill for the relief of Foo Ying Yee (Rept. No. 92–213); and

S. 361. A bill for the relief of Maria de Lourdes Moitoso Mota (Rept. No. 92–214).

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

S. 59. A bill for the relief of Ng Kwok Kwen (Rept. No. 92–215) and

S. 624. A bill for the relief of Fung Yut Ma (Mar) (Rept. No. 92–216).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 415. A bill for the relief of Mr. and Mrs. Arvel Glinz (Rept. No. 92–160).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 113. A bill for the relief of certain individuals and organizations (Rept. No. 92–174).

By Mr. BURDICK, from the Committee on the Judiciary, with amendments:

S. 161. A bill for the relief of the West Fargo Pioneer (Rept. No. 92–159).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

S. 47. A bill for the relief of Flore Lekanof (Rept. No. 92–208);

S. 248. A bill for the relief of William D. Pender (Rept. No. 92–163);

S. 654. A bill for the relief of Frederick E. Keehn (Rept. No. 92–164);

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the Estate of Charles J. Hiler (Rept. No. 92–165);

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane (Rept. No. 92–166);

H.R. 2036. An act for the relief of Miss Linda Ortega (Rept. No. 92–167);

H.R. 2047. An act for the relief of Marion Owen (Rept. No. 92–168);

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr. (Rept. No. 92–169);

H.R. 2835. An act for the relief of William E. Carroll (Rept. No. 92–170);

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois (Rept. No. 92–171); and

H.R. 4327. An act for the relief of Robert L. Stevenson (Rept. No. 92–172).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, with an amendment:

S. 504. A bill for the relief of John Borbridge, Jr. (Rept. No. 92–173).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 101. A joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day" (Rept. No. 92–161); and

H.J. Res. 556. A joint resolution providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971 (Rept. No. 92–162).

By Mr. BAYH, from the Committee on the Judiciary, with amendments:

S. 1732. A bill to amend title 18 of the United States Code relating to the Federal Juvenile Delinquency Act and to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 (Rept. No. 92–220).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

S. 751. A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile (Rept. No. 92–180);

S. 752. A bill to authorize the disposal of vegetable tannin extracts from the national stockpile (Rept No. 92–181);

S. 753. A bill to authorize the disposal of thorium from the supplemental stockpile (Rept. No. 92–182);

S. 754. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile (Rept. No. 92–183);

S. 755. A bill to authorize the disposal of shellac from the national stockpile (Rept. No. 92–184);

S. 756. A bill to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile (Rept. No. 92–185);

S. 757. A bill to authorize the disposal of iridium from the national stockpile (Rept. No. 92–186);

S. 758. A bill to authorize the disposal of mica from the national stockpile and the supplemental stockpile (Rept. No. 92–187);

S. 759. A bill to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile (Rept No. 92–188);

S. 760. A bill to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile (Rept. No 92–189);

S. 761. A bill to authorize the disposal of diamond tools from the national stockpile (Rept No. 92–190);

S. 762. A bill to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile (Rept No. 92–191);

S. 765. A bill to authorize the disposal of antimony from the national stockpile and the supplemental stockpile (Rept. No. 92–195);

S. 766. A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile (Rept. No. 92–194);

S. 767 A bill to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile (Rept No. 92–193);

S. 768. A bill to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile (Rept. No. 92–192);

S. 769. A bill to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile (Rept. No. 92–196);

S. 770. A bill to authorize the disposal of columbium from the national stockpile and the supplemental stockpile (Rept. No. 92–197);

S. 771. A bill to authorize the disposal of selenium from the national stockpile and the supplemental stockpile (Rept. No. 92–198);

S. 772. A bill to authorize the disposal of celestite from the national stockpile and the supplemental stockpile (Rept. No. 92–199);

S. 774. A bill to authorize the disposal of vanadium from the national stockpile (Rept. No. 92–200);

S. 775. A bill to authorize the disposal of magnesium from the national stockpile (Rept. No. 92–201);

S. 776. A bill to authorize the disposal of abaca from the national stockpile (Rept. No. 92–202);

S. 777. A bill to authorize the disposal of sisal from the national stockpile (Rept. No. 92–203); and

S. 778. A bill to authorize the disposal of kyanite-mullite from the national stockpile (Rept. 92–204).

By Mr. CANNON, from the Committee on Armed Services, with an amendment:

S. 763. A bill to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile (Rept. No. 92–205).

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

H.R. 1161. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act (Rept. No. 92–219).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 129. A resolution to authorize the printing of a Senate document of a report entitled "Study Mission to Central and East Africa" (Rept. No. 92–221).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an additional amendment:

S. Res. 109. A resolution authorizing special supplementary expenditures by the Committee on Banking, Housing, and Urban Affairs for an inquiry and investigation pertaining to the securities industry (Rept. No. 92–223).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 100. A resolution authorizing the Committee on Veterans' Affairs to employ additional clerical assistants (Rept. No. 92–222).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities (Rept. No. 92–206).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 1545. A bill to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain (Rept. No. 92–178).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 1670. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended (Rept. No. 92–207).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with amendments:

H.R. 5257. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children (Rept. No. 92–179).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with an amendment:

S. 26. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah (Rept. No. 92–155);

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 27. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah (Rept. No. 92–156);

S. 29. A bill to establish the Capitol Reef National Park in the State of Utah (Rept. No. 92–157); and

S. 30. A bill to establish the Arches National Park in the State of Utah (Rept. No. 92–158).

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–175)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 48, 91st Congress, first session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–176)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 240, 90th Congress, second session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–177)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 342, 91st Congress, second session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

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

Otto F. Otepka, of Maryland, to be a member of the Subversive Activties Control Board;

Jack M. Gordon, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana;

R. Blake West, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana; and

Roy L. Stephenson, of Iowa, to be a U.S. circuit judge, eighth circuit.

By Mr. BYRD of West Virginia, for Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Merlin K. DuVal, Jr., of Arizona, to be Assistant Secretary of Health, Education, and Welfare; and

Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board.

Mr. CANNON. Mr. President, from the Committee on Armed Services I report favorably the nominations of two general officers in the Army. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered placed on the Executive Calendar, are as follows:

Maj. Gen. Carroll Hilton Dunn, U.S. Army, to be assigned to a position of importance and responsibility designated by the President; and

Maj. Gen. Glenn David Walker, U.S. Army, to be assigned to a position of importance and responsibility designated by the President.

Mr. CANNON. Mr. President, in addition, I report favorably 530 appointments in the Army in the grade of lieutenant colonel and below; the appointment of 527 first lieutenants in the Air Force; and the appointment of 161 officers in the grade of captain and below in the Navy. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Peter D. Abler, and sundry other officers, for appointment in the Regular Air Force;

Ralph D. Pinto, and sundry other persons, for appointment in the Regular Army; and

Raymond G. Allen, and sundry other officers, for assignment in the U.S. Navy.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings on June 1, 3, and 9, 1971.)

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. ROTH (for himself and Mr. BOGGS):

S. 2080. A bill to provide a temporary program for the sharing of Federal revenues with States and communities; to provide for a tax credit designed to encourage States to increase certain aspects of their revenue efforts; and to provide for the collection of State and local income taxes by the Federal Government. Referred to the Committee on Finance.

By Mr. WILLIAMS:

S. 2081. A bill for the relief of Henri Borbach and his wife, Kyra Borbach. Referred to the Committee on the Judiciary.

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

S. 2082. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program. Referred to the Committee on Labor and Public Welfare.

By Mr. BAYH:

S. 2083. A bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes; and

S. 2084. A bill to discourage the use of leghold or steel jaw traps on animals in the United States. Referred to the Committee on Commerce.

By Mr. TOWER:

S. 2085. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter. Referred to the Committee on Post Office and Civil Service.

By Mr. BEALL:

S. 2086. A bill to provide for overtime pay without limitation for officers and members of the Metropolitan Police force of the District of Columbia, the U.S. Park Police force, and the Executive Protective Service in those cases of serious civil disturbance. Referred to the Committee on the District of Columbia.

By Mr. McCLELLAN (for himself and Mr. HRUSKA) (by request):

S. 2087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 2088. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses. Referred to the Committee on Finance.

By Mr. EASTLAND:

S. 2089. A bill to provide that a retired justice or judge shall not perform judicial duties later than 5 years after retirement; and

S. 2090. A bill to amend section 2241(d) of title 28, United States Code, so that a district court may not transfer an application for a writ of habeas corpus to another district court having concurrent jurisdiction. Referred to the Committee on the Judiciary.

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

S. 2091. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. EAGLETON:

S. 2092. A bill for the relief of Loy Shin Chong, Mui Eng Lim, and Erich Chong. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2093. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself and Mr. BOGGS):

S. 2080. A bill to provide a temporary program for the sharing of Federal revenues with States and communities; to provide for a tax credit designed to encourage States to increase certain aspects of their revenue efforts; and to provide for the collection of State and local income taxes by the Federal Government. Referred to the Committee on Finance.

INTERNATIONAL REVENUE ADJUSTMENT ACT OF 1971

Mr. ROTH. Mr. President, today I am introducing legislation on a matter of longstanding concern to me. My advocacy of the principle of revenue sharing goes back to my first congressional campaign in 1966 and has continued to the present. During the last session of Congress I introduced H.R. 13353, the House version of a bill proposed in this Chamber by the distinguished Senator from Maine (Mr. MUSKIE) and former Senator Goodell of New York. This revenue-sharing plan was largely the result of excellent staff work by the Advisory Commission on Intergovernmental Relations.

I am generally gratified by the discussion and controversy which have been generated by the revenue-sharing proposals of President Nixon and those of others. I feel this way because to some extent this debate has been a wide-ranging one, highlighting a number of problems which go to the heart of our federal system. We in the Congress and the public at large have given more than usual attention to such questions as these: Is the current balance of authority and initiative within American federalism a desirable one? How do the fiscal capacities of our various States and localities measure up to the pressing social problems they must face in this era of change and adjustment; and are there ways in which our Federal administrative apparatus can be made to serve the people more effectively and at less cost? This last question is one of particular interest to me.

President Nixon's domestic program clearly addresses itself to all three of these issues. I wish to commend the President and express my approval of the general intentions of his general revenue sharing, special revenue sharing, and executive reorganization bills. The reforms which they propose need not divide us on partisan or ideological grounds. Regardless of the number of functions one would ideally assign to government, most of us would like to see those currently performed by it handled in the most efficient fashion possible. Revenue sharing has received support from both the present Republican and the past Democratic administration. Similarly, we have seen numerous bills on this topic introduced into Congress by prominent Members of both parties.

I endorse the overall intent of the administration's revenue-sharing bill, S. 680, which I was privileged to cosponsor. I believe, however, that it may be strengthened in several areas.

For example, I think we must be certain that we do not create simply another Federal grant program, which would continue the present financial dependence of States and localities on the Central Government. It would be preferable I think to encourage these State and local governments to put their own financial houses in order by making greater use of modern taxes, which are more equitable and responsive to the economy. Modernization of governmental structure and operation are also constructive goals we should strive for through this legislation. If financial and governmental reforms were to be accomplished at the non-Federal level, some of the causes for the drift of power to Washington, which has taken place during the past several decades, would be elfminated. If one really believes in decentralized government, as I do, he must be willing to use the power and resources of the Federal Government to attack the forces which are eroding the authority of the State and local governments.

This, in turn, leads to a second concern that I have, and that is that we may create a situation in which the Federal Government would undertake on a permanent basis to levy and collect taxes which the States and localities would be allowed to spend with few restrictions. Like many others, I am somewhat fearful of any permanent separation of the taxing and spending functions. The level of government which spends revenues should under normal circumstances be the same one which must justify their collection to the people.

Finally, we must be certain that this legislation directs sufficient amounts of shared revenues to the populous urban States and their cities, where we are told that the most serious fiscal crisis exists. I do not think for example, that we can continue the tendency of the present system of categorical grants to redistribute revenues away from the higher income urban States of the East and Middle West to the lower income rural States of the South and West. Charts 1, 2, and 3 which I am introducing into the RECORD, at the conclusion of my remarks, provide support for these contentions. I do not intend here to reject all Federal programs which redistribute resources among States. I simply argue that if we currently face an urban crisis, we should put more Federal money into the States with the large center cities.

In an effort to provide stronger general revenue-sharing legislation in these areas, I am submitting a bill which I believe more fully meets the great challenges faced by our federal system today. This bill has two basic purposes: First, to funnel significant amounts of money to those areas where it is most needed, our urban centers; and, second, to encourage States and local governmental units to improve their own tax-raising capabilities in order to enable them to shoulder more of the burden of governmental services.

The first element of my proposal, like the administration bill, would allocate 1.3 percent of total taxable income reported on Federal individual income tax returns for use by State and local governments. This would amount to about $5 billion during the first year and would reflect changes in the Federal personal income tax collections in future years. Under title I of my bill, the Secretary of the Treasury would for a period of 5 years turn over to each State the portion of the total revenue-sharing fund which was derived from that State. The States, in turn, would be required to pass through certain amounts of these funds directly to specified metropolitan areas, thereby guaranteeing that the money is quickly directed to where the need lies.

The bill has a built-in termination date; the general revenue-sharing feature of the legislation ends in 5 years, with the amount of money available to the States and local governments cut in half in the fifth and final year.

There are two reasons for including a closeout day in the bill. First, it puts the States and local governments on notice that they will not have available an endless Federal Government program for providing revenues to them for local use; second, it gives them both the time and the means for revising local taxing structures so that they will be able to assume the burden of providing local government services themselves by the end of the 5-year period.

At the same time the general revenue-sharing feature of the bill is being phased out, a tax credit feature will take effect. Under this provision of the bill, a taxpayer may elect to take as a credit against his Federal income tax payment 40 percent of certain local and State income taxes which he has paid. It is hoped that this provision will stimulate the States and local governments to improve their revenue-gathering efforts, thereby retaining the principle that the governmental unit which has the power to spend tax money should have the responsibility for raising it.

As I stated earlier, revenues in the amount of approximately $5 billion a year would be made available to the States under title I. The States would be limited in the use of these new revenues only by the requirements of passing a portion of them on to certain metropolitan areas; of making use of reasonable fiscal and accounting procedures; of providing reports and other information regarding their use; of following a nondiscriminatory policy; and of enforcing fiscal, accounting, and reporting standards on their political subdivisions. The number of strings attached to these funds have been kept at a minimum so as to encourage State and local governments to determine their own priorities and use these funds accordingly.

To further encourage initiative at the non-Federal level, the bill permits States to avoid the pass-through requirements contained in the bill by devising alternatives which meet with the approval of cities whose shares are guaranteed.

I should emphasize that not all the funds allotted to the States will be automatically passed through to designated metropolitan areas. Each State will retain a sizable portion of the funds for its own use after required amounts are made available to the larger cities.

The pass-through provision of the bill would apply to all cities with populations of 50,000 or more. Those of 50,000 or more would receive revenues at least equal to that city's percentage of the State's population. Cities of 75,000 population or larger which are located in standard metropolitan areas of 500,000 or more would be entitled to a share at least equal to 1.25 times that city's percentage of the State's population. Thus, the larger metropolitan cities, where the need is greatest, would receive a higher percentage of the automatically allocated revenues. While distribution solely on the basis of population would improve the lot of the center cities, it is quite likely that without the multiplier provided in this bill they would not receive aid in proportion to their fiscal difficulties.

Under my plan, New York City would receive approximately $329,000,000 as compared to $189,000,000 under the administration bill. Los Angeles would receive about $99.2 million rather than $34.7 million, Chicago almost $135,000,000 rather than $47.6 million, Boston nearly $33,000,000 as opposed to $10.7 million, and Atlanta close to $11,000,000 rather than $7.6 million. One can go down the list of large center cities appearing in chart 4 and find that almost all of them obtain similar advantages from the revenue-sharing provisions of the Intergovernmental Revenue Adjustment Act as compared to the administration's proposal.

My intention here is not to argue that no one except the Governors of populous urban States and the mayors of big cities are having trouble making ends meet. For instance, there can be no question that some of the most serious problems of poverty, unemployment, pollution, and lack of social services exist in our rural areas. Nevertheless, the statistics so painstakingly collected by the Advisory Commission on Intergovernmental Relations for their reports "Fiscal Balance in the American Federal System" and "Urban and Rural America: Policies for Future Growth" and by the National Commission on Urban Problems for its final report, persuade me that center cities do need special attention under any revenue-sharing system.

Chart 5 lists some of the specific reasons why the fiscal problems of our larger center cities are of a disproportionate magnitude, especially compared to their surrounding suburbs. Loss of tax base, tax rates which are relatively burdensome at present, diseconomies of scale, the costs of providing services to nonresidents, and the public expenses resulting from the presence of "high cost" citizens and serious social problems are among these factors contributing to the fiscal crisis in the larger center cities.

Smaller cities, suburbs, and rural areas could expect a share of new revenues to be allotted to them by the States if the bill I am offering were to become law. To some extent the presently operating system of categorical grants redistributes money away from the wealthy urban States to the lower income rural States, as chart 1 points out. Similarly, chart 3, taken from the special analyses of the 1972 budget, shows that the populous Northeastern and Middle Western States now receive absolutely less Federal aid per capita than do the States of other regions. These categorical grants according to the Advisory Commission on Intergovernmental Relations, are also less readily available for activities upon which the larger cities spend greater amounts of money. Thus, by favoring urban States and metropolitan cities, this bill could be said to be, among other things, compensating for the impact of the present aid system. The list of States which would be "gainers" as a result of the mode of distribution which it provides appear on chart 2. Such great urban States as New York, New Jersey, Massachusetts, Pennsylvania, Michigan, Ohio, and Illinois are among these.

While we may need to provide temporary relief to States and localities through designating Federal revenues for their use, a true revitalization of decentralized government will come only when these State and local governments modernize their financial and governmental structures. If they were to take serious steps in this direction, they could then undertake on their own many of the services demanded by their citizens which are now handled in Washington.

According to a report issued by the Advisory Commission on Intergovernmental Relations in 1969, only 18 percent of State tax collections and hardly any local collections were derived from individual income taxes. The income tax is not only more equitable or progressive than the other modes of State and local taxation in the distribution of its burden on the taxpayer, but it is "elastic" in that its yield expands as our economy and need for public service grow.

In an attempt to strengthen the fiscal base of American federalism, I am proposing in title II of this bill that taxpayers, as an alternative to the present deduction for State and local taxes, be allowed a 40-percent credit on income taxes paid to State and local governments. Many of the elements of title II were found in H.R. 13353, the Advisory Commission on Intergovernmental Relation's bill, which I introduced into the House last session. In order to discourage the continued use of inelastic State and local taxes, an income tax to be credited against one's Federal tax bill would have to allow the minimal personal deductions provided in the Internal Revenue Code of 1954.

The 40-percent credit would allow the average taxpayer considerably more Federal tax relief than the present deduction. It would also be available to all, rather than just those who itemized their returns. High-income taxpayers could still avail themselves of the current deductions if it offered them more relief. It is assumed that State and local legislators could more easily justify the use of personal income taxes to their citizens if these citizens could credit part of these taxes against their Federal tax bills. Not only would States and localities thus modernize their tax structures, but they would also come in for a larger share of all governmental revenues.

Title II of the bill, which provides the partial tax credit, would apply to taxable years beginning after December 31, 1975. Since the general revenue-sharing portion of the bill is not phased out until the end of fiscal year 1977—or June 30, 1977—there would be an overlap of these two features of 1½ years. It should be remembered, however, that in the fifth and final year of the general revenue-sharing portion of the bill, the percentage of Federal revenues allocated will be one-half that in effect during the first 4 years.

In other words, the bill provides that during fiscal years 1973, 1974, 1975 and 1976, 1.3 percent of total taxable income reported on Federal personal income tax returns would be available for general revenue sharing. For fiscal year 1977, the percentage would be cut to 65 percent. But by that time, the 40-percent tax credit would have become effective, thereby permitting a lessening of dependence on the Federal grant at the same time the States and localities are able to take advantage of the tax break the Federal credit affords their citizens.

Assuming such credits had become law in 1970, the ACIR estimates that after 3 years approximately $7.2 billion would be gained at the non-Federal level, while the National Government would suffer a loss of about $5.1 billion.

A further incentive to improve the revenue-gathering procedures of States and localities is provided by title II of the bill. This title authorizes the Treasury Department to enter into negotiations with the chief executive officer of any State or political subdivision to have a certain percentage of the Federal income tax collected without charge by the Internal Revenue Service and turned over to the local or State government. Since the tax-collecting machinery of the Federal Government is considered to be more efficient than many State or local tax-collecting agencies, it would thus be used to buttress the independence of those governments which are closer to the people. This title might also lead to considerable savings on the part of State and local governments.

Besides attending to the needs of a vigorous federal system and helping to meet the current crisis in our cities, this bill, like that of the President, would indirectly contribute to the reform of the system of Federal categorical grants. By expanding the revenue capacity of States, cities, and counties, and by providing temporary block grants to them, the role of encumbered categorical grants from Washington would decline.

As a result, we might hope that to some extent the disadvantages of this form of intergovernmental aid would be avoided. The informational difficulties faced by the users of aid, the effect of matching requirements on State and local priorities; and the often irrational patterns of distribution are among the deficiencies of the present domestic aid system which are of special concern to me.

Even after enactment of revenue-sharing and tax credits for State-local income taxes, a vast array of categorical grants would still exist. There are certain needs which are best met by national programs of this sort. As a consequence,

we should continue to give attention to various other grant reforms such as, grant consolidation, joint funding simplification; improvements in informational services available to grant users; and the strengthening of grant review, oversight, and financial management.

The growing interest in some form of revenue-sharing, executive reorganization, and grant reforms results from a feeling on the part of many that we should stand back and take a look at the relationships between governmental structure and policy. Often we have acted as though there is no interrelationship between the two. We have legislated social goals and assumed that they would be automatically reached with no bad side effects. Yet, the current state of our governmental machinery has a great deal to do with whether and how these goals are met. Perhaps we can make adjustments in current practices which will allow us to preserve our old values of decentralized government while at the same time better executing the new tasks we have given to our governments.

Mr. President, I ask unanimous consent that the tables to which I have referred be printed at this point in the RECORD.

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

CHART 1.—APPROXIMATE STATE SHARES UNDER S. 2080, ADMINISTRATIVE BILL, AND PRESENT AID SYSTEM[1]

State and region	S. 2080 share	Percent of United States	Administration share[3]	Percent of United States	Ratio of percent of Federal aid to percent of Federal taxes[4]
United States	$5,000,000,000	100.00	$5,000,000,000	100.00	100/100=1
New England	351,800,000	7.016	266,000,000	5.320	[5] 1.150
Maine	17,900,000	.358	23,000,000	.460	1.200
New Hampshire	17,100,000	.342	15,000,000	.300	.880
Vermont	8,400,000	.219	12,000,000	.240	2.240
Massachusetts	164,500,000	3.290	136,000,000	2.720	.830
Rhode Island	24,800,000	.495	21,000,000	.420	.970
Connecticut	119,100,000	2.382	59,000,000	1.180	.521
Mideast	1,297,300,000	25.946	1,063,000,000	21.260	[5] .995
New York	612,200,000	12.245	534,000,000	10.680	.842
New Jersey	225,700,000	4.514	154,000,000	3.080	.510
Pennsylvania	298,800,000	5.977	246,000,000	4.920	.790
Delaware	17,400,000	.349	13,500,000	.270	.602
Maryland	120,600,000	2.412	92,500,000	1.850	.610
District of Columbia	22,600,000	.452	23,000,000	.460	2.640
Great Lakes	1,112,100,000	22.242	902,000,000	18.040	[5] .755
Michigan	247,000,000	4.940	229,000,000	4.580	.752
Ohio	284,800,000	5.695	212,500,000	4.250	.690
Indiana	123,900,000	2.478	116,000,000	2.320	.740
Illinois	358,800,000	7.176	220,000,000	4.400	.719
Wisconsin	97,600,000	1.952	124,500,000	2.490	.873
Plains	331,800,000	6.636	411,000,000	8.022	[5] 1.448
Minnesota	78,200,000	1.564	107,500,000	2.150	1.182
Iowa	56,200,000	1.123	74,500,000	1.490	1.005
Missouri	105,800,000	2.117	96,500,000	1.930	.959
North Dakota	7,900,000	.158	20,500,000	.410	2.400
South Dakota	9,200,000	.185	19,000,000	.380	2.500
Nebraska	28,000,000	.560	39,000,000	.780	1.100
Kansas	46,500,000	.930	54,000,000	1.080	1.040
Southeast	$758,100,000	15.160	$1,044,000,000	20.880	[5] 1.586
Virginia	99,300,000	1.986	104,500,000	2.090	.940
West Virginia	29,500,000	.590	41,500,000	.830	2.100
Kentucky	50,200,000	1.003	78,000,000	1.560	2.110
Tennessee	70,200,000	1.403	87,000	1.740	1.300
North Carolina	83,000,000	1.661	113,500,000	2.270	1.110
South Carolina	37,004,000	.748	56,500,000	1.130	1.300
Georgia	81,000,000	1.621	107,500,000	2.150	1.402
Florida	146,000,000	2.921	167,500,000	3.350	.750
Alabama	50,000,000	1.000	82,000,000	1,640	1.900
Mississippi	24,500,000	.490	61,500,000	1.230	2.400
Louisiana	62,000,000	1.240	101,500,000	2.030	1.800
Arkansas	25,000,000	.500	43,000,000	.860	2.140
Southwest	329,900,000	6.598	390,000,000	7.800	[5] 1.901
Oklahoma	43,800,000	.875	63,500,000	1.270	2.100
Texas	237,900,000	4.758	243,000,000	4.860	.963
New Mexico	15,500,000	.310	32,000,000	.640	3.100
Arizona	32,700,000	.654	51,500,000	1.030	1.500
Rocky Mountain	92,000,000	1.840	139,000,000	2.780	[5] 2.200
Montana	10,800,000	.217	19,000,000	.380	2.300
Idaho	11,200,000	.223	20,000,000	.400	1.710
Wyoming	6,600,000	.131	11,500,000	.230	3.400
Colorado	46,200,000	.925	60,000,000	1.200	1.400
Utah	17,200,000	.345	28,500,000	.570	2.300
Far West	700,900,000	14.018	753,000,000	15.060	1.802
Washington	90,400,000	1.807	92,000,000	1.840	1.020
Oregon	45,700,000	.914	57,000,000	1.140	1.400
Nevada	15,800,000	.315	14,000,000	.280	1.200
California	549,000,000	10,981	590,000,000	11.800	1.300
Alaska	6,800,000	.137	8,500,000	.170	4.230
Hawaii	19,000,000	.379	23,500,000	.470	1.741

[1] Statistics provided by the Advisory Commission on Intergovernmental Relations.
[2] Based on origin of Federal personal income taxes—calendar year 1968, returns filed in calendar year 1969.
[3] Based on population and revenue effort.
[4] Ratio of percent of all Federal aid (fiscal year 1969) to percent of all Federal personal income taxes for fiscal year 1968.
[5] Average.

CHART 2.—*States which receive a larger percentage of shared revenues using "origin of revenue" formula (S. 2080) than under population-revenue-effort formula (administration)*[1]

New England: New Hampshire, Massachusetts, Rhode Island, Connecticut.

Mideast: New York, New Jersey, Pennsylvania, Delaware, Maryland.

Great Lakes: Michigan, Ohio, Indiana, Illinois.

Plains: Missouri.

Far West: Nevada.

CHART 3.—REGIONAL DISTRIBUTION OF FEDERAL AID FISCAL 1969[1]

Region	Total (in millions of dollars)	Per capita	Percent of State and local government general revenue
New England	1,173	101.93	17.9
Mideast	4,113	97.01	15.2
Great Lakes	2,989	74.92	14.0
Plains	1,511	93.40	17.0
Southeast	4,530	107.21	22.8
Southwest	1,714	116.33	21.2
Rocky Mountain	665	136.30	23.3
Far West	3,043	115.25	14.9
United States	20,287	100.47	17.4

[1] Found in Special Analyses of the 1972 Budget, p. 240.

[1] Based on statistics provided by the Advisory Commission on Intergovernmental Relations—see Chart 1.

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN

State, city	Intergovernmental Revenue Adjustment Act of 1971[1]	Administration plan
Alabama: Birmingham	$5,437,500	$3,531,004
Arizona: Phoenix	13,364,875	6,360,085
California:		
Anaheim	5,490,000	1,390,130
Garden Grove	4,117,500	530,287
Los Angeles	99,261,250	34,721,456
Riverside	$4,792,500	$962,580
Sacramento	8,921,250	3,179,135
San Bernardino	3,431,250	1,127,197
San Diego	24,018,750	6,382,633
San Francisco	24,705,000	23,954,600
San Jose	15,783,750	3,452,094
Santa Ana	5,490,000	967,647
Colorado: Denver	13,686,750	10,527,896
Connecticut: Hartford	7,741,500	2,322,391
Delaware: Wilmington	3,197,250	1,823,650
District of Columbia	28,250,000	22,915,149
Florida:		
Fort Lauderdale	3,832,500	1,981,867
Hollywood	2,920,000	968,786
Jacksonville	14,235,000	2,859,870
Miami	8,937,500	4,617,813
St. Petersburg	5,837,500	4,276,375
Tampa	7,482,500	3,981,297
Georgia: Atlanta	10,935,000	7,647,341
Hawaii: Honolulu	9,975,000	4,917,712
Illinois: Chicago	134,998,500	47,601,259
Indiana:		
Gary	5,265,750	1,848,739
Hammond	3,407,250	1,045,054
Indianapolis	22,302,000	5,612,259
Kentucky: Louisville	7,028,000	8,661,641
Louisiana: New Orleans	12,710,000	9,907,090
Maryland: Baltimore	34,974,000	14,285,058
Massachusetts:		
Boston	32,907,500	10,700,523
Springfield	5,963,125	2,191,749

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN—Continued

State, city	Intergovernmental Revenue Adjustment Act of 1971 [1]	Administration plan
Michigan:		
Detroit	$46,621,250	$24,901,847
Grand Rapids	7,101,250	2,215,551
Minnesota:		
Minneapolis	11,143,500	5,143,400
St. Paul	7,917,750	3,734,244
Missouri:		
Kansas City	14,283,000	9,1 4,435
St. Louis	17,721,600	15,120,157
Nebraska: Omaha	8,190,000	3,459,983
New Jersey:		
Clifton	3,103,375	1,000,362
Jersey City	10,156,500	4,246,309
Newark	14,952,625	7,551,318
Paterson	5,642,500	1,928,007
North Carolina: Winston-Salem	2,697,500	1,036,C46
New York:		
Albany	4,821,075	1,100,900
Buffalo	19,896,500	4,846,479
New York City	329,057,500	189,348,578
Rochester	12,244,000	3,341,859
Syracuse	5,356,750	2,338,845
Schenectady	3,290,575	571,380
Ohio:		
Akron	$10,093,000	$4,421,170
Cincinnati	15,664,000	13,508,542
Cleveland	25,276,000	11,227,393
Columbus	18,156,000	5,225,749
Dayton	8,188,000	4,124,377
Youngstown	4,984,000	1,547,709
Oklahoma: Oklahoma City	7,165,000	4,554,222
Oregon: Portland	10,625,250	7,928,286
Pennsylvania:		
Allentown	3,361,500	940,735
Philadelphia	60,252,500	39,781,536
Pittsburgh	16,434,000	7,433,529
Rhode Island: Providence	5,828,000	2,243,861
Tennessee:		
Memphis	13,952,250	5,408,621
Nashville-Davidson	10,003,500	5,732,847
Texas:		
Dallas	22,005,750	10,557,412
Fort Worth	10,408,125	4,658,714
Houston	36,577,125	12,953,581
San Antonio	17,247,750	4,685,184
Utah: Salt Lake City	3,547,500	2,547,835
Virginia:		
Norfolk	8,192,250	3,805,469
Portsmouth	2,979,000	1,055,155
Richmond	6,702,750	3,510,825
Washington: Seattle	17,628,000	8,820,093
Wisconsin: Milwaukee	19,764,000	7,942,274
Total for United States	5,000,000,000	5,000,000,000

[1] Calculated from the Advance Reports, 1970 Census of Population, Department of Commerce, Bureau of the Census, December 1970; statistics made available by the Advisory Commission on Intergovernmental Relations.
[2] From Department of the Treasury, General Revenue Sharing, February 1971.

CHART 5.—*Roots of the fiscal problems of metropolitan center cities*

1. Loss of tax base resulting from the departure of middle class citizens, decline of retail sales and the disappearance of employment opportunities.
2. Tax rates which are already more burdensome than elsewhere.
3. Relatively greater expenses in areas not aided by Federal and state governments.
4. As cities become large there is a diseconomy of scale as regards expenditures for police, fire, sanitation and sewers, and parks and recreation.
5. Necessity of providing services for nonresident, often non-taxpaying, commuters.
6. Increasing proportions of "high cost" citizens—the poor, aged, etc.
7. Social conditions which lead to higher governmental costs such as: higher crime rates; greater population density; lower educational levels; more unsound housing; greater unemployment; lower income levels; more families in poverty; and a larger percentage of non-white population with special problems.

CHART 6.—TAX CREDITS—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS ESTIMATES OF FEDERAL REVENUE FOREGONE AND STATE-LOCAL REVENUE GAIN FOR THE FISCAL YEARS 1970, 1971, AND 1972 UNDER 4 HYPOTHETICAL CONDITIONS

Estimates in parentheses assume that the acceleration in State income tax collections attributable to tax credit action will reduce the growth in State and local sales and property tax receipts and consequently the drawdown on the Federal Treasury attributable to the itemization of these taxpayments]

[In billions of dollars]

Hypothetical conditions	1st year, 1970				2d year, 1971				3d year, 1972			
	Estimated State income tax collections	Federal revenue foregone [1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone [1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone [1]		State-local revenue gain
		Total	Due to credit			Total	Due to credit			Total	Due to credit	
1. No change in present law (deduction of State-local income tax payments)	8.5	1.9			10.0	2.2			12.0	2.6		
2. Congress adopts a 30-percent ACIR-type credit (relatively weak acceleration effect on State income tax collections) [2]	9.4	3.1	1.2 (1.1)	0.9	11.5	3.8	1.6 (1.5)	1.5	15.0	5.0	2.4 (2.2)	3.0
3. Congress adopts a 40-percent ACIR-type credit (moderately strong acceleration effect on State income tax collections) [3]	10.6	4.5	2.6 (2.5)	2.1	14.0	5.9	3.7 (3.5)	4.0	19.2	8.1	5.5 (5.1)	7.2
4. Congress adopts a 50-percent ACIR-type credit (strong acceleration effect on State income tax collections) [4]	13.6	6.9	5.0 (4.7)	5.1	20.0	10.2	8.0 (7.4)	10.0	30.0	15.3	12.7 (11.7)	18.0

[1] Assumes an average State income tax writeoff against Federal tax of 22 percent under present law and the following percentages under the ACIR-type credit: 30 percent credit—33 percent; 40-percent credit—42 percent; 50-percent credit—51 percent.
[2] Assumes that it will take 3 years before the increase in State income tax collections will offset the additional amount of Federal income tax forgone. Specific acceleration assumptions: 10 percent 1st year, 15 percent 2d year, and 25 percent 3d year, and no further State income tax collection acceleration after the 3d year attributable to the tax credit.
[3] Assumes that the breakeven point will be reached in the 2d year. Specific acceleration assumptions: 25 percent 1st year, 40 percent 2d year, 60 percent 3d year, and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.
[4] Assumes that even in the 1st year the increase in State income tax collections attributable to the tax credit will more than offset the reduction in Federal revenue. Specific acceleration assumptions: 60 percent 1st year, 100 percent 2d year, 150 percent 3d year and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

Source: ACIR staff estimates.

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

S. 2082. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program. Referred to the Committee on Labor and Public Welfare.

MOBILE TEACHERS' RETIREMENT ASISSTANCE ACT

Mr. WILLIAMS. Mr. President, I am today introducing the Mobile Teachers' Retirement Assistance Act of 1971.

Over the past decade, the Congress has shown its interest and responsibility in improving education by the many Federal programs now in operation. No less important on our agenda should be an effort to provide a solution of a long-standing problem that has prevented the growth of a truly mobile teaching force to meet the critical problems of today's education; namely, the loss of retirement credits by teachers who move from one State to another. At present, a great many teachers who move in their professional pursuits to other States where there is a demand for their services must do so at the price of sacrificing hard-earned retirement rights. The retirement benefits and financial security they acquired and earned for their dedicated work are forfeited by their move. The Congress must assist our active public school and college teachers to realize the basic right to make provision for the time they retire from the teaching profession. This dedicated and unselfish professional group, like all other workers, must also be able to look to their retirement years with some degree of certainty that they will be able to meet their basic life needs.

As increasing numbers of teachers come to retirement with inadequate resources to meet their daily needs, their plight creates a deterrent to the aspiring youth who choose a career in teaching. Additionally, areas in need of teachers are deprived because of the reluctance of qualified teachers to forfeit earned retirement credits.

The purpose of this bill is to strengthen the profession by providing adequate retirement benefits to those teachers who move from one State to another. It seems to me only equitable to extend to teach-

ers who move from State to State the same opportunity for their future retirement as their colleagues who remain with a single school system enjoy during their working years.

The loss of this retirement credit comes about for two reasons: The State which a teacher leaves may not allow for early vesting of retirement rights, and the State where a teacher relocates may not grant retirement credit for years of teaching service performed outside its jurisdiction.

This legislation would provide one approach to resolving the problem. It would establish a Federal-State program to assist in the funding of these benefits for public school teachers. The two major provisions of the bill would enable teachers who have taught in two or more States to retire at the end of their careers with benefits substantially the same as they would have received by teaching in a single State for their entire careers.

It would provide Federal funds to aid in the financing of recognized out-of-State service credit, and to supplement deferred vested benefits. In order to qualify for Federal funds, participating States must: First, permit teachers to purchase at least 10 years of out-of-State public school teaching service not vested elsewhere, whereby the teacher and the employer share in the cost; and second, provide for vesting of retirement rights after not more than 5 years of service in the retirement system.

The strongest impediment to necessary mobility of the teaching profession would be removed by the sharing of cost in purchasing out-of-State credit and the security resulting from early vesting for deferred benefits. The college teacher in a public college who wishes to cross State lines to accept a special research function in another State college, today is unwilling to incur the penalty of forfeiture of benefits. Without the provisions just outlined, he may be forced to reject the offer or lose his retirement rights in accepting it. The need for specialized teachers or administrators in our deprived urban and rural areas is a problem of deep national concern which, without solution, will retard our educational growth.

Many of our fine State retirement systems have made attempts toward alleviating this problem, but the State-based nature of American education and the limited funds available have not permitted the States to make any great strides in this direction. Some States utilize the basic concept of out-of-State credit; however, I am informed that in nearly all cases, the teacher must pay the employer's share, his own share, and an interest fee, which taken together are usually financially beyond the limits of the teacher's income.

It should be noted that in any State where an attempt is made to preserve the retirement credits for mobile teachers, the methods utilized are representative of the provisions in this bill. The teacher retirement administrators throughout the country have supported these concepts for nearly a quarter of a century. However, the States, and rightly so, realize that their primary commitment is to utilize their financial resources for improving education within their own boundaries. Therefore, it seems both fitting and proper that the Federal Government lend some assistance to the States in solving this important interstate problem.

The cost to the Federal Government to accomplish the objectives of this bill is modest in view of the benefit to education. And there is an even greater benefit: the new horizons of educational opportunities which this bill makes available to youth who would have the advantage of the mobile teacher. I think my colleagues will agree that action must be taken to enhance the present educational opportunities of our youth and eliminate a future social problem by permitting teachers to prepare for retirement during their active employment years.

Mr. President, as my colleagues know, the Senate Subcommittee on Labor is currently conducting a comprehensive investigation and study of welfare and pension funds pursuant to Senate Resolution 35. I believe that this bill, which has the backing of the National Education Association, could provide a reasonable basis for helping to assure that there is a truly mobile teaching force in the United States. It represents an approach which I feel is well worth considering along with other approaches which we may find appropriate in the course of the pension study. No matter what the technique the Congress decides is best, however, I must emphasize that definitive action is required for us to continue to expand our commitment to quality education for all Americans.

Mr. President, I ask unanimous consent to have printed at this point in the CONGRESSIONAL RECORD the bill which I have just introduced and the table showing the current status of vesting and out-of-State credit provisions in the State retirement systems to which teachers belong.

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

S. 2082

A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program

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 "Mobile Teachers' Retirement Assistance Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "State retirement system" means a State retirement system established under State law, or a local public retirement system recognized or established by State law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "vesting" means a right of a teacher who separates from covered employment after having at least the minimum years of credited service required under the State retirement system and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

(5) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system or institution, or a school or institution of higher education which is tax-supported.

(6) The term "out-of-State service" means public teaching service performed in another State and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(7) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(8) The term "Commissioner" means the Commissioner of Education.

SEC. 3. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 4(d) and of supplemental benefits as required in section 5(c),

(2) allow covered teachers at least 10 years of credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher of a portion of the cost involved and payment from public funds of the remainder,

(3) allow a reasonable period after the State retirement system becomes eligible to participate in the program provided for in this Act within which a covered teacher may make the payment referred to in paragraph (2), in order to become entitled to such credit,

(4) provides for vesting after not more than five years of credited service in the State retirement system, and

(5) provides for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commission may find necessary to assure the correctness and verification of such report.

(b) If the Commissioner determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 4. (a) The Commissioner shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other twelve-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 40 per centum of the product obtained by multiplying the level of teachers' salaries (determined under subsection (b)) by the benefit cost factor (determined under subsection (c)).

(b) The level of teachers' salaries shall be deemed to be the salary which is the seventy-fifth percentile of a distribution of the salaries paid to teachers who are classroom teachers in public elementary and secondary schools in all the States, as determined by the Commissioner on the basis of the most reliable data available to him for the preceding school year.

(c) The benefit, cost factor shall be an amount equal to 2 per centum of the present value of payments of one annually for

life, determined on the basis of the life expectancy of teachers in the States at age sixty-five and an assumed rate of interest (determined by the Commissioner).

(d) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

DEFERRED BENEFIT PROVISIONS

SEC. 5. (a) The Commissioner shall, as soon as practicable after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher in the membership of the system who, during the fiscal year (or other twelve-month period designated by the system) which ended during such calendar year, became entitled to payment of a vested deferred benefit. The Federal contribution on account of each year for which each such teacher is receiving a vested deferred benefit shall be an amount equal to the product obtained by multiplying the difference between the average teacher's salary in the preceding fiscal year and the average teacher's salary in the tenth preceding fiscal year (determined under subsection (b)) by the benefit cost factor (determined under subsection (c) of section 4).

(b) The average teachers' salaries, for purposes of subsection (a), shall be the average salary for the year in question of teachers in all the States, determined by the Commissioner on the basis of most reliable data available to him for such year.

(c) Each participating State retirement system shall supplement the retirement benefits which such system pays a covered teacher who is receiving a deferred vested benefit and who meets the requirements of subsection (d) by an annual amount equal to the product obtained by multiplying the following factors:

(1) The annual retirement benefit to which the covered teacher is entitled before the supplement required by this section.

(2) The number of years between the covered teacher's separation from teaching service which is credited under the State retirement system in question and his retirement, but in no event shall such number of years be more than ten.

(3) The average annual increase in the average teachers' salaries, for the State or all the States, whichever is the lesser (determined as provided in (b)), during the ten-year period referred to in subsection (a).

(d) To be entitled to the supplemental benefit, the covered teacher must have performed public teaching service for a total of twenty years or for a total of five years during the ten-year period immediately preceding the date payment of the deferred vested benefit began.

COST OF ADMINISTRATION

SEC. 6. The Commissioner shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 5 per centum of the Federal contribution made under sections 4 and 5.

EFFECTIVE DATE

SEC. 7. This Act shall become effective July 1, 1971, with respect to teachers who retire after such date.

TABLE I.—VESTING PROVISIONS AND MAXIMUM OUT-OF-STATE SERVICE IN STATE AND LOCAL RETIREMENT SYSTEMS TO WHICH TEACHERS BELONG

Retirement system	Type of membership [1]	Years of service and/or age requirements for vesting [2]	Maximum years of out-of-State service creditable
(1)	(2)	(3)	(4)
1. STATEWIDE RETIREMENT SYSTEMS			
Alabama	T	(a) 15 years at any age; (b) 10 years if in service at age 55.	None.
Alaska [3]	T	10 years	10 years.
Arizona	P	5 years	None.
Arkansas	T	(a) 20 years at any age; (b) 10 years, age 60.	10 years.
California [3]	T	5 years	None.
Colorado [3]	P	do	Do.
Connecticut [3]	T	10 years	10 years (reciprocal).
Delaware	P	20 years	None (4 years may be counted toward 30 years' service retirement requirement).
Florida [4]	P	10 years	None.
Georiga	T	20 years	10 years (reciprocal).
Hawaii	P	5 years	None.
Idaho	P	10 years	Do.
Illinois [3]	T	5 years	10 years.
Indiana	T	(a) 15 years' service and age 50; (b) 10 years at age 65.	8 years (limit may be exceeded under certain circumstances).
Iowa	P	(a) 8 years; (b) age 55 regardless of years of service.	None.
Kansas	P	10 years	Do.
Kentucky [3]	T	5 years	8 years.
Louisiana [3]	T	(a) 20 years; (b) 10 years if teacher withdraws to enter public-school teaching in another State.	None.
Maine [3]	P	10 years	10 years.
Maryland	T	15 years	5 years.
Massachusetts [3]	T	(a) 20 years; (b) 6 years if position is abolished or the teacher not re-employed.	10 years.
Michigan	S	(a) 25 years; (b) 10 years and age 50.	15 years.
Minnesota	T	10 years	None.
Mississippi	P	(a) 20 years for full vesting; (b) 16 years for partial vesting.	Do.
Missouri	T	20 years	10 years.
Montana	T	5 years	5 years.
Nebraska	S	5 years	10 years.
Nevada	P	(a) 20 years for full vesting; (b) 15 years with partial benefit.	None.
New Hampshire	P	15 years	Do.
New Jersey	T	do	10 years.
New Mexico	S	5 years	5 years.
New York	T	10 years	10 years.
North Carolina	P	12 years	None.
North Dakota	T	No vesting	Unlimited.
Ohio	T	5 years	None (unlimited credit allowed to meet the eligibility requirements for retirement in Ohio).
Oklahoma	S	20 years	5 years.
Oregon	P	5 years	None.
Pennsylvania	S	10 years	12 years.
Rhode Island	P	do	5 years.
South Carolina	P	15 years	Unlimited.
South Dakota	T	10 years	None.
Tennessee	T	(a) 10 years; (b) 4 years for college and university faculty members.	Do.
Texas	S	10 years	10 years.
Utah	P	No vesting	None.
Vermont	T	15 years	None (10 years toward 15-year eligibility for disability retirement).
Virginia	P	5 years	None.
Washington	T	do	Do.
West Virginia	S	20 years	Varies; on same terms as other States provide credit for West Virginia public school service.
Wisconsin	T	Immediate	None for members of combined group (with social security); out-of-State credit available to some separate group members under certain circumstances.
Wyoming	P	4 years	None.
Puerto Rico	T	10 years	Do.
2. LOCAL RETIREMENT SYSTEMS			
California:			
Los Angeles	T	5 years	Do.
San Francisco	P	(a) 10 years; (b) if accumulated contributions exceed $1,000.	Do.
Colorado: Denver	S	10 years	Do.
District of Columbia: Washington.	T	5 years	10 years.
Illinois: Chicago	T	(a) 20 years; (b) 10 years and age 55.	Do.
Iowa: Des Moines	T	20 years and age 45	None.
Maryland: Baltimore	P	No vesting	Do.
Michigan: Detroit	S	(a) 15 years' continuous service and age 50; (b) 25 years, with last 10 years continuous; (c) 15 years' continuous service and subsequent retirement from another public agency.	10 years; 15 years if service is in Michigan.
Minnesota:			
Duluth	T	No vesting	None.
Minneapolis	T	7 years	Do.
St. Paul	T	10 years	5 years.
Missouri:			
Kansas City	S	5 years and age 40	None.
St. Louis	S	5 years	Do.
Nebraska: Omaha	S	20 years	5 years.
New York: New York City	T	15 years	15 years.
Oregon: Portland	T	5 years	None.
Tennessee: Knoxville	P	15 years	Do.
Wisconsin: Milwaukee	T	Immediate	Do.

[1] In this column, T = teachers and professional school employees only; S = all school employees; P = teachers and other public employees.

[2] The requirements listed are other than those needed for early retirement. No social security coverage.

[4] In December 1970, Florida consolidated its retirement systems. All new teachers will become members of this system and will automatically be covered by social security. Teachers under the old system had the opportunity to elect coverage in the new system and with it social security coverage.

By Mr. BAYH:

S. 2083. A bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes; and

S. 2084. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States. Referred to the Commitee on Commerce.

TWO BILLS

Mr. BAYH. Mr. President, Today, I wish to introduce two interrelated bills both aimed at a serious reduction in man's brutality toward wildlife. One bill, which would be known as the "Antipoison Act of 1971," would totally ban the use of poisons to kill wildlife on the public lands of the United States, as well as ban the interstate commerce in two particularly devastating poisons now widely used. The other piece of legislation would ban the use of leg-hold or steel jaw traps.

THE ANTIPOISONING ACT OF 1971

The federal government program to "control" predators began in earnest some 55 years ago. It is almost impossible to estimate the magnitude of the total destruction of numerous species of wild animals in the intervening decades. Untold millions of animals, ranging from the stately mountain lion to the lowly prairie dog, have been wiped out. In certain parts of the West, almost all wildlife has been completely eliminated by actions of our Government.

The animals and birds which have been destroyed in such huge numbers are all a part of our national heritage. Yet, they are disappearing at a truly astonishing rate.

Back in 1915 when the program started, the purpose was to aid cattlemen and sheepmen whose animals were being preyed upon by predators, primarily wolves and coyotes. The Federal exterminators have done such a thorough job that they have completely eliminated predators from large parts of our public lands. As a result of this ruthless program, smaller animals which were the normal prey of the predators have had a population explosion. There are now hundreds of millions of rabbits and various rodents, whose normal population was kept in check by the wolves, coyotes and other predators. Now the Federal exterminators have gone after these smaller animals with a equal vengeance. Tons of grain, which have been soaked in the most horrible poisons, are sown to rid the public lands of this new "menace."

Much publicity has been given recently to the fate of the black-footed ferret, an animal which is literally on the verge of extinction. These animals live with and feed almost exclusively on prairie dogs. As the prairie dogs are poisoned by the millions, the ferrets disappear at the same time because their food has been poisoned and wiped out.

What history has shown is that the use of massive poisoning programs creates drastic imbalances in nature. In a futile attempt to correct one imbalance, poison is used in a larger and more lethal program. It is truly a vicious circle. As soon as the Department of the Interior gets rid of one type of animal, it feels forced to go after another.

As horrible as the direct and intended purposes of these programs may be, the indirect and unintended results can be equally horrible. Much publicity has been given recently to the deaths of a number of rare species of eagles. It is especially ironic that we have all but exterminated the bald eagle, our national symbol. These deaths deserve very special attention. Yet, they are only one example in a multitude of cases of deaths of carrion-eating birds such as hawks, buzzards, ravens, and the rare California condor. These animals die in untold numbers in two ways: they either eat the poisoned meat which has been set out for predators, or are indirectly poisoned from eating the bodies of other animals which have been killed by the poisons.

The poison commonly used by the Department of the Interior is sodium fluoroacetate, commonly known as "Poison 1080." This is a slow degrading poison, which creates a cycle of destruction. When consumed by any animal, it remains unchanged in the body. As a result, any predator or bird eating the dead animal will also die. Poison 1080 is not only a terribly effective but also extremely inhumane agent of death. An animal eating a very small quantity of the poison will die only after a number of hours of terrible convulsions and vomiting.

The poison most widely used by private individuals, thallium, is manufactured by a number of chemical companies and sold in interstate commerce. This is the poison which has been responsible for the largest proportion of the recent deaths of the eagles.

The current poisoning program on public lands is carried out by a division of the Department of the Interior known euphemistically as the Division of Wildlife Services. It was formerly and more properly titled the PARC Division—Predators and Rodent Control Division.

The Division of Wildlife Services has turned into a huge bureaucratic boondoggle, which in large measure is responsible for the continuing massive poisoning programs. Over a recent 5-year period some 700 employees of the Division of Wildlife Services have worked day in and day out to eradicate the wildlife of the West. In this 5-year period they have put out 2,300,000 pounds of poisoned meat. They have used 3 million strychnine tablets. They have used tons of poisoned grain.

Only recently has it come to light that this wholesale slaughter was being carried out with taxpayers' dollars. At the present time, poisoning of wildlife in the West is costing the taxpayer over $8 million a year. Only part of this money is used directly by the Division of Wildlife Services. Most of it goes in subsidies to States, communities, and private organizations for their use in poisoning.

And for whose benefit is this massive program of killing taking place? The program as originated in 1915 was a small effort to assist cattlemen and sheepmen in reducing the number of animals lost to wolves and coyotes.

But things have changed in the intervening years. Today, less than 1 percent of our cattle is grazed on public lands. The percentage of sheep grazing on public lands is greater. There are approximately 8 million sheep grazing on public lands at one time or another during any year. Yet, the owners of the sheep pay to the Federal Government only 8 cents per sheep per month. For this they not only need fencing and reseeding of the grazing lands, but they also ask for as complete protection from all wild animals as the Department of the Interior can provide. It is in its zeal to protect these privately owned sheep that the Department of the Interior has waged an all-out war to eradicate all predators on public lands.

No one objects to the grazing of cattle or sheep on public lands of the United States, but the Government should not expect the public to condone or pay for the utter destruction of all wildlife on its public lands for private interests.

A number of efforts have been made to minimize the terrible wildlife destruction. These efforts have included several lawsuits to enjoin further killing by the Secretary of the Interior. In addition, some States have adopted what is known as the Missouri plan. Under this plan, private landowners are trained to control specific animals causing specific damage. They are taught to use humane traps which do not break legs. They are taught methods of controlling particular predators without endangering other wildlife. Finally, at least one State, Kansas, has recently adopted a law banning the use of all poisons, on both public and private property, for the killing of wildlife.

To expedite these various efforts, I propose that Congress properly take responsibility for policies of the Federal Government by passing the "Antipoisoning Act of 1971." This bill has been suggested to me by the Washington office of the Committee for Humane Legislation, Inc., a New York based wildlife conservation group which is headed by Miss Alice Herrington.

The bill would totally ban the use of poisons to kill animals or birds on any public lands except under emergency circumstances. It would also ban interstate shipment of both 1080 and thallium.

Provisions are made to encourage extension of the Missouri plan throughout the whole country. Finally, the vast legion of 700 poisoners of the Department of the Interior would be put to other tasks connected with the preservation rather than the destruction of wildlife.

Mr. President, I ask unanimous consent that the text of the "Antipoisoning Act of 1971," along with an article by Lewis Regenstein from the New York Times be printed at this point in the RECORD.

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

S. 2083

A bill to prohibit the poisoning of animals and birds on the public lands of the United States, 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 Anti-Poisoning Act of 1971.

SEC. 2. *Definitions.*

For purposes of this Act,

(a) "Public lands" means all publicly owned lands of the United States except Indian and military reservations.

(b) "Poison" means biocides and toxi-

cants, singular or plural, in gaseous-, liquid-, dust-, or solid-form, placed in food, baits, or water directly ingested by carnivores from eating poisoned herbivores or omnivores, and includes: direct acting poison, for example, strychnine; cumulative poison, for example, thallium sulphate; and chain-reacting poison, for example, sodium fluoroacetate.

(c) "Chemosterilant" means any substance which, when ingested, causes the animal to become sterile.

SEC. 3. *Prohibitions.*

(a) Except as provided in section 4 of this act, the use of poisons or chemosterilants to kill any animal or bird on public lands is hereby forbidden.

(b) The interstate commerce of thallium and sodium fluoroacetate, commonly known as Poison 1080, is hereby forbidden.

SEC. 4. *Exception.*

In any specific instance where either the Secretary of the Interior or the Secretary of Agriculture believes, because of unusual and extraordinary circumstances, that it is imperative to use poisons on public lands for animal control, he shall place a Notice of Intention in the Federal Register at least 60 days prior to the proposed beginning of the program and shall give a public hearing to anyone who wishes to protest the poisoning; the program shall not be begun until a review of the protests is made by the Secretary of the Interior or Secretary of Agriculture, as the case may be, and a detailed explanation of the need of the program is placed in the Federal Register.

SEC. 5. *Penalties.*

Any person, including officials, employees and agents of the United States or any State, who violates the provisions of this Act shall, upon conviction for the first offense, be subject to a fine not to exceed $500.00 or imprisonment not to exceed six months, or both; upon conviction of a second or subsequent offense, violators shall be subject to a fine not to exceed $5,000.00, or imprisonment of one to three years, or both.

SEC. 6. *Extension Mammal Control Agents.*

(a) There is hereby authorized to be established in each regional office of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior the position of extension mammal control agent who, upon the request of the duly authorized wildlife agency of any State within the region, shall provide advice and demonstrations to State-employed specialists in methods of instructing farmers and ranchers, or their agents, in techniques of preventing depredations by wild predatory mammals on domestic livestock and in techniques of trapping the individual mammals causing depredations on domestic livestock. Any control methods used, demonstrated, or advocated by the extension mammal control agents shall be in compliance with applicable Federal and State laws relating to the taking of wildlife, and no such method shall include in rural or suburban areas the use of poison or chemosterilant.

(b) As of July 1, 1972, and thereafter, the number of mammal control experts and other persons employed by the United States Fish and Wildlife Service, or in any bureau or branch thereof, to engage in or assist, either directly or indirectly, in the trapping or other method of reducing the number of predatory mammals shall not exceed six persons. Biologists or other personnel employed within the Wildlife Research Branch of the Bureau of Sport Fisheries and Wildlife to investigate the biology or ecology of predatory mammals, or to develop control methods less likely to endanger valuable wildlife than the methods now in use or practiced in the past, shall not be counted against the foregoing limitation.

SEC. 7. *Authorization of Funds.*

There is hereby authorized to be appropriated for the purposes of this Act not to exceed $153,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter through and including the fiscal year ending June 30, 1976. The Secretary of the Interior is directed during the period from effective date of this Act until the close of the fiscal year ending June 30, 1972, to make such reorganizations, reductions, and adjustments in the predator-control program of the Bureau of Sport Fisheries and Wildlife as are necessary to prepare for the implementation of this Act.

[From the New York Times, June 13, 1971]

(By Lewis Regenstein)

ARLINGTON, VA.—Last month, 48 bald and golden eagles were found dead in the state of Wyoming. It is virtually certain that many more eagles have died and have not yet been found in the remote Wyoming canyon country, the one place where it was hoped they might be able to make a comeback.

About half of the eagles found had been poisoned by thallium sulfate, a chemical which the United States Department of the Interior had spread throughout the western United States as part of its efforts to exterminate coyotes. Although the Interior Department asserts that it has discontinued using thallium, there is widespread suspicion that the department is involved in the latest deaths of eagles. In any event, thallium which is manufactured by American Smelting and Refining Company of New York City, is still readily available to sheep farmers and cattle ranchers for their own use.

What is not in doubt is that the killing of these eagles is part of a deliberate, well-planned campaign, aided and abetted by the United States Government, to wipe out all predatory animals which might compete with agricultural interests.

In describing the American eagles, it is difficult to capture the majesty of these awesome creatures. Both the Bald Eagle (*Haliaeetus leucocephalus*) and the Golden Eagle (*Aquila chrysaetos*) have wingspreads of six to eight feet and stand over three feet high. They mate for life and return to the same nest at the same time each year, spending the first month refurbishing their huge "eyrie."

The eagle first appeared on a United States coin in 1776, and it has been present ever since. The bald eagle became our national symbol during the Congressional assembly of 1782. As President Kennedy once put it, "The fierce beauty and proud independence of this great bird aptly symbolize the strength and freedom of America." Yet there are many Americans—some in the United States Department of the Interior—who would destroy this magnificent creature. The reason is that ranchers who raise wool and cattle believe that eagles—like coyotes—occasionally kill their livestock, particularly very young sheep or calves. Biologists dispute this, contending that eagles do not kill animals any larger than rabbits, although they may feed upon an animal that has already been killed. Despite the fact that eagles perform beneficial functions such as preying on snakes and rodents, the belief persists in many quarters that they are injurious to agriculture.

As a result, the Interior Department has gone along to some extent with this campaign to wipe out our few remaining eagles. For example, in March 1967, then Secretary of Interior Stewart Udall—who is now posing as an ardent conservationist—authorized the killing of golden eagles "for the protection of livestock" in 52 of 56 Montana counties. The law still authorizes the Secretary of Interior to permit "the taking" of bald and golden eagles "for the purpose of seasonally protecting livestock" and under other "special circumstances."

This killing of eagles for vested interest groups is not new. In Alaska, a bounty was paid on bald eagles until 1951 because they were considered "damaging" to the salmon industry. During the 36 years in which bounty payments were made, over 100,000 eagles were killed.

Today, the main causes of eagle deaths are DDT and other pesticides, high-voltage power lines, "sportsmen" and hunters—and the United States Government. Again, at the behest of cattle and sheep farmers, the Interior Department has adopted a mass and indiscriminate poisoning campaign designed to wipe out all wild animals which these ranchers consider undesirable. This massive effort involves distributing throughout the western United States tons of grain and meat baited with the deadly poisons, cyanide, strychnine and sodium monofluoroacetate, or 1080. The intent of the program is to "eliminate" such predators as coyotes and mountain lions; but there is no way to prevent other creatures, such as eagles, from feeding on this bait or on the carcass of a poisoned animal. For years, eagles have been dying from 1080; it was present in the area and has not yet been ruled out as a cause of some of the eagle deaths in Wyoming. The Interior Department is aware of this situation and admits that eagles are "accidentally" being killed; but each year it increases both the scope and cost of this poisoning program.

The "predator control program" has already succeeded in its effort to drive the wolf, the fox, the mountain lion, the grizzly bear, the black-footed ferret, and other species of wildlife to the very brink of extinction. Why should the eagle—which is also a predator—be treated any differently?

The Interior Department has been one of the main culprits in driving the eagle toward extinction. While it is charged with the responsibility for protecting the eagle, Interior has in fact contributed to its demise—both purposefully and through neglect.

According to the new Secretary of the Interior, Rogers C. B. Morton, there are now at most 800 nesting pairs of bald and golden eagles left in the United States. Unless Secretary Morton can bring about an immediate and drastic change in Interior's wildlife policies, our national symbol will soon be gone forever.

HUMANE TRAPPING BILL

Mr. BAYH. Mr. President, the second bill I wish to introduce today and which was also suggested by the Committee for Humane Legislation, Inc., deals with the use of leg-hold or steel jaw traps.

It is possibly a truism that man's inhumanity to man is nothing compared to man's inhumanity to animals. Many of us have noted an advertisement which has appeared in several magazines and which pictures a raccoon caught in a leg-hold trap. The eye catcher of the ad in bold print is: "There Is No Such Thing as a Tender Trap. "The raccoon caught in the trap is obviously in horrible pain.

It is true that there is no such thing as a tender trap, but some traps are more cruel than others. The cruelest of all is the leg-hold or steel jaw trap. It rarely kills its prey but rather catches the animal by a leg. Frequently, the leg is broken as the jaws of the trap spring shut. In any event, it holds the animal until it dies of exhaustion or starvation, or until the trapper arrives to put the animal out of its misery.

To the extent that trapping is either necessary or is going to be done, there are ways of doing it which are relatively humane. Cage-type traps are generally painless. Additionally, there are traps, generally known as Conibear traps, which kill the animals instantly.

Many question whether there will be

a real need for large scale trapping in the future. Trapping is no longer a source of food, nor is it essential for clothing. In fact, many trappers themselves wear clothes made of synthetic fibers simply because they are lighter and warmer. The principal reason for trapping is the fashioning of luxury clothes.

Therefore, this is an appropriate time to reconsider methods of securing furs for luxury clothes. I certainly do not mean to imply that we should engage in an all-out war against furriers. Our war should be against brutality. If women who bought coats made from the furs of wild animals—as opposed to domestically raised animals, such as ranch mink—knew of the brutality that has gone into the making of their coats, they probably would not wish to wear them.

Years ago, in introducing an antitrapping bill, former Senator Richard Neuberger of Oregon said:

I believe that a people's attitude toward the animals and other living things, with which it shares a common world, is one significant measure of that people's civilizations.

Unfortunately, Senator Neuberger's bill made no progress, but times are changing. The young people of our Nation are no longer entranced with brutality either toward human beings or toward helpless animals. As times change, attitudes change. I think that the time has come to outlaw the use of brutal traps.

The bill which I asked to be introduced today has already been introduced on June 1, 1971, in the House of Representatives by Mr. BROOMFIELD, of Michigan, one Member of Congress who has long been interested in practical ways of lessening man's brutality toward animals. With Mr. BROOMFIELD'S leadership in the House, and, hopefully, with the assistance of many Members of both Houses of Congress, we may get our legislation enacted.

The bill would declare it to be the public policy of the United States to discourage the manufacture, sale, and use of leghold or steel jaw traps on animals in the United States and abroad.

The prohibition in the legislation applies to interstate and foreign commerce in furs and leathers, if such fur or leather comes from animals trapped in any State or foreign country which has not banned the manufacture, sale or use of these traps. Mr. President, I ask consent that the text of my humane trapping bill be printed in the RECORD at the conclusion of my remarks.

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

S. 2084

A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that it is hereby declared to be the public policy of the United States to discourage the manufacture, sale, and use of leg-hold or steel jaw traps on animals in the United States and abroad.

PROHIBITION

SEC. 2. No fur or leather, whether raw or in finished form, shall be shipped in interstate or foreign commerce if such fur or leather comes from animals trapped in any State of the Union or any foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

CURRENT LIST

SEC. 3. The Secretary of Commerce shall compile, publish, and keep current a list of States of the Union and foreign countries which have not banned the manufacture, sale, and use of leg-hold or steel jaw traps.

PENALTIES

SEC. 4. Anyone shipping or receiving fur or leather in contravention of section 2 of this Act shall, for the first offense, be fined not more than $2,000; for the second or subsequent offenses, he shall be fined not more than $5,000 and shall be sentenced to a jail term of one to three years.

EFFECTIVENESS

SEC. 5. The provisions of this Act shall become effective four years after the date of its enactment.

By Mr. TOWER:

S. 2085. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter. Referred to the Committee on Post Office and Civil Service.

MID-DECADE CENSUS

Mr. TOWER. Mr. President, I introduce for appropriate reference today a measure designed to authorize the Secretary of Commerce to conduct a census in the mid-decade. Under the terms of this legislation, beginning in 1975 and continuing every 10 years thereafter, the Census Bureau would compile figures as of the first day of April of 1975 which would provide more current information than is now available in the mid-decade.

Mr. President, one of the strongest reasons for holding a census in the mid-decade is the fact that the amount of Federal funds that a community or State receives is in a large part determined by its population. Likewise, the eligibility for certain types of aid is triggered by other population formulas. In a highly mobile and ever-expanding society such as ours, census figures that are 8 or 9 years old can often times have little relevance to current situations. Therefore, cities and States that have a great need for funds and other services find themselves deprived of adequate amounts, simply because the data upon which these amounts depend is so outdated.

After the last census, which was just completed about a year ago, many cities and towns in Texas were concerned because they felt that the census failed to accurately reflect their populations. Likewise, many of the cities and counties in Texas are among the fastest growing in the Nation. Over a 10-year period, the population of some areas can change 20 to 30 percent, while in still faster growing areas, the change can be as much as 50 percent. The necessity for more accurate information upon which to base legislation and upon which to distribute Federal funds and services should be readily apparent.

Mr. President, there has been some concern in the past regarding the length of the questionnaire involved in the decennial census. I have shared this concern and have in the past introduced legislation that would limit the number and types of questions asked in the census. In talking with people in the Census Bureau, I have every reason to believe that the questionnaire would be kept as simple and short as possible, in the interest of efficiency and the rights of our citizens. With this in mind, I will refrain at this time from putting a question limit in this legislation, hoping that such details can be worked out during the hearings on this bill. Should agreement prove to be impossible at that time, I will recommend to the Congress that an absolute limit, consistent with the purposes of this mid-decade census, be written into this legislation on the subject. I might note also, that in cities over 100,000, there will be no full survey, but sampling procedures and special surveys will be allowed. This will allow accuracy to within 0.01 percent, while negating the necessity of involving large numbers of people in the census.

Mr. President, due to the long lead-time that is necessary to prepare for a census, time is of the essence in considering this legislation. I hope that the appropriate committee can see fit to expedite this most important matter. This bill will help us to better understand the shifting patterns in our country and will help us to better legislate for her future.

By Mr. BEALL:

S. 2086. A bill to provide for overtime pay without limitation for officers and members of the Metropolitan Police force of the District of Columbia, the U.S. Park Police force, and the Executive Protective Service in those cases of serious civil disturbance; referred to the Committee on the District of Columbia.

Mr. BEALL. Mr. President, I send to the desk a bill which would authorize full payment for all overtime work performed by the District of Columbia policemen during the so-called May Day demonstrations as well as to provide for overtime pay in future cases of civil disturbances.

Mr. President, I for one believe that the policemen of the Nation's Capital did an outstanding job under most difficult circumstances during the May Day demonstrations. They effectively thwarted the objectives of those who attempted to bring this Government to a close. Initial mistakes may have been made by the police as they attempted to make certain the city would continue to operate, and to prevent large numbers of people from stopping an even larger number of individuals from coming to their place of work. Nevertheless, our juridical system provides the means whereby any such errors may be remedied. Certainly, I am concerned over the constitutional rights of citizens to demonstrate, but I am also concerned over the constitutional and basic rights of citizens to go to and from their work without fear or danger to either their person or property.

Whatever one feels with respect to po-

lice handling of the May Day demonstrations, I feel there should be broad and general agreement that the policemen, who at a great deal of personal sacrifice, inconvenience, and danger, are called upon to work long hours, should at least be remunerated for this extra duty and extra service.

Under present law, any policeman is prohibited from earning more in any 2-week period than the base pay of an assistant chief. Working 14- to 16-hour shifts, many policemen earned or exceeded the limit during the May Day demonstrations. The bill I introduce today, which is identical to the measure introduced by Congressman HOGAN, would not only retroactively compensate the men for the pay they lost for overtime during the recent demonstrations, but also provide for full compensation for overtime during future periods of civil disturbances or natural disasters. I strongly urge that the District of Columbia Committee take early and favorable action on this measure.

By Mr. McCLELLAN (for himself and Mr. HRUSKA) (by request):

S. 2087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, this body is well aware of the recent wave of assaults on New York City policemen. Already this year approximately 50 policemen have been killed in the United States—seven of them in New York City alone. In 1968, 64; 1969, 86; and in 1970, 100 were killed.

We must try to remedy the multiple causes of disrespect for police which are in large part responsible for many of these killings. We must relentlessly pursue the slayers of these men and deal out swift justice which will have, I think, a deterrent effect on future killings. These two actions, of course, will take a long time to accomplish. We can, however, do one thing quickly, and that is provide some security for the families of the men who are attempting to provide daily security to each of us. We can, as President Nixon has proposed, provide a gratuity of $50,000 to the spouse and dependents of a police officer killed in the line of duty.

Mr. President, during 1969 a total of 35,202 policemen were stabbed, beaten, assaulted, or wounded by a bullet. This is intolerable for a civilized society and government under law. This measure, of course, does not provide an answer to many of these problems, but it is a necessary step in the right direction.

I now introduce—by request—for appropriate reference, for myself and the senior Senator from Nebraska, a bill "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty."

Mr. HRUSKA. Mr. President, the subject with which this bill is concerned was discussed at a meeting called by President Nixon at the White House on June 3, 1971. Present at the meeting were, among others, Attorney General Mitchell, FBI Director Hoover, and 20 leading law enforcement officials from all parts of the country. The President expressed his concern at the increasing number of attacks on police officers in metropolitan areas throughout the country, highlighted by the fatal shootings of two officers in New York and two others in Washington the week before the meeting.

The police officials were aware that the President had, last November, directed the Attorney General to make available all appropriate investigative resources of the Department of Justice to work jointly with State or local police, when requested, in any case involving an assault upon a police officer. The officials expressed satisfaction with this directive and agreed that it represents the appropriate Federal role in helping to prevent assaults on our State and local peace officers.

The consensus of the meeting was that the Federal Government could do no more to insure that the families of police officers killed in the course of their vital and courageous duties of protecting the public from criminal elements are adequately provided for.

The bill which I am introducing would implement the determination to provide for the families. In recognition of the perils faced by policemen and of the disparity in benefits among the several States, it would authorize payment of a gratuity of $50,000 to the family of a slain policeman, thus serving as a Federal floor for the total benefits payable. A similar benefit was authorized for the families of police and other public safety officers of the District of Columbia by Public Law 91-509, approved October 26, 1970.

The benefit would be paid by the Law Enforcement Assistance Administration under regulations issued by it, and out of funds specially appropriated to it under the Omnibus Crime Control and Safe Streets Act of 1968, upon certification by the Governor of the State in which the police officer is employed that he had been killed in the line of duty.

The gratuity thus provided, Mr. President, would be in addition to any other gratuity, benefit, or payment made under any other law or plan.

Mr. President, I believe that the benefits which this bill would provide are richly deserved and will help to enhance the morale of the gallant men in blue who daily put their lives on the line on our behalf. It merits the prompt and favorable attention of the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with a letter of transmittal from the Attorney General to the Vice President and a sectional analysis of the bill.

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

S. 2087

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty

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 "Police Officers Benefits Act of 1971."

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new Part:

"PART J—POLICE OFFICERS DEATH BENEFITS

"SEC. 701. (a) Under regulations issued by the Administration under Part F of this title, upon certification to the Administration by the Governor of any State that a police officer employed on a full-time basis by that State or a unit of general local government within the State to enforce the criminal laws has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the police officer at the time of his death, including a stepchild, an adopted child, or a posthumous child, and who is—

"(1) under 18 years of age; or

"(2) over 18 years of age and incapable of self-support because of physical or mental disability; or

"(3) over 18 years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"SEC. 702. The gratuity payable to any person under this Part is in addition to any benefits to which he may be entitled under any other law."

SEC. 3. Section 520 of the Omnibus Crime Control Act of 1968, as amended, is amended by adding at the end of the section the following sentence:

"In addition there are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of Part J."

SEC. 4. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding: "except that for the purposes of Part J the term does not include the District of Columbia".

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 1, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty."

The slaying of police officers in New York City and in Washington, D.C. in recent weeks has shown to America the risk of lethal violence faced daily by peace officers in city after city across the country. The nature of the dangers police officers confront and the disparity in survivors benefits from State to

State have led us to conclude that the Federal Government should provide a gratuity to the families of each municipal or State Police officer killed while in the performance of duty, to serve as a federal floor for survivors benefits, and to be in addition to any other benefits due the family. The 91st Congress authorized a payment of $50,000 to survivors of police and other public safety officers slain in the line of duty here in the District of Columbia.

On behalf of the President of the United States, I am transmitting the enclosed legislative proposal to give to the spouse and dependents of a police officer killed in the line of duty a gratuity of $50,000, payable from funds appropriated to the Law Enforcement Assistance Administration for that purpose.

I urge early consideration and prompt enactment of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

JOHN MITCHELL,
Attorney General.

SECTIONAL ANALYSIS

Section 1 is the short title.

Section 2 would add a new Part J to Title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968. The new part would consist of two new sections, 701 and 702.

Proposed section 701 would authorize the Law Enforcement Assistance Administration to pay a lump sum gratuity of $50,000 to the spouse, dependent children or parents of police officers who are killed in the line of duty. It is intended that the latter term be construed to provide payment to the survivors of a police officer who dies as the proximate result of injuries sustained in or on account of the performance of his official duties. Payments would be made under regulations promulgated by the Administration upon certification of the applicable facts to LEAA by the Governor of the State concerned. Where the police officer leaves both a surviving spouse and one or more dependent children, the spouse would receive $25,000 and the children $25,000, divided equally. Otherwise, the spouse or children would receive the entire $50,000. If there are neither children nor a spouse surviving the officer, the money would go to the dependent parents of the officer. The term "dependent for support" in the section is intended to mean more than one-half of the support of the dependent concerned.

Proposed section 702 would make clear that the new benefits are in addition to any other benefits.

Section 3 of the bill would amend section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to authorize appropriation of such sums as are necessary to carry out the program.

Section 4 of the bill would amend the definition of "State" in the Omnibus Crime Control and Safe Streets Act of 1968 so as to exclude the District of Columbia from the coverage of the bill. Survivors of police and other public safety officers of the District of Columbia killed in the line of duty are entitled to a $50,000 death benefit by virtue of Public Law 91-509, approved October 26, 1970.

By Mr. PEARSON:

S. 2088. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses. Referred to the Committee on Finance.

INVESTMENT TAX CREDIT FOR FARMERS AND SMALL BUSINESSMEN

Mr. PEARSON. Mr. President, I introduce today legislation which would reinstate the investment tax credit for farmers and small businessmen.

More than 90,000 Kansas farmers and countless small businessmen in my State have suffered badly during the recent inflationary spiral. A farm tractor today costs about twice as much as the same implement would have cost a decade ago. The trucks and other equipment which small businessmen and farmers must purchase to meet the demands of their customers are priced beyond the reach of many essential and competitive enterprises.

Because the economy of Kansas, and many other rural States depends upon a secure economic position for farmers and small businessmen, I have concluded that current economic conditions demand the reinstatement of the 7-percent investment tax credit for these businessmen.

I have been deeply gratified by the bipartisan support which the Rural Job Development Act has attracted in this Congress. I am hopeful that substantial measures can be adopted to attract ambitious citizens to job opportunities in rural regions in the coming years. The quality of life in America during the remainder of this century will depend, to a great extent, upon the success of rural development initiatives designed to promote balanced economic growth.

As Congress considers carefully the major programs before it to promote economic expansion, the question of incentives to business for expansion in rural areas will be of central importance.

I believe restoration of the 7-percent investment tax credit is appropriate at this time, pending full consideration of all economic development programs for rural America. I believe the investment tax credit will improve substantially the opportunities for small businessmen and farmers to survive inflationary pressures and credit shortages which have stifled expansion and eroded profits in the recent past.

Mr. President, I ask unanimous consent that the text of my bill to restore the 7-percent investment tax credit for farmers and small businessmen be included in the RECORD at the conclusion of my remarks.

I urge its timely consideration and adoption by the Congress.

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

S. 2088

A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 49 of the Internal Revenue Code of 1954 (relating to termination of credit) is amended—

(1) by inserting after "pre-termination property" in subsection (a) the following: "and property to which subsection (e) applies", and

(2) by adding at the end thereof the following new subsection:

"(e) FARMER AND SMALL BUSINESS EXEMPTION.—

"(1) IN GENERAL.—In the case of section 38 property (other than pre-termination property)—

"(A) the physical construction, reconstruction, or erection of which is begun after December 31, 1970, or

"(B) which is acquired by the taxpayer after December 31, 1970, and which is constructed, reconstructed, erected, or acquired for use in a trade, business, or for farming, the taxpayer may select items to which this subsection applies to the extent that the qualified investment for the taxable year attributable to such items does not exceed $15,000. In the case of any item so selected (to the extent of the qualified investment attributable to such item taken into account under the preceding sentence), subsections (c) and (d) of this section, paragraphs (5) and (6) of section 46(b), and the last sentence of section 407(a)(4) shall not apply.

"(2) SPECIAL RULES.—

"(A) MARRIED INDIVIDUALS.—In the case of a husband or wife who files a separate return, the amount specified in paragraph (1) shall be $7,500 in lieu of $15,000. This subparagraph shall not apply if the spouse of the taxpayer has no qualified investment for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(B) AFFILIATED GROUPS.—In the case of an affiliated group, the $15,000 amount specified in paragraph (1) shall be reduced for each member of the group by apportioning $15,000 among the members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term 'affiliated group' has the meaning assigned to such term by section 1504(a), except that—

"(i) the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1504(a), and

"(ii) all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

"(C) PARTNERSHIPS.—In the case of a partnership, the $15,000 amount specified in paragraph (1) shall apply with respect to the partnership and with respect to each partner.

"(D) OTHER TAXPAYERS.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by sections 46(d), 48(e), and 48(f), shall be applied for the purposes of this subsection."

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

S. 2091. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes. Referred to the Committee on Veterans' Affairs.

VETERANS' EMPLOYMENT AND READJUSTMENT ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today, with the distinguished chairman of the Veterans' Affairs Committee (Mr. HARTKE), S. 2091, the Veterans' Employment and Readjustment Act of 1971.

This bill would assist returning veterans by expanding and improving the job counseling, job training, and placement services already available through the Department of Labor's Veteran's Employment Service. It would establish preferences for disabled and Vietnam era veterans in jobs growing out of Government contracts, and provide a coordinated program to encourage Federal agencies to hire these veterans. It would also facilitate the access of disadvantaged veterans to existing manpower training programs.

Other features of the measure include: a provision to insure that the Veterans' Administration's Outreach program will fully advise and assist each returning veteran to take full advantage of the readjustment programs available to him; a provision for medical readjustment counseling for those who request it; and a provision to make reduced-fare air travel available for job hunting or getting to school for up to 1 year after discharge.

Finally, for those veterans who will still need unemployment compensation benefits if we are otherwise unable to assist them, the bill provides a new floor for those benefits in the lower pay grades.

BACKGROUND

Whatever one's views are about the war we are waging in Indochina, there is general agreement that we have a special obligation to those men whom we have sent there to implement our national policy. As President Nixon recently stated on April 12, 1971,

> We owe these men a debt of gratitude for their service—but we also owe them something more. We owe them an extra measure of help in making the difficult transition back to civilian life.

The bill Senator HARTKE and I are introducing would provide our returning veterans that "extra measure of help" to let them compete for jobs with those who did not serve or who have already made their readjustment to civilian life and work.

All of our recent veterans have made sacrifices for their country. For some, the sacrifice has involved giving up productive years of education or employment. Many others, in addition, have been required to risk their lives and limbs in a cruel and destructive war which is yielding a greater percentage of disabled veterans than any prior war.

Aside from the physical and psychological wounds some men bear, the most unacceptable sacrifice being demanded is that of returning to an economy which keeps them unemployed while their friends who did not serve obtain jobs more readily.

It is ironic that the unemployment problem faced by our veterans is directly related to the very war in which they fought. It is tragic that the burden of unemployment falls so heavily on those who have already sacrificed so much. It is urgent that we act to correct this double sacrifice.

VETERANS' UNEMPLOYMENT AND READJUSTMENT HEARINGS

In the 91st Congress, it was my privilege to serve as chairman of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare. In that capacity, I held hearings on unemployment and overall readjustment problems of returning veterans on November 25, and December 3, 1970.

At these hearings, several high officials, representatives of veterans organizations, and other interested persons testified on the problems faced by our returning veterans. The major theme and consensus was that the principal problem of most of these men is finding a job within a reasonable time. The most direct and convincing testimony was from the veterans themselves. One of the Vietnam era veterans expressed the crushed hopes, the despair, and frustration he encountered. Here is his view:

> Upon discharge I came to Washington full of confidence and hope of getting a job . . . . I was under the impression that being a veteran, doors would be opened to me. Much to my surprise, I found this untrue. Still, day after day, I roamed the streets of Washington going to every agency that deals with veterans and accomplishing nothing . . . . After many days of job searching and finding no results I began to feel frustrated and tense . . . . By this time the money I saved while in the Navy was running out so I went to sign up for unemployment compensation . . . . It was from February until June . . . . before I got employment.

Mr. President, many similar cases have been brought to my attention, and they give substance and feeling to the cold statistics which demonstrate that our veterans are bearing far more than their share of the unemployment epidemic in our country.

SERIOUSNESS OF THE PROBLEM

The crisis of returning veterans' unemployment at this time is the product of our overall high rate of unemployment aggravated by recently accelerated military separations accompanied by readjustment difficulties and employer reluctance to hire Vietnam veterans. Overall unemployment has skyrocketed from a low of 3.3 percent in February 1969 to a 10-year high of 6.2 percent in December 1970. The most recent unemployment rate is 6.2 for May, 1971, with 5.4 million people out of work.

Annual military separations have totaled over one million men for each of the past 2 fiscal years. There were 1,120,000 men separated from the military in fiscal year 1970, nearly double the number separated in 1967—606,000. By the end of April, the Vietnam era veteran population will probably pass the 5 million mark, with about 70 to 80 thousand new veterans returning each month to a severely saturated labor market.

The latest quarterly figures show that an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of 1971. This is an absolutely shocking and intolerable figure. It means there are now almost twice the number of veterans unemployed as there were during the same period a year earlier, when 199,000 were looking for work.

The unemployment rates for veterans as compared to nonveterans in the same age group demonstrate the extra sacrifice our veterans are being required to make. The latest figures show that veterans 20 to 24 years old now face an unemployment rate of 14.1 percent, while the rate for nonveterans in that age group is 9.9 percent. Among men 20 to 29 years old the rate for veterans averaged 10.1 percent compared to a rate of 7.6 percent among nonveterans during the 3-month period, February through April 1971. Furthermore, the 10.1 percent rate for veterans is 3.2 percent higher than it was in the same period in the previous year, when it was 6.9 percent. This tremendous increase in unemployment highlights both the crisis we face and the need for us to act, to stem the rising tide of Vietnam veterans' joblessness.

At least as disturbing as the overall unemployment rate for veterans is the fact that the most neglected veterans are those, generally, who have risked the most. A recently published study by the Department of Defense found that men who serve in vital combat occupations like infantry, artillery and armor tend to have the highest unemployment, and that men who serve a duty tour in Vietnam are even more likely to be unemployed than those servicemen who did not. Thus, we seem to be doing the least for those from whom we asked the most.

I feel very strongly that we have the highest obligation to our returning veterans, especially those who have served in Vietnam. We must make a special effort to help these men readjust to civilian life as quickly and thoroughly as possible. Every study and authority I know says that a job is absolutely indispensable to an effective readjustment.

Mr. President, I have outlined the nature of the problem. The most desirable and comprehensive solution is to provide jobs and job training opportunities for all those people who need them. Our veterans and our country would benefit from a truly comprehensive job creation program.

VETOED PUBLIC SERVICE EMPLOYMENT LEGISLATION

It was extremely unfortunate that the 91st Congress' major effort to deal with the unemployment crisis, S. 3867, the Employment and Manpower Act, was vetoed by the President on December 16, 1970. That legislation would have done a great deal to meet the veterans' unemployment crisis which has grown steadily since then. It included a number of the provisions to assist veterans which are in the bill I introduce today.

It is my fervent hope that the more abbreviated version of that measure, the Emergency Employment Act of 1971, which the Senate passed on April 1, 1971 (S. 31) and the House on May 4 (H.R. 3613) will be promptly signed by the President. We are today engaged in a House-Senate conference to resolve the comparatively few disagreements between the bodies on that bill. And I am pressing, along with my friend from Wisconsin (Mr. NELSON), the chairman of the Employment, Manpower, and Poverty Subcommittee, to set aside a substantial proportion of jobs under that bill for our unemployed veterans who have served in Vietnam.

During consideration of S. 31 in the Labor and Public Welfare Committee, I proposed amendments to insure that recently returned veterans would receive

a fair share of the public service jobs made available in that legislation. The version passed by the Senate included a provision I helped develop which directs the Secretary of Labor to make an equitable distribution of public service jobs to segments of the population significantly affected by high unemployment, including veterans recently separated from military service. S. 31 provides for up to 250,000 public service jobs over the next 2 years, and about 18,250 of these jobs should go to recently discharged servicemen under the Senate bill. Under the House version—with its veterans' preference provisions—probably even more, and, potentially, all jobs would be filled by veterans. As I indicated, I am hopeful we can resolve this difference to the advantage of our returning veterans.

EXPLANATION OF BILL

Mr. President, I would now like to explain the provisions of S. 2091, the Veterans' Employment and Readjustment Act of 1971.

TITLE

Section 1 of the bill designates its title.

VETERANS' EMPLOYMENT SERVICE

Section 2 of the bill adds a fully rewritten chapter 41 to title 38 of the United States Code. This chapter sets forth the basic veterans' employment and manpower responsibilities of the Department of Labor, administered through the Veterans' Employment Service. Provisions virtually identical to these were passed by the 91st Congress as section 702 of S. 3867, the Employment and Manpower Act of 1970, and would be law today but for the veto of that measure.

The urgent need for improvement of employment services to veterans is demonstrated by the Department of Labor's latest report on these services, for the first quarter of 1971. During this period, new applications for assistance increased by 26,500 over the previous year: 594,100 veterans asked for help compared to 567,600 a year earlier. Only 52,500 of these nearly 600,000 people were provided initial counseling interviews. The record of success—measured by placements made—was much less than a year earlier: Placements fell from 210,800 to only 176,400. These figures make it clear that we are simply not making even a respectable effort to try to help these unemployed veterans.

The revised chapter 41 in the bill would strengthen the Veterans' Employment Service, enlarge its staff and protect its appropriation from diversion to other Labor Department purposes. It also includes a mandate for job development activities and the provision of counseling for and referrals to appropriate training and manpower programs, as well as directly to job openings.

New administrative controls and data gathering and reporting responsibilities are assigned to insure prompt and adequate services to all veterans seeking employment or training assistance.

These provisions also call for close coordination with the Veterans' Administration, especially in assisting the VA in its promising job fair or job mart programs and in its outreach services program. This should lead to the assignment of more State public employment counselors to work at veterans' assistance centers, and to more such counselors devoting full time to the needs of the rapidly expanding veteran population.

READJUSTMENT COUNSELING

Section 3 of the bill would entitle Vietnam era veterans to readjustment counseling and appropriate followup care through the medical facilities of the Veterans' Administration. The purpose of this provision is to make fully available—and to encourage and facilitate the use of—the VA's medical services to those returning veterans who feel the need for professional counseling to help them in their readjustment to civilian life.

In the sensitive field of psychological or psychiatric counseling, I feel very strongly that availability and ease of access to such services must be emphasized and all unnecessary barriers removed. A recently returned veteran should know that help is available, and if he asks for it, that his request will be speedily honored.

Under present VA law and regulation, a veteran is not eligible for outpatient care unless it is established that he is suffering from a service-connected condition or is in need of hospitalization. Under this new provision, our VA facilities for assistance will be made more visible and accessible.

In the hearings on the readjustment problems of returning veterans held before the Veterans' Affairs Subcommittee last winter, the testimony indicated that some of our returning veterans do encounter very difficult psychological readjustment problems. Only this past Tuesday, my Health and Hospitals Subcommittee of the Veterans' Affairs Committee was told exactly the same thing again about the seriousness of readjustment problems.

Although no accurate estimate of the extent of the problem has been made, this testimony was very disturbing, and convinced me that readjustment counseling services must be made far more visible and readily available to those who need and request such help.

Dr. Gerald Caplan, professor of psychiatry at the Harvard Medical School and senior consultant to the U.S. Army at Fort Devens, Mass., and to the Peace Corps, testified that:

It appears that a significant proportion of Vietnam veterans, especially those who were extensively involved in active combat, have serious problems in readjusting to civilian life. These problems may last up to two or more years, and are manifested by job instability, difficulties in relating to other people, depression, social alienation, anger and resentment, emotional irritability, poor control over aggression, and alcoholism and drug addiction.

Dr. Caplan reported that the main factors underlying the problem are:

(a) Estrangement from home values and behavior due to Army life overseas; (b) closing of ranks at home during the veteran's absence; (c) brutalizing of the soldier by combat experience, especially in guerrilla warfare; (d) ambivalent welcome to the veteran by a home society in unstable equilibrium, with precarious control over its own violence.

Another witness, Prof. Murray Polner, of Suffolk Community College, Selden, N.Y., had interviewed over 200 veterans and written a book about the Vietnam veterans, "No Victory Parades." He testified that those whom he interviewed were truly estranged and alienated from their Government, and from those of their peers who had never served. He found the young veterans bitter, without hope, suspicious, and confused. He recommended that far more individualized counseling was needed and that far more veterans should be encouraged to use existing VA facilities.

In hearings on the medical care of Vietnam veterans held in the winter of 1969 and the spring of 1970, several distinguished psychiatrists who have worked with veterans from various wars told the former Veterans' Affairs Subcommittee that Vietnam veterans have very special psychological problems and need special help to readjust to civilian life.

Dr. Robert Jay Lifton, professor of psychiatry at Yale University School of Medicine, described the Vietnam veteran's experience as one of "profound inner confusion, helplessness, and terror." One of the most difficult problems with which the Vietnam veteran must deal is his inability to convince himself that his participation in the war, and the sacrifices made by him and his fellow servicemen, had purpose and significance. Dr. Lifton and recently Dr. George Solomon of the Stanford Medical School noted that the Vietnam veteran often develops a deep distrust of the society that sent him to the ordeal of Vietnam. He feels victimized and betrayed by his own country, which is itself confused about what our country is doing in Vietnam. Dr. Lifton suggested that our VA medical services be extended to reach all varieties of psychological disturbances and that stringent time limitations on the presumption of service connection be removed.

Dr. E. James Lieberman, a psychiatrist on the staff of the National Institute of Mental Health, testified that our veterans need far more preventative psychiatric assistance in their readjustment, and suggested that the VA should find new approaches for helping returning veterans, especially those who have been disabled.

Based upon my last 2 years' study and investigation of the Vietnam veterans readjustment problems, I am convinced that the problem of psychological readjustment is an acute and very real problem, and that we must make certain that our facilities for this kind of assistance are visible and easily accessible to those who need this help.

GOVERNMENT CONTRACTOR VETERANS' PREFERENCE

Section 4 of the bill would establish an employment preference in all Government contracts and subcontracts for disabled veterans and veterans of the Vietnam era. While the veterans would have to meet all of the qualifications for the job involved, this section is based upon the principle that if all other factors are equal, the disabled or Vietnam

era veteran should be chosen for the job.

This section contains a provision directing the President to implement the preference requirement by issuing appropriate regulations. I note that on June 11, 1971, the President announced that he would issue an Executive order to require listing of all job openings with the U.S. Employment Service by all Federal agencies and contractors funded by the Federal Government. This section would give substance to that listing requirement and would compliment it very well. In my view, the combination of required listing and a veteran's preference such as this section proposes for contractors and the affirmative action plan requirement contained in section 5 of the bill will be the most effective way to insure that returning veterans have the opportunity to obtain jobs.

In testimony before the Veteran's Affairs Subcommittee of the Committee on Labor and Public Welfare on December 3, 1970, Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower, stated that he felt it would be desirable to consider legislation requiring an employment preference for service-connected disabled veterans. In response to another question, he also reacted favorably to the suggestion that a Vietnam veterans' preference in government contracts, particularly defense contracts, might be helpful.

The President's recent Manpower Report, transmitted to Congress in April, estimates that Federal Government spending for goods and services purchased from private industry generated about 3.7 million jobs in the private sector in 1970. Federal purchases of goods and services comprised 10.2 percent of the gross national product in 1970. While federally supported employment declined during 1970, it is still extensive, and a veterans' preference in this area could operate to reduce the disparity of unemployment of veterans as opposed to similarly situated nonveterans. It is essential that we work toward achieving at least equalization of the employment rate of veterans as compared to nonveterans of the same age and qualifications.

I believe that this provision would be of substantial assistance and encouragement to the President's Jobs for Veterans campaign, and would help to ensure its effectiveness. I was most disappointed to learn of the very poor initial response to the massive mailing to employers conducted by that program. A total of 900,000 employers were contacted and asked to signify their interest in hiring a returning veteran. Only 15,000 employers even replied—less than 2 percent of those contacted.

This demonstrates the need to go considerably beyond publicity campaigns in order to assist these veterans.

President Nixon stated the obligation very well on April 12, 1971, when he announced:

> As a Nation, we bear a profound and very special responsibility to those who have been called upon to serve. All of us share in that obligation—and each veteran, by his service, has earned assistance in assuming his rightful place in the civilian community. The Federal Government must do its full share in meeting that obligation, and I urge all others who can help to do so.

On June 11, 1971, in a letter to Secretary of Labor Hodgson, the President reiterated the need for the "highest priority" for a "vital national effort to provide the returning veteran what he has earned—a smooth transition to civilian life and meaningful work."

I believe that Congress should act immediately to enact this bill in order to give substance to the President's statements of concern.

FEDERAL AGENCY AFFIRMATIVE ACTION PLANS

Section 5 of the bill, consistent with the President's June 11 directive to Secretary Hodgson to find more Government jobs for returning veterans, would add a new chapter 42 to title 38, United States Code, to charge the Administrator of Veterans' Affairs with the responsibility to establish an affirmative action plan for the employment of disabled and Vietnam era veterans by Federal departments and agencies. Under the bill, the Administrator would develop and implement the plan in consultation with the Secretary of Labor and the Civil Service Commission.

An estimated 2,574,000 civilians are employed full time by the Federal Government in the various departments and agencies of the executive branch. As job openings become available, I feel that we should have a positive plan of action to insure that our disabled and recently returned veterans are given every consideration for these positions.

These provisions are designed along the lines of those administered by the Secretary of Housing and Urban Development to insure equal housing opportunity under title VIII of the 1968 Civil Rights Act.

Veterans are now afforded a preference in Government employment through a system of bonus points added to their civil service exams if they achieve a passing score. These bonuses are five points for a veteran and 10 points for a service-connected disabled veteran.

The administration has given recognition to the need for additional encouragement to Federal departments and agencies to hire returning veterans. On March 26, 1970, President Nixon issued an executive order authorizing veterans readjustment appointments for Vietnam era veterans. Under this order, Government jobs in the grade 3 to 5 levels are made available, without taking civil service examinations, to young veterans willing to continue their education and training while employed.

Mr. President, this is an excellent effort and should probably be extended to higher grades. The provisions in this bill to establish an affirmative action plan for employment of disabled and Vietnam era veterans will compliment and encourage the expansion of such initiatives and will maximize their effectiveness.

VETERANS' UNEMPLOYMENT COMPENSATION INCREASE

Section 6 of the bill adds two new provisions to chapter 85 of title 5, United States Code, which deals with the unemployment compensation program for ex-servicemen.

Since 1958, returning veterans have been entitled to unemployment compensation benefits paid for by the Federal government but processed and disbursed under the unemployment insurance law of the State to which he returns upon his release from active service—the so-called UCX program. Thus, the amount and duration of benefits vary from State to State.

This program differs from those for World War II and Korean veterans, which established a definite amount and duration of benefits regardless of State law. World War II veterans could receive $20 a week for 52 weeks, and Korean veterans were provided $26 a week for 26 weeks. The existing program reflects a Congressional policy that ex-servicemen should be treated the same as all other claimants for unemployment compensation in the State.

The amount to which the veteran is entitled is determined by each State based upon a schedule of pay and allowances for each pay grade of servicemen issued by the Secretary of Labor. This schedule reflects the wages received by the serviceman both in cash and in kind.

Under this system, benefits for veterans range from $37 to $86 depending upon pay grade and the laws of the paying State. The average payment was $52 during the last quarter of 1970. Each State has a maximum amount payable, and in 49 of the 53 jurisdictions, a veteran who achieved pay grade E–5 will receive the maximum. In my State of California, for example, the weekly UCX benefit for veterans is as follows: E–1, $38; E–2, $40; E–3, $45; E–4, $58; and E–5, $65, which is the maximum. Among those men with a single term of service, the percentage distribution among the enlisted pay grades upon separation is as follows: 2.4 percent at E–1 and E–2; 11.5 percent at E–3; 48.3 percent at E–4; 35.9 percent at E–5; and 1.9 percent at E–6 and above.

I am concerned that among the lower pay grades, the benefits—based upon military pay—do not adequately reflect the economic context within which the veteran must subsist in civilian life while looking for work. I believe it would be more appropriate to establish a floor under these benefits.

The Secretary of Labor issues a schedule of pay and allowances of servicemen in the several pay grades which is used by the States to determine the amount of benefits for the individual veteran. Section 6(a) of the bill would require the Secretary to adjust this schedule by including an additional $100 a month in his computation for pay grades E–5 and below.

A similar add-on provision is used in section 229(a) of the Social Security Act in order to base servicemen's benefits on a higher pay scale which is more comparable to wages received by comparable civilian workers.

The most recent schedule of pay and allowances—in cash and in kind—issued by the Secretary for UCX purposes establishes the weekly rate of pay for E–5's and below as follows:

Pay grade:	Weekly rate
E–5	$146.30
E–4	117.11
E–3	88.69
E–2	77.70
E–1	74.41

These figures do not compare poorly to the average weekly earnings of those in the civilian work force. In March 1971, the average weekly earnings of nonsupervisory production workers in the United States was $124.02. The weekly average for nonsupervisory workers in manufacturing is $139.74.

With the adjustment of $100 a month for the lower pay grades, veterans' unemployment compensation benefits would be based on a weekly salary schedule approximately as follows:

Pay grade:	Weekly rate
E–5	$171.30
E–4	142.11
E–3	113.69
E–2	102.70
E–1	99.71

I believe that this is a reasonable proposal to provide additional assistance to those veterans who need it most—those who served in the lower pay grades and are unable to find work upon their return from the service. It continues the policy of treating ex-servicemen the same as other claimants in the same State, with an adjustment to compensate for the low military pay received by servicemen in the lower pay grades. If the full $2.7 billion military pay raise recently voted in the Senate finally becomes law, the lower pay grades will receive such an enormous—well-deserved—increase—averaging well over 100 percent—in basic pay that their overall UCX base will be closer to comparability with civilian pay and, thus, this amendment would not be necessary.

PREVENT UCX CUTOFF

Section 6 also adds a new section 8526 to chapter 85 of title 5, United States Code, to insure that funds are available for payment of unemployment compensation for ex-servicemen. This new section would authorize the Secretary of Labor to draw against funds for the succeeding fiscal year if appropriated funds are insufficient to pay this benefit during the last half of the fiscal year.

Under language traditionally inserted in appropriations bills, the Secretary has been authorized to draw such funds during the last quarter of the fiscal year, but this year appropriated funds were exhausted during the third quarter and an urgent supplemental appropriation was required to prevent the cutoff of UCX benefits. This early exhaustion of funds was the result of this extremely high unemployment throughout the country and inadequate estimates of the demand for unemployment compensation of veterans. Regardless of the reasons why the estimate of the need was unrealistic, I consider it essential that we guarantee that funds are available to pay this benefit to which our veterans are entitled. This new section would provide the assurance that this national obligation will be met when the payment is needed.

DISREGARD MILITARY PAY FOR ELIGIBILITY FOR POST-SERVICE TRAINING

Section 7 of the bill would facilitate the entry of disadvantaged veterans into existing manpower training programs by disregarding the pay and allowances received by a veteran while he was in the service. Thus, in assessing the veterans' needs or qualifications based upon income, the veteran's eligibility for such programs would be determined by his situation prior to and subsequent to his term of service, rather than that while he was in the military.

In addition, this section would require that amounts received by veterans and their dependents from the Veterans' Administration for disability and death compensation and GI bill education cannot be counted for purposes of determining eligibility for participation in manpower programs based upon income requirements. I believe that these payments to which veterans and their dependents are legally entitled both as compensation for the Government's responsibility for service-connected disabilities and to assist in readjustment through educational payments—should not serve to disqualify anyone from participation in a manpower program. This philosophy is consistent with the repeal in March 1970—in section 213 of Public Law 91–219—of the prohibition against receipt of GI bill benefits together with other Federal education and training program benefits.

EXPANDED FUNDING FOR VA OUTREACH

Section 8 of the bill would require the Veterans' Administration to use funds appropriated to it to improve and expand its outreach effort to the extent intended by Congress when it passed the new Subchapter IV of chapter 3, title 38, United States Code, the Veterans Outreach Services program—Public Law 91–219 of March 1970.

The Outreach program is designed to search out recently discharged veterans, especially the educationally disadvantaged, to advise them of the benefits to which they are entitled and to assist them in obtaining them.

The statutory authority for a comprehensive outreach effort is very broad, and contemplates a massive contact and assistance effort. I have been most disappointed by the Veterans' Administration's lack of responsiveness to Congress' mandate to reach and help our returning veterans.

When this legislation was being studied by Congress in 1969, the VA estimated that the cost of the new Outreach program would be $25,078,252. This included $10,655,252 for the Outreach services which would require an additional 864 positions, and $14,423,000 for 1,466 additional staff positions to process the workload generated by this special effort.

The VA's lack of interest in the Outreach effort is demonstrated by its budget request for this and the coming fiscal year.

The VA's actual and estimated average full-time employment in its contact activity is as follows:

Year	Contact positions
1969	1,219
1970	1,297
1971 (est.)	1,380
1972 (request)	1,500

These figures are most upsetting when it is noted that by the VA's own estimate the number of persons engaged in the Outreach effort in fiscal year 1971 should be 2,161 (1297+864) in order to carry out Congress' intent in enacting the new Outreach program.

The provision in section 8 of the bill would correct this situation by requiring the VA to use the funds appropriated to it for fiscal year 1972 for general operating expenses (GOE) above the level estimated for Outreach to carry out the expanded Outreach program as required. The VA has requested $17,295,000 for the Outreach program in fiscal year 1972. This new provision requires the VA to use an additional $12,539,000 of the GOE appropriations above $17,295,000 to expand this effort. This figure is one-half of the amount originally estimated by the VA to accomplish the purposes of the Outreach program. What this would mean practically is that the V.A. would suffer a serious shortfall of GOE funds unless it requested and obtained a substantial increase in the GOE item in order to carry out an expanded Outreach.

Section 9 of the bill amends section 403(b) of the Federal Aviation Act of 1958—49 U.S.C. 1373(c)—to permit airlines to grant reduced-rate transportation on a space-available basis to veterans for up to 1 year after their discharge from active duty. Such preferential rates are now available to ministers of religion.

Permitting veterans to travel at reduced rates for a year after their discharge would be of great assistance to them in their readjustment to civilian life. It would broaden their employment opportunities by making it possible for them to seek work within a larger geographical area. It would also make it possible for them to look beyond their immediate surroundings for educational and training opportunities.

Under the amendment, this opportunity for increased mobility would be available to our returned veterans at the very time they are most free to look beyond their own home area for better education, training, and job opportunities.

ELIGIBILITY FOR ASSISTANCE

Finally, Mr. President, I wish to note that throughout this bill one rather important change is made in the basic standards for veterans' eligibility for assistance under the provisions it adds and expands. Generally, title 38 of the United States Code—through the language "discharged or released . . . under conditions other than dishonorable"—38 U.S.C 101(2)—restricts veterans' benefits to those who received either honorable or general discharges. As to veterans with undesirable or bad-conduct discharges, the Veterans' Administration, Labor Department, or other agency administering the benefit, is presently empowered to make an adjudication that

the conditions surrounding the discharge were not "dishonorable" and thereby grant eligibility for VA benefits—VA Manual, chapter 14. However, this is a much prolonged and exasperating process which usually ends in determinations of ineligibility.

After my 2 years as chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee in the last Congress and now as chairman of the Health and Hospitals Subcommittee of the new Veterans' Affairs Committee, I have concluded that this is an unwise, unfair, and administratively burdensome situation. Thus, the bill I introduce today eliminates the need for this onerous adjudication process in the vast majority of the cases. Under the bill's standard, if the veteran has a dishonorable discharge he is automatically ineligible. The only cases that would still require adjudication would be other than dishonorable, honorable, or general discharge cases—that is, undesirable or bad conduct—where there was a suggestion of one of the absolute bars to benefits set forth in section 3103(a) of title 38, United States Code, which I do not propose to change at this time—namely, those discharged as conscientious objectors; for refusing to obey a lawful order; for desertion; or on resignation from officer status.

The problem of drug addiction among returning veterans is really what has brought this matter to a head. Most all the veterans organizations and all outside authorities believe it is vital that the VA be authorized to provide treatment and rehabilitation to the thousands of men discharged with undesirable or bad conduct discharges because of drug abuse. I believe that strongly myself and am so proposing in separate legislation I will introduce next week. But I do not believe there is any rightful or logical distinction between the case of a veteran with one of those discharges and that of any veteran who has an undesirable or bad conduct discharge, the large preponderance of which are for AWOL's and involve veterans who probably should never have been inducted to begin with.

I believe those men need help—medical care for their service-connected disabilities and assistance in readjusting to civilian life. I believe the Nation will benefit greatly, as well as the veterans themselves, by offering them as much help as possible toward becoming productive, self-respecting citizens.

I believe we are ready to adopt this more enlightened and humane approach. At least, I very much hope so.

Mr. President, in closing, I wish again to make note of my appreciation to Chairman HARTKE for his joining with me in introducing this urgent measure.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point, followed by two recent newspaper articles pinpointing the returning veteran's readjustment and unemployment problems: "But No Right Jobs/Veterans Returning to Unhappy Jobs," by Duncan Spencer in the June 15, 1971, Washington Star, and "Death, Dope, No Job—Hi! Veteran," by Larry D. Hatfield in the June 6, 1971, San Francisco Examiner and Chronicle:

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

S. 2091

A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; 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 "Veterans' Employment and Readjustment Act of 1971".

JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE

SEC. 2. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"§ 2001. DEFINITIONS

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a person who served in the active military, naval or air service during any war or after January 31, 1955, and who was discharged or released therefrom with other than a dishonorable discharge;

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. PURPOSE

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. ASSIGNMENT OF VETERANS' EMPLOYMENT REPRESENTATIVE

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representatives as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purpose of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. EMPLOYEES OF LOCAL OFFICES

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for veterans' employment representative and his assistants.

§ 2005. COOPERATION OF FEDERAL AGENCIES

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. ESTIMATE OF FUNDS FOR ADMINISTRATION; AUTHORIZATION OF APPROPRIATIONS

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. ADMINISTRATIVE CONTROLS; ANNUAL REPORTS

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. COOPERATION AND COORDINATION WITH THE VETERANS' ADMINISTRATION

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans ---------- 2001"

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001".

(c) The table of chapters at the beginning of part III of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement service for Veterans ---------- 2001"

and inserting in lieu thereof

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001".

(d) The amendments made by this section shall become effective ninety days after the enactment of this Act.

READJUSTMENT COUNSELING

SEC. 3. (a) Subchapter II of chapter 17 of title 18, United States Code, is amended by adding after section 612 a new section as follows:

"§ 612A. ELIGIBILITY FOR READJUSTMENT MEDICAL COUNSELING

"The Administrator, within the limits of the Veterans' Administration facilities, shall furnish readjustment medical counseling and appropriate followup care and treatment under this subchapter to any person who served in the active military, naval or air service during the Vietnam era and was discharged or released therefrom with other than a dishonorable discharge and who requests such counseling in order to assist such veteran in readjusting to civilian life following his discharge or release from the Armed Forces. The Administrator, in cooperation with the Secretary of Defense, shall take appropriate action, as provided in section 241 of this title, to insure that all veterans eligible for assistance under this section are advised of their eligibility for such assistance and are encouraged to take full advantage thereof."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding immediately below

"612. Eligibility for medical treatment."

the following:

"612A. Eligibility for readjustment medical assistance."

VETERANS' EMPLOYMENT PREFERENCE UNDER FEDERAL CONTRACTS

SEC. 4. (a) Any contract entered into by any department or agency for the purchase of goods or services for the Federal Government shall contain a provision requiring that, in employing persons to carry out such contract, the party contracting with the United States shall give a preference to disabled veterans and to veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the furnishing of goods or services to the United States. A contractor or subcontractor shall be required to give an employment preference to a veteran under this section for any job only if the veteran otherwise meets the qualification for such job. The President shall implement the provisions of this section by promulgating regulations within sixty days after the date of enactment of this Act.

(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to granting employment preferences to veterans, such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred by such service to the Office of Federal Contract Compliance of that Department. That Office shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

(c) As used in this section—

(1) The term "disabled veteran" means any veteran entitled to disability compensation under laws administered by the Veterans' Administration or a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty.

(2) The term "veteran of the Vietnam era" means any veteran who (A) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

(3) The term "department or agency" means any department or agency of the Federal Government and any federally owned corporation.

ACTION PLAN FOR THE FEDERAL EMPLOYMENT OF DISABLED AND VIETNAM ERA VETERANS

SEC. 5. (a) Part III of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows:

"Chapter 42—Employment of Disabled and Vietnam Era Veterans.

"Sec.

"2011. Definitions.

"2012. Action plan for employment of disabled and Vietnam era veterans.

"§ 2011. Definitions.

"As used in this chapter—

"(1) The term 'disabled veteran' means any veteran entitled to disability compensation under laws administered by the Veterans' Administration or a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty.

"(2) The term 'veteran of the Vietnam era' means say veteran who (A) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

"(3) The term 'department and agency' means any department or agency of the Federal Government and any federally owned corporation.

"§ 2012. Action plans for employment of disabled and Vietnam era veterans.

"(a) The Administrator, in consultation with the Secretary of Labor and the Civil Service Commission, shall establish an affirmative action plan providing for the preferential employment of disabled veterans and veterans of the Vietnam era by every department and agency. Such action plan shall be promulgated within 90 days after the date of enactment of this section and shall be published in the Federal Register.

"(b) Each department and agency shall be responsible for implementing the action plan promulgated under subsection (a) of this section and shall, within 60 days after the promulgation of such plan, issue such rules and regulations, adopt such procedures and policies, and make such exemptions and exceptions as may be consistent with law and necessary or appropriate to effectuate such action plan. Each department and agency shall consult with the Administrator in order to achieve such consistency and uniformity as may be feasible.

"(c) Each department and agency shall submit a report to the President each year on or before March 30 indicating the extent to which the action plan referred to in subsection (a) of this section has been imple-

mented by such department or agency during the immediately preceding calendar year. The President shall submit a report to the Congress each year on or before May 1 indicating the extent to which such action plan has been successful during such calendar year. The President shall include in such report statistics showing the extent to which each department and agency has complied with such action plan during the preceding calendar year."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by adding at the end thereof a new item as follows:

"42. Employment of Disabled and Vietnam Era Veterans—2011".

(a) The table of chapters at the beginning of part III of title 38, United States Code, is amended by adding at the end thereof the following new item:

"42. Employment of Disabled and Vietnam Era—2011".

UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

SEC. 6. (a) Paragraph (2) of section 8521 (a) of title 5, United States Code, is amended by striking out the semicolon at the end of such paragraph and inserting in lieu thereof a comma and the following: "but in specifying the pay and allowances for servicemen in pay grades of E–5 and under, the Secretary of Labor shall increase by $100 the monthly pay and allowances which would otherwise be specified for each such pay grade;".

SEC. 6. (b) Subchapter II of chapter 85 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8526. AUTHORITY TO DRAW AGAINST FUNDS FOR SUCCEEDING FISCAL YEAR

"Notwithstanding any other provision of law, if after December 31 of any fiscal year the Secretary of Labor determines that insufficient funds have been appropriated for the payment of unemployment compensation to ex-servicemen under this chapter, he is authorized to draw against the funds appropriated for such purpose for the succeeding fiscal year to the extent necessary to make timely payments of unemployment compensation to ex-servicemen required by this chapter."

(c) The table of sections at the beginning of chapter 85 of title 38, United States Code, is amended by adding at the end thereof the following:

"8526. Authority to draw against funds for succeeding fiscal year."

(d) The amendments made by this section shall become effective on the first day of the first calendar month which begins after the date of enactment of this Act.

ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER CERTAIN FEDERAL PROGRAMS

SEC. Any amounts received as pay or allowances by any person while serving on active duty in the military, naval or air service of the United States, and any period of time during which such person served on such active duty, and any amounts received under chapter 11, 13, 31, 34, or 35 of title 38, United States Code, by a veteran of any war (as defined in section 101 (12) of title 38, United States Code) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower training (or related) program financed in whole or in part with Federal funds.

FUNDS FOR THE VETERANS OUTREACH SERVICES PROGRAM FOR FISCAL YEAR 1972

SEC. 8. Notwithstanding any other provision of law, in addition to the sum of $17,295,000 appropriated to the Veterans' Administration for general operating expenses for carrying out, during the fiscal year ending June 30, 1972, the Veterans Outreach Services Program, provided for under subchapter IV of chapter 3 of title 38, United States Code, there is hereby reserved out of the funds appropriated to the Veterans' Administration for general operating expenses the additional sum of $12,539,000 for carrying out the Veterans Outreach Services Program during such fiscal year.

REDUCED AIR FARES FOR CERTAIN VETERANS

SEC. 9. The last sentence of section 403 (b) of the Federal Aviation Act of 1958 is amended by inserting immediately before "ministers of religion" the following: "persons who served in the active military, naval or air service and were released or discharged therefrom on or after August 5, 1964, with other than a dishonorable discharge for a period of one year following the date of such release or discharge and to".

[From the Evening Star, June 15, 1971]

BUT NO RIGHT JOBS

(By Duncan Spencer)

Cornell Talley could get a job, sure. Dishwasher, bus boy, security guard. It's only that he was in charge of an entire warehouse operation in the Army, and he can't get used to the idea of a life scraping plates.

So Talley is out of work at the age of 23, as are a lot of others whose last employment was military. He's been in the same boat as about 2,000 other young men in Washington for seven months, and it's beginning to show.

Because Talley is no problem individual—he's the guy who did his job well in the service, got an honorable discharge, managed to avoid getting blown up in Vietnam, came back to his family and started his life over again where he thought it left off.

"When I got out of the service, I had about $2,000 saved up" said Talley. "Maybe that was my mistake."

Talley, unmarried, tall and slender, gestures uneasily as he talks; he hopes for two things: to finish school, which he left at the 11th grade, and to find a living with a future.

It amazes him, now, that he might suddenly find Cornell Talley walking down what he calls "a dead-end road." He has an uncomfortable feeling he is watching himself in the mirror, and the image is doing things he would not choose.

Last week he was thinking over his experiences since November, and he said without money he'd come out with, he might have been forced to get a job immediately, instead of taking it slowly, looking carefully at his future.

He is living with his sister and her husband in a small apartment far out Benning Road. Without a car, he travels into town with his brother-in-law, a drywall mechanic, and begins fishing for work each weekday morning.

So far, he has made application to a tractor-trailer school, a heavy equipment school, a computer school, the Post Office, D.C. Transit. He has seen close to a dozen businesses.

And he has been offered work by his father, a small independent contractor, and his older brother, a Safeway store manager on Benning Road, has assured him a start in that organization.

But Talley's problem is that he has higher expectations after serving in the Army in Vietnam and Germany, and he also needs money to get by the first few weeks of school or training until a regular stipend from the Veterans' Administration is approved.

The comfortable pad of money he brought home disappeared within five months.

"Once I hit the city, I put the money in the bank. Let's face it, I didn't want to go to work right away. I was going to check up on the VA schools," he said.

He wasn't worried about the job situation, he said. "They told me that Vietnam vets have first preference. First, I wanted to be a mail carrier and go to school at night."

The first surprise was being told there were no openings at the Post Office. Others followed.

So last week, his money gone and only 7 weeks eligibility remaining on his unemployment compensation payment of $47 a week, Talley went down to the Jobs for Veterans Office at 6th Street and Pennsylvania Avenue NW, the place to which most job-seeking vets eventually turn.

There, in the Unemployment Security Building, about 1,000 per month are interviewed, questioned, given a list of possibles and sent out again. Says William Syphax, Jr., the World War II Air Force veteran who is state representative for the District, "I better be careful about this. In the past this city has never felt the recessions of the rest of the country."

Yet Syphax readily admits that Talley's situation is hardly unique. "He's going to have to do the best he can until he can do better," Syphax said.

Jobs for Veterans, the Nixon administration program aimed at getting Vietnam veterans back into the economy of the country as quickly as possible, is crowded these days.

There is the dairy which shut down in Washington less than a week ago, the schools are out for the summer, and the Washington job market is as tight as it has been in many years.

The program has been placing about 300 veterans per month since it received additional staff and a shove forward from the administration Jan. 1.

POOL PUT AT 2,000

Syphax estimates that a constant pool of about 2,000 unemployed veterans is now looking for work here. About half that number are men from out of state who have come here because they believe that if there's a job to be had anywhere, it's here where the government is.

Many also come with the mistaken belief that the government will hire them if no one else will.

The group is 70 percent black, says Syphax, and they remain unemployed for as long as 6 to 8 months, or as little as 72 hours after coming through the doors. Syphax said the agency had plenty of jobs on its books, but they fell into two distinct categories—highly trained technical jobs, such as architect, social worker or accountant, and what he calls "service" jobs—paying $1.60 to $1.80 per hour.

SOME "PROBLEM CASES"

Former Army Sgt. James Jackson, one of the men interviewing the D.C. veterans, said that a few—but only a few—veterans were "riding unemployment," and there were several hundred "problem cases" that would probably not find jobs whatever the economy.

Both Jackson and Syphax take a fairly hard-nosed attitude about jobs which contrasts strangely with the veterans' complaints.

"Jobs are scarce, period," says Jackson. Syphax is fond of repeating stories of his own youth in the clenched-teeth tradition.

Howard McNiel, 22, of the 6600 block of 2nd Place NW an E4 who ran a power plant in Vietnam, has been through the Jobs for Veterans process. "It was not how I thought it was going to be," he said.

COULDN'T RESUME JOB

Previously a microfilm worker with the U.S. Passport Office, he was unable to get his job back after war service because he had held it less than 90 days before being drafted.

"Most of the guys said it wasn't hard finding a job, just go to the VA," he said. "Then when I got home, I found seven or eight guys, out of the service a couple of months, they couldn't get jobs either."

McNeill's attitude was like that of many other D.C. veterans. Someone told them their job troubles were over because they were veterans.

Cornell Talley's brother-in-law, sitting on the record player in the little apartment, had a little philosophy to offer.

"I told him he hadn't any use getting married the way things are now," he observed. "For a long time, Cornell would go out at 6 a.m. It was always the same thing—'You come back later,'" the brother-in-law said.

ON HIS OWN EARLY

At the age of 15, Talley was an assistant baker at the Hot Shoppes bakery here after leaving high school. Later he joined the job corps where he learned painting, and he was on his own with his own apartment early in life. "I never did mind working," he said, "but I don't like to work for nothing with no future in it."

There is a sort of righteous anger in Talley's talk, even though he's free to admit he was exposed to little danger while serving his country. "When a man comes back from the Army, he feels, you know, like he wants to make up for being away. And then he gets on that dead end road," he said.

"In Germany, I was an inventory clerk, I was a supply specialist, I could run a whole warehouse all by myself," Talley recalled, with some doubt in his voice. "I guess I'll just take that job, whatever, it is, and take it from there."

[From the San Francisco Examiner & Chronicle, June 6, 1971]

DEATH, DOPE, NO JOB—HI! VETERAN

(By Larry D. Hatfield)

They say it is a war without heroes.

They may not be heroes but they're American fighting men and they're coming home.

And although the vast majority slip quietly back into the civilian mainstream, many are coming home from Southeast Asia with problems—problems with drugs, jobs, broken bodies and simply adjusting to life again in the United States.

They are Frank Demarco and Steve Smith and Jim and Bill and Jesse Richards and Charles Turney and others like them. Here are some of them:

Steve Smith (not his real name) was born in Vallejo Sept. 17, 1950. He died in a dingy apartment 20 years, four months and 12 days later.

Good-looking, a fair athlete and an average student, Steve was graduated from high school in June, 1968, and after working on an uncle's ranch in Montana through the summer, he enlisted in the Army.

"It's what he wanted to do," his mother says. "He didn't have any thoughts about the war. He just didn't want to go to college and the Army seemed the thing to do."

Steve went to Vietnam as a "combat engineer" and was there for about a year before the Army quietly let him out just short of his 20th birthday and a year before he was due for discharge.

"He had a problem with heroin that started over there," his father said last week. "He didn't try to keep it from us—he really could not very well because of the Army business—but I think he really wanted to stop."

Steve moved back with his parents and five younger brothers and sisters in Vallejo, but he was different.

"I know it must sound odd for me to say it but one of the things I noticed most about how he had changed was that he went to Mass and confession after he came back," his mother said.

"He didn't go regularly before, you see. I don't know why that should bother me. I think he was having a hard time relating to whatever happened over there . . . either the war or the drugs."

His father added, "He didn't—wouldn't—talk much about the war. I remember once he said he didn't think the Vietnam people cared who was in charge as long as they were left alone. And once he told me about how easy it was to get drugs. He told me they sell it on the streets, right out in the open."

"SCARED WITHOUT IT"

Steve did want to kick his "smack" habit, his father says, "but I think he was really scared about getting along without it."

His father and a physician who was a family friend finally talked him into entering a private hospital for treatment of his addiction but the day before he was due to go in, he split.

A while later, his parents got a letter mailed in San Jose telling them he thought he could work out his heroin problem by himself

"He also said he was going to enter Santa Clara University," his mother said. "I think Steve thought that would assure us he was straightening out."

Two months after that, they got another letter from their son. It read:

"Dear Mother and Dad—There is no way I can explain to you what I've seen or what I've done. I can't even explain it to myself but you always said I was one of the denser types (ha! I didn't know I could laugh anymore). You won't understand what I have to do but I hope you can try. Or forget. Dad, you always said god looks after little dogs and lost children. My god, I hope you were right. Please forgive me. Love Steve."

Late in January. Steve turned up at a friend's apartment in Southern California. On Jan. 29, he stuck a gun in his mouth and pulled the trigger. Suicide.

* * * * *

Dr. Richard Seiden, an associate professor of behavioral science at UC Berkeley and an authority on suicides, says he has no figures on suicides among returned Vietnam veterans.

"I have no information that there is an 'epidemic' of suicides or anything like that," he said. "But the epidemic of heroin addiction certainly has self-destructive aspects to it."

Dave Wellisch, coordinator of psychiatric services at the Haight-Asbury Free Clinic, says many veterans who come there are hooked on heroin "are very suicidal."

"SUICIDE A WAY OUT"

"They don't have the street skill to round up enough to support the addiction they started on high grade stuff over there," Wellisch said, "and they get very suicidal. The trauma of Vietnam has really frightened these guys and heroin is a good way to put that to sleep."

Skip Gay, director of detoxification at the clinic, added that suicide may be the only way out for some of the heroin-addicted returnees:

"A lot of them are white middle-class individuals who are not sociologically attuned to going out and engaging in the day to day hustle to support their habit."

* * * * *

Frank Demarco survived. He didn't come back with a dope habit but he came back with a problem—memories of buddies "blown into a few little pieces" and the resulting hate for the people "we were supposed to be defending."

A native of The City and graduate of Daly City's Jefferson High, Demarco, 25, is now para-physician at Fort Miley Veterans Hospital. He was a Navy Corpsman and served with the First Marine Division near Da Nang in 1968 and 1969.

Unlike many returning veterans, he didn't have any trouble getting a job when he came back. "They need the people who were corpsmen over there to take care of all the torn up guys coming back," he said.

Demarco feels some guilt about what the war did to him. "When I was over there, I became very case-hardened. I am pretty easygoing, but I started to hate the Vietnamese people with a passion.

"I wanted to help them but after awhile, I realized these people didn't have any loyalties. They'd blow up a Marine then act as if you were their friend.

"We'd catch a little kid or an old lady planting a mine, then we'd go into their vill' (village) and the same people would treat us like they were friendly."

"VIETNAMIZATION ONLY WAY"

Demarco thinks President Nixon is the best possible man to have in the White House now. "I think the Vietnamization program is fantastic. It's the only way we can get out of there. I don't think it could go faster. The ARVN are not too good fighters."

"I'd vote for Nixon. I think his awareness about all the problems of the U.S. is very good. I think he tries to alleviate problems."

Although he has "readjusted" to civilian life, Vietnam still haunts Demarco part of the time.

"After awhile it gets to you . . . you see a couple of Marines get blown to bits and you can understand My Lai . . . yes, women and children too . . . I wanted to kill those people."

* * * * *

The Army Provost Marshal's office in Saigon has said there are 30,000 to 40,000 GI heroin addicts in Vietnam—one in 10 Americans there. The report has since been classified but some experts estimate the addiction rate as high as one in four.

Dr. Joel Fort, a Bay Area authority on drug addiction, thinks the U.S. is not dealing with the problem effectively.

"When you consider the way this war has been 'staffed,' the problem gets much bigger. Say that if in the 10 years we've been over there, we've sent three million people through there. If just 10 percent of them tuned on to heroin, that's 300,000 and that's a very conservative estimate. I think it is likely more than that."

He says the Army "is dealing with it in characteristic style, by (first) denying it exists . . . and then resorting to punishment. The Army and the government has not attacked the sources and it could easily do it in South Vietnam and Thailand.

"WITHDRAW ALL AID"

Fort called for withdrawal of "all military and economic aid from any government involved in heroin production."

Wellisch of the Free Clinic agrees and adds some other ominous information:

"We've had at least 200 returned veterans on heroin come to us in the last year. That's about 10 percent of the everybody we've seen here. But it's not just the veterans, it's their wives too. And it's getting worse."

Fort and Wellisch both said one of the major problems in dealing with the returning addicts is the fact that their addiction resulted from a much purer heroin than is available on the street here. "It is a much heavier addiction," Fort said.

Ironically, one of the relatively few attempts by the government to deal with the addiction problem is meeting only limited success.

The Palo Alto Veterans Hospital, which has pilot drug programs for veterans now under way, last week was putting out calls to street clinics to steer addicts to them.

Also, the Veterans Administration is negotiating with the Haight-Asbury Free Clinic

on a contract to treat addicted veterans. "The government is dealing with it any way they can," Wellisch said. "And they just don't know where to turn."

* * * * *

Vietnam isn't the only place GI's are getting hooked. Jim (he wouldn't give his last name because of his narcotics background) is a 23-year old Polytechnic High graduate who enlisted in the Air Force in 1966 "to get away from home."

He did tours in Thailand, Okinawa and Korea and picked up a trade as a jet engine mechanic. He also picked up a dope habit that recently was running him $40 a day and up.

Jim smoked a "few joints" in high school but didn't really turn on regularly until his service buddies introduced him to opium-soaked marihuana.

"A NICE ESCAPE"

"It was a nice escape," he said last week at a counseling session at the Free Clinic.

After Thailand and its steady supply of opium, Jim said, "I went to Okinawa and that's when my trip really started to fall apart. I got hung up on amphetamines for about six or seven months and got back into grass again . . . and acid (grass was cheap and acid went for $10 a tab)."

Officers as well as enlisted men partook, he said. "I had an officer who was an acid head and saw pilots who were grass heads. There was a psychiatrist who was a head and who was getting guys out of the service until they caught him."

He then turned to heroin. "I never got strung out but I was a heavy user. That's it. I came home and things started falling apart."

He returned to the Haight where he grew up "and I found some of my old high school friends on smack." This along with his trouble in finding a job and his parents' separation, promoted his own smack habit.

He's now married, has a parttime job and plans to go back to school. "I've got my head straightened out now. I do have something going for me and I always did. I wish I'd realized it sooner. I know now what I want to do."

HABIT IN KOREA

Bill, another veteran being counseled at the clinic, served from 1966 to 1968 and picked up his drug habit in Korea.

"I got turned on to grass . . . tried heroin a couple times (snorting, not mainlining) . . . and a lot of seconal . . . the prostitutes got it for the GIs but it was American-made pills."

When he was stationed in the southern part of South Korea, he said, "the brass got pretty hot about it. But up north (when he was stationed in the DMZ at Panmunjom), the brass was like your mother, they really didn't want to find out what you were smoking."

About 50 percent of the men in his unit were into drugs of some kind, he said.

Bill belonged to a military police unit.

* * * * *

Drug and psychological problems aren't the only things facing returning vets. Many can't find jobs, either.

"It's getting so whites are now having as much trouble as minorities finding jobs," says F. F. Bradley, contact officer at the VA's Veterans Assistance Center here. That means the job market is tight.

The Veterans Center does a superb job in finding veterans jobs and offering many other services, but Bradley says the tight job picture and San Francisco's limited size makes it difficult. "One thing is that 30 to 38 percent of the men coming in here are from out of state."

It has been suggested by some, particularly unemployed veterans, that prospective employers are turned off at the idea of hiring a Vietnam veteran.

"VETERANS PREFERRED"

E. W. Christensen, the VA's regional director, denies this, saying. "Employers are very interested in the Vietnam vet. Most employers have youngsters of their own and these veterans are a little more mature. The employers are not discriminating. In many cases, they prefer him."

Bradley says colleges also report the veteran makes the best student.

Christensen, while recognizing there are different types of problems facing Vietnam veterans than those which faced Korean and World War II vets, says he thinks the "profile" of the Vietnam vet is much the same as previous wars.

"A relatively small percentage of Vietnam veterans have serious problems in the long run," he says. "In this area, they are pretty much the solid citizen. By and large, I would say the problem percentage is relatively small."

(The Veterans Center at 49 Fourth St. offers job help and other assistance to veterans. The phone number is 556-3570. Similar services for vets from non-public agencies are available at Fort Help at 10th and Howard, phone 864-HELP.)

* * * * *

Jesse E. Richards, 20, grew up in Nashville and served in the Army from April 1968 to April 1971, 14 months of it in Vietnam.

He's out now, can't find a job and is bitter.

"It feels kind of bad," he said while waiting for an interview with a VA job placement counselor. "I served my country like all patriotic people are supposed to do and people won't hire me.

"People are screaming 'bring them home' but when they do, the same people will be screaming 'send them back.' "

He wants to be a cop but feels the San Francisco Police Department is showing preference to non-veterans.

The police department and other potential employers, Richards says, "look at someone from the 'mod generation' and say 'we'll take him.' But this one (the veteran), they say 'he's been overseas and might go beserk. Or he might have some disease.' I don't feel we're being treated right."

(Capt. George Eimil, director of recruiting for the police department, said the department does not discriminate against veterans.

("In fact," he said, "27 out of 51 graduates in the last (police cadet) class were veterans and 29 out of the 66 in training now are veterans." He said the department has no policy of preference for either veterans or non-veterans, adding: "Most of the veterans, as a matter of fact, turn out to be superior applicants because they have been exposed to the discipline of the services.")

"COME BACK TO NOTHING"

Richards' attractive wife, Janie, who also is looking for a job ("Unemployment is not enough to feed a dog," her husband says), added: "It's pretty bad. These guys lost so many years of their lives and then come back to nothing."

Young Richards says he'll take whatever job comes along. "I need one. I don't care what it is. But the interviewers kind of sit away from you and tell you in a roundabout way they don't really want you there.

"I've never taken drugs, except what doc gave me and that wasn't enough to make a fly drunk but I guess they figure you been over there, you're some kind of drug addict. They treat you like animals."

* * * * *

Charles Turney, 29, grew up in Columbus, Ohio, Detroit, Mich., and other places, and he has even more of a job problem than young Richards. He's black.

He served in the Marines from 1959 to 1965, got out, then went back into the Army in 1968 because "I just wanted a job."

Trained by the military as a draftsman, he served as a helicopter door gunner near the Cambodian border.

He got out last Sept. 5 and finally got temporary Christmas work at the Post Office. He was laid off on Christmas Eve. He then worked two months as a rod man on a survey team but the job ended.

JOBS ARE HARD TO FIND

"Since April, I've been to every major company in San Francisco looking for a job," he says. Currently, he's making do as a low-paid file clerk at the VA. The temporary job, he said, "is just something to keep me eating."

He blames his trouble more on the economy than on his color. "And when you tell someone you were on a hunter-killer team, they get sort of skeptical. You always get a good reception at the interview but they never call you back."

The war, he said, "was just a job to me." He has no strong opinion for or against it now but he thinks many critics here "just don't know what they're talking about."

He thinks maybe the troops are coming home too fast. "You come back and there's nothing here for us. One day you're in 'Nam, then in 24 hours you're over here, they process you and say 'bye and you have to make it."

By Mr. McGOVERN:

S. 2093. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

Mr. McGOVERN. Mr. President, fair prices for grain are basic to the farm price structure.

Consumers do not benefit through declines in grain prices. With the farmer receiving only 2 or 3 cents as his share of the loaf of bread, an increase in grain prices does not appreciably affect the cost of a loaf of bread or puffed wheat.

What is needed is a fair and stable grain price which will both help to keep farmers in business and at the same time provide for an ample reserve supply, not simply of grains alone, but also of meat, milk, and poultry.

Extreme variations in the price of live pork in recent months, with pigs bringing as little as $15 per hundredweight, did not mean lower pork prices for the consumer. However, these low prices did force many pig producers out of business.

An increase in cash corn prices saved some farmers, but this increase was due to shortages caused by the corn blight. Another saving factor has been a live cattle market which somehow refused to drop more than 15 percent.

There is considerable truth in the saying that cheap grain means cheap meat. The large increase in the number of pigs produced which caused the low pig prices can be traced back to cheap feed prices. Before the corn blight, the price of feed had dropped so low that farmers believed the only way they could master the situation was to increase pig production by feeding them their grain instead of marketing the grain.

In the first quarter of 1971, 22 percent more pigs were marketed than in the first quarter of 1970. This oversupply is declining. By July, the forecast is for only a 5- to 7-percent increase over 1970. In September, the supply will probably be 5 percent to 7 percent less than in Sep-

tember of 1970. Barrows and gilts yielded $21 to $22 per hundredweight in September of 1970 and should be back to that level this September.

However, there is a serious problem in the feed and hog situation which could lead to another period of overproduction of feed grains and cause the whole low-price cycle to return.

Under the set-aside farm program, farmers have planted some 10 to 11 million more acres than in 1970 as a hedge against the corn blight.

If the corn blight does not hit this year, we will have a tremendous oversupply of feed grain. There is some evidence the blight has returned, and while it is too early to predict how severe it will be, we do know there will be a sufficient supply of blight-resistant seed corn for the 1972 crop.

But if the blight does not come this year or if acres planted to crops stay at the same level in 1972, the result will be bankruptcy for thousands of farmers.

Corn prices are currently well above the loan level and prices of other feeds are comparable. But if the level of production we have set for 1971 comes through, we will have more feed grains than we will use, thereby adding a substantial quantity to stocks.

In 1966, we had both high exports and domestic use of feeds. The result was a reduction in our carryover stocks. Corn prices were well above the loan level. Following the cut in reserves, a larger crop was produced in 1967 which we thought would be added to the reserves.

But the moderately larger 1967 crop caused the market level to fall below the loan level for the first 5 months of the marketing year. The loan rate was $1.05 a bushel. The U.S. average price the first 5 months was $1.03, but the average for the year was $1.07 per bushel.

If we have a crop this year which meets our needs for feed grains and adds somewhat to the reserves, prices will again fall below the Government loan level.

I am tired of empty rhetoric about agriculture. Although I do applaud the recent attention that has been focused on the plight of farmers, we need some action now, this year.

I am introducing a bill which will put the price-support loans on feed grains and wheat up 25 percent in any year that the crop is expected to add to reserves, or carryover stocks. It would apply for this year's crops.

I would much prefer a bill which raised the minimum price-support level for wheat and feed grains by 25 percent as a permanent provision and then add 25 percent during years of reserve building. However, this bill is offered in the realm of what we might attain in view of the administration's low-price, high-volume policy.

This bill should not cause massive surpluses because the Secretary of Agriculture retains the authority to order a set-aside of up to 100 percent of the domestic allotment for wheat and 50 percent of the allotment for corn when he deems it advisable to limit production of those commodities. What it would do is protect both the farmer and consumer against wild price fluctuations.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 346

At the request of Mr. PEARSON, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 346, a bill to encourage the development of new job-creating industries in rural areas.

S. 364

At the request of Mr. Moss, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 364, a bill to strengthen enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years in order to carry out the purpose of the act.

S. 831

At the request of Mr. KENNEDY, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 831, the Personal Safety Firearms Act.

S. 1145

At the request of Mr. Moss, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1145, a bill to amend section 8332 of title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes.

S. 1163

At the request of Mr. KENNEDY, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1163, the Nutrition Program for the Elderly Act.

S. 1305

At the request of Mr. MONDALE, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1305, a bill establishing a National Legal Services Corporation.

S. 1437

At the request of Mr. CANNON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

S. 1483

At the request of Mr. TALMADGE, the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Pennsylvania (Mr. SCOTT) were added as cosponsors of S. 1483, a bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, and for other purposes.

S. 1525

Mr. BEALL. Mr. President, on April 14, 1971, Senator MATHIAS, Senator HATFIELD and I introduced S. 1525, to provide for the expansion of the Antietam National Battlefield in the State of Maryland and for other purposes.

I am pleased that Senator GAYLORD NELSON has joined in cosponsoring this measure and I ask unanimous consent that at the next printing of the bill his name be added.

S. 1839 AND S. 1840

At the request of Mr. CANNON, the Senator from Kansas (Mr. DOLE), the Senator from Utah (Mr. BENNETT), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. ALLOTT), the Senator from North Carolina (Mr. ERVIN), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Wyoming (Mr. HANSEN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1839 and S. 1840, bills pertaining to the Federal Government's purchase of recycled materials.

S. 1985

At the request of Mr. WILLIAMS, the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. METCALF), the Senator from South Dakota Mr. McGOVERN), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1985, the Truth in Food Labeling Act.

S. 2037

At the request of Mr. CURTIS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2037, the Revenue Sharing for Public Assistance Act.

S. 2062

At the request of Mr. CURTIS, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 2062, a bill to change the name of the Nebraska National Forest to the Samuel R. McKelvin National Forest.

SENATE CONCURRENT RESOLUTION 31—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF "FEDERAL AND STATE STUDENT AID PROGRAMS, 1971"

(Referred to the Committee on Rules and Administration.)

Mr. PELL (for himself and Mr. JORDAN of Idaho) submitted the following concurrent resolution (S. Con. Res. 31) which reads as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Federal and State Student Aid Programs, 1971", prepared by the Library of Congress for the Senate Committee on Labor and Public Welfare be printed as a Senate document; and that there by printed sixty-two thousand two hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives, ten thousand three hundred copies shall be for the use of the Senate, ten thousand

copies shall be for the use of the Senate Committee on Labor and Public Welfare, and four thousand copies shall be for the use of the House Committee on Education and Labor.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balances shall revert to the respective Senate and House document rooms.

HIGHER EDUCATION AMENDMENTS OF 1971—AMENDMENTS

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. WILLIAMS. Mr. President, in the last several months, the Education Subcommittee of the Labor and Public Welfare Committee, chaired by the distinguished junior Senator from Rhode Island (Mr. PELL) has been hearing testimony on the Higher Education Amendments of 1971. In this time, we have heard testimony from a great range of witnesses comparing aspects of various bills introduced by Senators PELL, PROUTY, MONDALE, JAVITS, HUMPHREY, DOMINICK, CHILES, and myself. Foremost in this testimony have been two critical problems: The need to alter and increase our commitment to alternate forms of student assistance, and the parallel need to provide some form of institutional aid to our colleges and universities.

Many alternate formulas to deal with both of these problems have already been suggested, all of which have received criticism from one group or another that have appeared before us. Because I believe that our decisionmaking process can only benefit from this criticism and exchange of ideas, I am today introducing three amendments to S. 659, so that we may consider a number of problems that the proposed legislation has not yet dealt with. These three amendments propose changes to the institutional aid formula, the student assistance formula and to title VII, for construction of facilities. I would like to take some time to explain each of these amendments.

INSTITUTIONAL AID

For some time now, thoughtful leaders in the field of education have been concerned over what appears to be an approaching crisis in our institutions of higher learning. In a report commissioned by the Carnegie Commission in late 1968, that commission reported the following:

> Although the financial impacts have differed, most institutions have by now had to absorb so many of . . . pressures that formerly available margins in facilities and resources have been depleted. These institutions are now being forced to choose among the alternatives of limiting enrollments, raising tuition fees, postponing expansion and new programs, or allowing quality to deteriorate. These alternatives are already being employed in varying degrees throughout higher education.

This statement has since been well documented by further studies, reports from universities around the country, and by various groups that have testified before us here in the Senate. In a striking series of hearings held before the Education Subcommittee, chaired by my good friend and colleague, the distinguished junior Senator from Rhode Island, we have been further impressed that this crisis affects all schools, private and public, college and university, 2-year and 4-year.

While our public institutions are under greater strain, because of a need to keep tuitions as low as possible, because of tight State budgets and because of the inability to rely on individual contributions, we are finding that the private universities and colleges of this country that have contributed so much to this country's history are having to cut back on enrollments, and delve into capital funds to keep their institutions running. For example, the American Council on Education has reported that in New York State alone, the five largest universities have invaded their capital funds to the sum of $77 million. This situation has been worsened by the cutback in foundation and Federal Government support for grants and research which for so long had eased the problem of increasing enrollments in undergraduate and graduate curriculums for private institutions by freeing funds to be used for other purposes.

Facing this problem, I believe that we in the Senate have come to believe that the Federal Government must take up a greater proportion of financial support to institutions, and that we have a greater responsibility to support our higher educational system than the 20 percent of total support which is the current Federal contribution.

Immediate action to provide this institutional support has been delayed, however, by increasing agreement on the need for reform within higher education itself. The Carnegie Commission in its series of reports has come down hard on the need to provide greater equality of opportunity for all of our young people, and for the need to provide a greater diversity of educational styles and forms for all of our population. Most recently, the Newman Task Force has cautioned us further about the need for reform, and that the simple expansion of the present system of higher education "will not provide meaningful education for the ever-broader spectrum of students gaining entrance." Thus, while this report adamently supports and encourages the Federal Government to increase access for disadvantaged students and to make it easier for these students to go to school, it likewise warns us that our present system of education is not adequate for this task and that we must encourage diversity of public and private institutions. Higher education must become more sensitive to public concern and public needs for education.

Mr. President, we have come to realize that the crisis in higher education finance requires the Federal Government to provide substantial institutional support for all of our universities and colleges. It is incumbent upon us not only to provide this substantial support so that our schools may continue to give quality education, but to search for formulas for this aid that may both encourage and support reform within higher education, while insuring a flexible structure and a suitable relationship among all levels of government and the university.

Several higher education associations and other interested individuals that have appeared before the Education Subcommittee have presented testimony which provides guidelines for institutional aid that we might examine. They suggest:

That all institutions be able to take advantage of a Federal program of institutional support;

That the formula be simple so that it is easily applied and bypasses the difficulty of determining costs of higher education;

That the formula assist both graduate and undergraduate education;

That the formula encourage schools to enroll the disadvantaged and lower income students;

That the formula encourage diversity in form of education;

That the formula must not provide "across-the-board" aid, but offer incentives to schools to accommodate the needs of students and society as a whole; and

That the formula be assessed as to the future implications of any structure created, and the future relationship between local, State, and Federal governments and the institution.

These are hard guidelines to meet, and no formula will meet them all equally well. They do, however, provide us with a set of goals toward which to work, and against which to measure our achievement. In view of these guidelines, I would like to offer for the Senate's consideration a formula which appears to deal effectively with the parallel problems of the need for institutional aid and the need for reform within higher education. I propose that—

First. For the first 2 years of undergraduate education, the college or university receive $1,000 per student per year for each full-time student or full-time equivalent receiving the "basic opportunity grant" under S. 659.

Second. That the college or university receive $300 per individual who receives a baccalaureate or equivalent degree.

Third. That the university receive $200 per graduate student enrolled in 12 hours of course work, and $100 per student who receives a terminal graduate degree.

This formula would provide aid to all institutions, for both graduate and undergraduate instruction, and would be fairly simple to administer. By tying the grant to the students receiving "basic opportunity grants" for the first 2 years, the formula would encourage schools to enroll lower- and lower-middle-income students and would create a competitive factor among schools, thereby increasing access to all forms of quality education institutions for these students. The grant for these first 2 years would be higher than in later years in order to pay institutions for the higher cost of instruction for disadvantaged students, and to help them provide supportive and remedial educational services. Finally, by tying the grant to the student, the formula would encourage institutions to alter their curricula, and give them incentives to reform in order to be more responsive to these students.

By providing an additional grant to an institution for every baccalaureate graduate, the formula recognizes the expense to the university or college of providing quality education to its students, and for investing resources in curricula and improvement of teaching. It encourages an institution to give greater attention to its continuing student body, to be responsive to the students' needs and demands. It also provides an incentive to the institution to follow the disadvantaged student and to be sensitive to his probems in continuing higher education.

By providing support for graduate instruction in the two-page formula, the university woud be rewarded for providing graduate education broadly to those students wishing to continue their education beyond the baccalaureate degree, and additionally be encouraged to be responsive to their graduate students' progress toward an advanced degree.

This formula is appealing because it not only recognizes the financial crisis of the universities and colleges and responds generously to that crisis, but pays a university or college for reforming itself, and gives it a stake in responding quickly and adequately to the need for wider access and greater diversity in higher education. The mechanism that it sets up for the first 2 years of undergraduate training coincides with the thinking behind other formulas here in the Senate and the priorities set by the administration to increase access for the low- and lower middle-income student, by tying those grants only to the student. It likewise avoids the criticism made of an "across-the-board" grant that it would allocate scarce resources to all institutions without regard to which programs and which institutions are suffering the greatest deficit or without regard to which institutions are performing the most needed national services.

The second stage of the formula is more subtle. It would provide grants to an institution for each graduate it produces. Some criticism may be raised to this proposal suggesting that universities and colleges will be encouraged to avoid quality control, and simply produce and graduate as many students as possible.

My response to this critism is threefold. First, I think that we have to rely on the university's or college's dedication to the search for knowledge, and to assume that this preeminent standard which has been the rationale for education for generations will not be abandoned, because we are offering a minimal grant for each graduate produced. Second, there are other sources of control within the higher education institution itself which militate against such a reduction in quality. I cannot imagine, for instance, that a department of faculty members devoted to imparting knowledge would agree to reduce standards in their discipline in order that this institution might receive an additional minimal grant. Those faculty members have too great a stake in their field and in the training that they have undergone and are passing on to their students to agree to such a reduction. I think the very pride that most of these members have, in their own profession and that they have in themselves will work against this outcome.

Finally, I believe that the students who are receiving this education will play a great role in preventing such an outcome. For to assume that this reduction of standards will come to pass, also assumes that most students care not at all about the quality of education that they are receiving. I think that our recent experience with student discontent in higher education suggests the contrary. More to the point, it is the large institutions in higher education that would be most open to this criticism because of the large numbers that they educate. Yet, it is these very institutions where students have been most concerned over the quality of education that they are receiving, and the virtual anonymity of the process that they undergo for 4 years. It is also these same institutions where the separation rate is high in the first 2 years, because of the lack of individualized attention. It seems reasonable that this formula would encourage these institutions to be both more attentive to the quality of education that they provide, and responsive to the needs and complaints of their students.

Furthermore, Mr. President, when Secretary Richardson appeared before the subcommittee on June 9, he did not propose a formula for institutional aid, but suggested a series of guidelines for the Senate to consider in making their difficult decision on institutional aid. I believe that this formula responds to all of those guidelines in a sensitive and responsible way. Secretary Richardson proposed that—

Institutional aid should be related to the effort an institution was making in performing recognized national purposes;

Aid should support those institutions most in trouble;

Aid should not produce major reallocation in aid that has traditionally gone to institutions from other sources; and

Aid should not impose a uniform bias as to how higher education should be provided.

Because the formula that I have proposed provides some aid to all institutions, and for all levels of education, it avoids imposing a bias for a particular form of education, and will provide aid to those institutions most in difficulty. However, the bulk of the aid will go to those institutions which have responded to the need of increasing access for students who have previously had trouble in financing their education.

In summary, Mr. President, I believe that this formula very much deserves the attention of the Senate. I enter it today as an amendment to S. 659, the Higher Education Amendments of 1971, for the purpose of consideration and debate by the Senate as a method of easing the financial crisis in higher education, and a first step toward reform and change of our institutions.

Second, I am proposing an amendment to the student assistance formula that increases the highest level of the "basic opportunity grant" from $1,200 to $1,500.

I offer this amendment because I believe we need to investigate further whether the limit which we have focused on in the past actually provides aid for all of the students who need it.

I believe that we have agreed, Mr. President, that students from the lowest income groups presently are disadvantaged in their opportunities for higher education. We have agreed that they should be given a basic grant to be used for their education, and that universities should be encouraged to open their doors to these students and to lower middle-income students. But in doing this, we must not lose sight of the fact that middle-income students are having an increasingly difficult time in paying the cost of higher education. Our primary goal is to increase access and opportunity to higher education, but in pursuing this goal, we must insure that we are not producing undue hardship for students who are just over the limits that we have established. I am including, as an example, one set of data from an article in Financial Aid News, August 1970, written by Edward Sanders and James Nelson of the College Entrance Examination Board staff.

These authors have estimated distribution of Federal student aid by family income, using averages of educational costs for low- and average-priced institutions, and for private institutions. These cost figures are $1,700, $2,160, and $2,950, respectively. The following two tables from the article are informative. The first calculates estimated deficits in resources to meet college costs when only Federal funds and estimated family contribution are included as student aid. As table 1 indicates, even with Federal aid, low-income students have difficulty paying the costs of education. But all students from $0 to $15,000 have difficulty paying the costs of private institutions, and students from $3,000 to $9,000 have difficulties disproportionate to the aid they receive:

TABLE 1.—ESTIMATED DEFICIT IN RESOURCES NECESSARY TO MEET COLLEGE COSTS

Income group	Average total funds from EOG, NDSL, GLP, CWS, college job, added to family contribution [1]	Deficit according to type of college		
		Low-priced ($1,700)	Average ($2,160)	Private ($2,950)
$0 to $2,999	$908	$792	$1,252	$2,042
$3,000 to $5,999	$622	1,078	1,535	2,328
$6,000 to $8,999	$308+$400	992	1,452	2,240
$9,000 to $11,999	$298+$1,000	402	862	1,758
$12,000 to $14,999	$182+$1,560	0	718	1,202
$15,000 and over	$0+$2,200 to $3,000	0	0	2

[1] Based on parent contribution expected by the College Scholarship Service for families with 2 or 3 children.

When these deficits are discounted for aid received from other sources such as universities, corporations, social security, and the GI bill, some of this problem disappears, but it does not vanish completely. Note that table 2 only calculates deficits for average cost institutions—not for private institutions. Once again, it is reasonable to conclude that students from $3,000 to $9,000 have difficulties disproportionate to the aid they receive, that they are priced out of private institutions and that even students up to $15,000 income are priced out of private institutions.

TABLE 2.—ESTIMATES OF THE 1969-70 PER STUDENT FINANCIAL AID DEFICT FOR UNDERGRADUATES

Income group	Total EOG, loans, and work	Institutional, State, and corporate grants	Social security and GI bill	CSS expected parent contribution	Total assistance available	Deficit at college of average cost ($2,160)
0 to $2,999	$908	$194	$560	0	$1,662	−$498
$3,000 to $5,999	622	160	290	0	1,072	−1,088
$6,000 to $8,999	305	60	104	$400	869	−1,291
$9,000 to $11,999	298	81	84	1,000	1,463	−697
$12,000 to $14,999	182	94	74	1,560	1,910	−250
$15,000+	24	0	0	2,200	0	0

This data alone produces enough questions about level of adequate student support to suggest that further consideration is necessary for the student aid formula. Before we make a decision that will have great impact on our educational system, I believe we should question the flexibility of the formula we are undertaking. Does the formula take account of differences in costs in different geographic areas, does it provide enough leeway for special circumstances, does it in fact accomplish what we want it to accomplish? The formula that we have been considering will not provide answers to the deficit figures that I have cited above.

And these figures are for the 1969–70 academic year. Testimony that we have had from higher education associations show these figures are not remaining stable, but are on the increase. Reports from the American Association of State Colleges and Universities' 275 member schools show that the median total cost for the 1970–71 academic year has risen 8.87 percent over the previous year's total cost for in-State students and 6.03 percent for out-of-State students. Similar reports from the 113 members of the National Association of State Universities and Land-Grant Colleges indicate that the median total cost rise for in-State students for 1970–71 was 6.09 percent, with a rise of 7.37 percent for out-of-State students. More alarming is the estimate of increases for NASULGC members for the 1971–72 academic year. They estimate that the median percentage increase for tuition charges to resident students will be a high 18.8 percent and the median percentage increase for required fees will be 18.1 percent.

These increases are for public institutions. Data from private schools are not much different. The Association of American Colleges' report, "The Red and the Black" shows that although these schools have had a 40-percent tuition income rise in 1970–71 over 1967–68, they expect a continuing significant rise in tuition because of a declining pool of applicants for admission. To give you an idea of what these tuition increases look like across the country, let me quote the following figures to you:

TUITION INCREASES FROM 1968-69 TO 1971-72

	1968-69	1971-72
Bodin College	$2,200	$2,700
Chicago	2,100	2,475
Duquesne	1,400	2,000
Cornell	2,200	2,800
Princeton	2,150	2,800
Stanford	1,920	2,610
Knox	2,010	2,606

These are just tuition rises; adding on fees, and room, and board would increase the figures substantially.

In the face of these rising costs, students are less able to support themselves than ever before, because of the economic slump. I have had letters from students all over the country, as I am sure have the rest of my colleagues, reporting that they are having great difficulty finding summer jobs which would provide money needed for the coming academic year. We also know from student financial aids' officers that part-time jobs during the academic year are on the decline.

Mr. President, I believe that these figures demonstrate a clear need for a close look at the student financial aid formula. I am offering this amendment because I do not believe that the present formula will help all of the students who are in need of help, or will help them in a way that will be meaningful in comparison to their increasing expenses.

CONSTRUCTION

Finally, I am offering an amendment to encourage institutions to apply for renovation funds for their facilities, instead of relying on new building programs. I do this, because many institutions have reported to me that they have had difficulty getting funds for renovation moneys in order to replace and refurbish completely adequate structures.

Although the language within the Higher Education Facilities Act, which will now become title VII of the Higher Education Act, allows for "rehabilitation, alteration, conversion, or improvement" or any combination of two of these, I am introducing an amendment to include the word "restoration" in this listing, and will request that the committee write into its report that moneys are to be allowed for restoration and renovation wherever possible, in order to make the intent of this language clear.

Mr. President, I ask unanimous consent that the three amendments be printed in the RECORD at the conclusion of my remarks.

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

AMENDMENT No. 167

On page 28, beginning with line 6, strike out all through line 13, and insert in lieu thereof the following:

"SEC. 409. (a) In addition to the amounts paid to institutions for supplementary grants the Commissioner shall pay to each eligible institution for each academic year a cost of instruction allowance which is equal to the total of

"(1) the product obtained by multiplying $ times the number of students in full-time attendance (including the full-time equivalent of the part-time attendance for credit) at such institution during such year who are receiving a basic opportunity grant under this title;

"(2) the product obtained by multiplying $ by the number of students who are awarded baccalaureate degrees (or an equivalent degree) by such institution in such year;

"(3) the product obtained by multiplying $ by the number of students who are awarded graduate degrees (not including any honorary degree) by such institution in such year; and

"(4) the product obtained by multiplying $ times the average full-time enrollment (including the full-time equivalent of the part-time enrollment for credit) during such year.

"(b) No Payment under this section may be made to, or used to support, a school or department of divinity. For purposes of this subsection, the term 'school or department of divinity' means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to be ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects."

AMENDMENT No. 168

On page 23, line 22, strike out "$1200" and insert in lieu thereof "$1500".

AMENDMENT No. 169

On page 88, line 5, insert a comma and the word "restoration" after "rehabilitation".

FEDERALLY GUARANTEED LOANS TO CERTAIN FIRMS—AMENDMENT

AMENDMENT NO. 170

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. JAVITS submitted an amendment to be proposed by him to S. 1641, a bill to provide federally guaranteed loans to necessitous firms which are affected with the public interest.

EMERGENCY LOAN GUARANTEE ACT OF 1971—AMENDMENT

AMENDMENT NO. 171

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. JAVITS submitted an amendment intended to be proposed by him to S. 1891, a bill to authorize emergency loan guarantees to major business enterprises.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 172

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

Mr. JAVITS submitted an amendment intended to be proposed by him to H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 173

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

Mr. STEVENSON. Mr. President, I send to the desk an amendment to H.R. 6531.

The amendment declares a policy of strict U.S. neutrality in the forthcoming South Vietnamese elections and establishes a congressional commission to keep the Congress informed and help implement the policy of neutrality. The bipartisan 10-member commission, supported by a Vietnamese speaking staff, would be in place in South Vietnam at the earliest possible date, charged also with the duty of helping assure the South Vietnamese of our neutrality. The amendment expresses the sense of the Congress that any South Vietnamese regime which acquires or retains power through corrupt or coercive means shall be ineligible to receive U.S. military assistance. It is identical, except for technical changes, to Senate Concurrent Resolution 17, which I introduced with 12 cosponsors on April 5, 1971.

I bring this matter before the Senate now because recent developments indicate that the Congress needs an independent, reliable source of information about our involvement in the forthcoming elections. Press censorship, political arrests, laws to keep candidates off the ballot—all of these occur not on election day, but months before. If we want to know whether the United States is involved in irregularities of this kind, and if we want to convince the South Vietnamese that we are committed to a policy of neutrality toward the forthcoming elections, the way to do it is by establishing an independent congressional commission now.

A decade of war does not need to be crowned with apparent U.S. complicity in a rigged election. After all our protestations about self-determination for the South Vietnamese, we need not be perceived as dictating the outcome of this last Presidential election during our military involvement.

That is the purpose of the resolution—to diminish those risks for ourselves and the South Vietnamese and give them a chance to choose a government before we leave. Whomever the election victors are, they would be better able to deal with the North and govern if they come to power with an appearance of South Vietnamese support, instead of U.S. support.

Earlier this week, I asked Dr. Chester L. Cooper, Director of the Institute for Defense Analyses and author of "The Lost Crusade" for his opinion of the desirability of a congressional commission and the need to establish it now. Dr. Cooper, who recently returned from a 4-week tour of South Vietnam, replied that—

> The sooner a Commission along the lines you propose can be established, the more effective it will be.

I ask unanimous consent that Dr. Cooper's sober and balanced analysis of U.S. policy vis-a-vis the forthcoming elections be printed at this point in the RECORD.

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

CHEVY CHASE, MD.,
June 17, 1971.

HON. ADLAI E. STEVENSON, III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENSON: I am responding to your letter of June 16 in which you ask for my views with respect to the desirability of organizing a Congressional Commission to observe and report on American actions which might influence the course of the forthcoming elections in Vietnam. As you may know, I feel strongly that the Administration has an obligation to both the American and the Vietnamese people to do everything possible to insure that those elections reflect a free and unfettered choice. It would, of course, be unrealistic to expect that elections in Vietnam, or, indeed, in most countries of the world and even in many parts of the United States, can meet the highest standards of an ideal democracy. Nonetheless, our Government, for more than a decade, has related American assistance to South Vietnam to the objective of free choice. It now has a responsibility to insure that the modalities of the forthcoming campaign and the election itself are as fair as possible, recognizing, of course, the limitations imposed by war and dislocation, difficulties of communication and the inadequacies of the mass media in Vietnam.

There are two separate but not unrelated aspects to the problems of a free election:

An American posture and behavior which is scrupulously neutral with respect to the opposing candidates. We must not only be neutral. Like Caesar's wife, we must be Vietnam and in the United States, to be neutral. Like Caesar's wife, we must be "above suspicion."

The United States should use whatever influence it has to assure that the Saigon Government takes the necessary steps, both during the election campaign and on election day, to assure a genuinely free choice. From many points of view it would be desirable if the Vietnamese and the American people were made aware of American efforts in this direction.

It is my understanding that the Commission you propose would be directed toward the first objective. This is laudable and practicable, but I hope that some strong expression of a Congressional interest in the second will also be made clear to both the Administration and the Government in Saigon.

The sooner a Commission along the lines you propose can be established, the more effective it will be. Not only President Thieu but the other presidential candidates as well as aspirants for seats in tht Lower and Upper Houses, should be aware at the outset of their campaigns that the United States will adopt a strictly neutral stance and will cooperate with anyone chosen through a free and fair election. The longer this issue remains in doubt, the more poisonous the atmosphere of the campaign and the greater the chance of opposition candidates stirring up a popular sense of suspicion and hostility with regard to the United States. Over and above this, I would think it would be to Thieu's advantage to be able to make a credible claim that he is not the chosen instrument, or even a puppet of Washington.

The task of the Commission, as I understand it, is clearcut and practicable. The existence of directives to American personnel in Saigon and in the provinces to adopt a strictly hands-off attitude is easily enough determined. More difficult, but still not unduly complicated, would be the task of ascertaining that these directives were adhered to. One assumes, of course, that the Commission's staff would operate with discretion and tact. It should not give the impression that they are a group of "private eyes" snooping into areas of policy or conduct that go well beyond their charter or terms of reference. They will need the cooperation of the Americans in Vietnam and will be unable to do their job without it.

The principal difficulty the Commission will encounter, I believe, will be in separating its narrow function relating to American activities from the broader function of monitoring the election process in general. Arrangements for a careful and effective observation of the election process, involves responsibilities, resources and procedures that go well beyond those of the Commission you are proposing. Moreover, it would entail receiving the formal agreement and the active cooperation of the Saigon Government which I do not think is necessary in the case of a Commission geared primarily to observing American conduct in connection with the election.

In sum, the Commission you propose could have a useful purpose and might have a wholesome, if indirect, effect on the broader issue of free choice in Vietnam. Its early establishment would increase its chances of success. I am sure you would agree that, in itself, the Commission could not exert a significant influence on the modalities of the campaign or the voting process as conducted by the Vietnamese, nor would it be able to pass confident judgment on the credibility of that election.

Sincerely,

CHESTER L. COOPER.

AMENDMENTS 174 THROUGH 197

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

Mr. McGOVERN (for himself and Mr. HATFIELD) submitted 24 amendments intended to be proposed by them, jointly, to the bill (H.R. 6531), supra.

SUGAR ACT AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 198

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

Mr. KENNEDY. Mr. President, for myself and Senators BAYH, BROOKE, CRANSTON, HART, JAVITS, McGOVERN, PELL, TUNNEY, and WILLIAMS, I am introducing for appropriate reference an amendment to H.R. 8866, the Sugar Act Amendments of 1971, approved by the House of Representatives on June 10. The purpose of my amendment is to terminate the sugar quota that the United States currently allocates to the Republic of South Africa.

I am firmly convinced that there is no moral or economic justification for the continuation of this $5 million annual subsidy to a Nation that intensifies a system of indignities and human repression that is repugnant to every principle that America stands for. Morally, the case against South Africa is clear and well known to all of us in the Senate. No one in that Republic is free from the savagery of degradation and submission if he is black. The scars of the 1960 Sharpsville massacre still rest heavily on the conscience of all who believe in human justice—South Africa has enslaved its citizens in a system that dehumanizes blacks and distorts the true meaning of life for whites.

Here in the United States, we have long recognized these grave failings in that country's official practices. We have even established policies that claim to insure that our Government will not engage in commerce with such an unjust regime.

Mr. President, I am calling today for the United States to stand behind that pledge.

As the letter from the chairman of the House Agriculture Committee to the nations applying for a sugar quota makes clear, sugar quotas will be extended only to nations that exercise friendly relations with the United States. Specifically, there must be a policy of nondiscrimination against U.S. citizens in the quota country.

We know, however that there is discrimination against U.S. citizens in South Africa. Such discrimination is directly associated with the apartheid system. The most publicized cases of discrimination involve black Americans and others who are public critics of apartheid. Arthur Ashe, Dr. Martin Luther King, Louis Armstrong, and just last month, the Very Reverend Francis B. Sayre, Jr., Bishop William Creighton, and Judge William Booth have all been denied humane treatment at the hands of the South African Government.

In 1967, the Secretary of Defense instructed the commanding officer of the aircraft carrier, *Franklin D. Roosevelt,* to allow his men ashore in South Africa only for activities not subject to apartheid. As a result of this directive, all personnel on board that vessel had no option but to remain on the carrier—there were no activities in South Africa free from the repressive regulations imposed by apartheid.

Over the past 8 years, South Africa has received over $25 million in special subsidies under the Sugar Act. We in this Congress cannot, in good faith, continue to grant such a nation any economic windfall.

Economically, South Africa can demonstrate no reasonable argument that its sugar quota is vital to the well being of the nation's stability. Each year South Africa is guaranteed payment for 60,000 tons of sugar in exports to the United States, a guarantee worth $5 million for that nation's treasury.

Moreover, as interpreted by the House Committee on Agriculture, the U.S. sugar quota has as one of its principal purposes the offer of assistance to underdeveloped countries. While $5 million cannot be termed a significant sum to a nation like South Africa with a gross national product of $20 billion, no country, whether a developing nation or otherwise, would give up its claim to such an attractive bonus.

No argument can be made that South Africa needs to participate in the premium priced sugar market in the United States. South Africa has no significant dependence on sugar as a source of foreign exchange. At recent hearings on the Sugar Act, South Africa's own counsel testified that—

> Sugar exports represent a small percentage of the total South African exports to the world.

In fact, South Africa's sugar exports amount to less than 3 percent of her total export shipments.

Since the United States has established a world quota of sugar production amounting only to 5 million tons for all countries, it makes sense to equitably distribute that amount to those nations that depend heavily on sugar for its exports. For a nation like South Africa, where exports of its agricultural products account for only 10 percent of all of its export shipments, and where sugar is less than a third of that figure, it is impossible to contend that such a nation deserves the benefits or the protection afforded by the quota.

Mr. President, I first introduced legislation to withdraw South Africa's sugar quota in April 1969. Again on January 26, 1971, I introduced similar legislation.

Today, once again on behalf of nine other Senators and myself I am presenting a measure that will bring an end to the needless and undeserving support the United States grants to the Republic of South Africa.

Although, the withdrawal of the sugar subsidy could not be realistically expected to have a significant impact on the economy of South Africa or its policy of apartheid, it is an important sanction against a regime that opposes all that we in this country stand for. Withdrawing the sugar quota for South Africa is one move toward moral leadership that we must take.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

James R. Laffoon, of California, to be U.S. marshal, southern district of California, for the term of 4 years, vice Donald B. Hill, resigned; and

John Stevens Lieb, of Wisconsin, to be an examiner in chief, U.S. Patent Office, vice Louis F. Kreek, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, June 29, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON S. 674

Mr. BAYH. Mr. President, as chairman of the Subcommittee to Investigate Juvenile Delinquency, I wish to announce hearings on S. 674, "to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II."

These hearings have been scheduled for July 14 and July 15, 1971, at 10 a.m., in room 2228, New Senate Office Building, Judiciary hearing room, Washington, D.C.

The Department of Justice has initiated administrative procedures to transfer amphetamines and methamphetamines from schedule III to schedule II recently. However, the subcommittee is concerned that it has not included the methlphenidate and phenmetrazine in its proposed action.

In addition, I am concerned that this rescheduling might be unduly delayed and for this reason feel it necessary in holding these public hearings as expeditiously as possible.

Those presently invited to testify are Hon. CLAUDE PEPPER, chairman, House Select Committee on Crime; Dr. Charles C. Edwards, Commissioner, Food and Drug Administration; Mr. John E. Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice; Dr. Maurice Seevers, University of Michigan School of Medicine, Department of Pharmacology; and representatives of companies producing these drugs.

Those who wish to testify or file statements for inclusion in the RECORD of the hearings should communicate as soon as possible with Mr. Lawrence Speiser, staff director and chief counsel of the subcommittee, room 302, Senate annex, 225–2951.

NOTICE OF HEARINGS CONCERNING UNEMPLOYMENT OF VETERANS

Mr. EAGLETON. Mr. President, in the Tuesday, June 15, 1971, edition of the Washington Evening Star, there is an article by Duncan Spencer entitled "No Right Job," concerning problems that veterans are having finding employment within the District of Columbia. Mr. President, I ask unanimous consent that this article be printed at this point.

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

NO RIGHT JOB

(By Duncan Spencer)

Cornell Talley could get a job, sure. Dishwasher, bus boy, security guard. It's only that he was in charge of an entire warehouse operation in the Army, and he can't get used to the idea of a life scraping plates.

So Talley is out of work at the age of 23, as are a lot of others whose last employment was military. He's been in the same boat as about 2,000 other young men in Washington for seven months, and it's beginning to show.

Because Talley is no problem individual—he's the guy who did his job in the service, got an honorable discharge, managed to avoid getting blown up in Vietnam, came back to

his family and started his life over again where he thought it left off.

"When I got out of the service, I had about $2,000 saved up" said Talley. "Maybe that was my mistake."

Talley, unmarried, tall and slender, gestures uneasily as he talks; he hopes for two things: to finish school, which he left at the 11th grade, and to find a living with a future.

It amazes him, now, that he might suddenly find Cornell Talley walking down what he calls "a dead-end road." He has an uncomfortable feeling he is watching himself in the mirror, and the image is doing things he would not choose.

Last week he was thinking over his experiences since November, and he said without money he'd come out with, he might have been forced to get a job immediately, instead of taking it slowly, looking carefully at his future.

He is living with his sister and her husband in a small apartment far out Benning Road. Without a car, he travels into town with his brother-in-law, a drywall mechanic, and begins fishing for work each weekday morning.

So far, he has made application to a tractor-trailer school, a heavy equipment school, a computer school, the Post Office, D.C. Transit. He has seen close to a dozen businesses.

And he has been offered work by his father, a small independent contractor, and his older brother, a Safeway store manager on Benning Road, has assured him a start in that organization.

But Talley's problem is that he has higher expectations after serving in the Army in Vietnam and Germany, and he also needs money to get by the first few weeks of school or training until a regular stipend from the Veteran's Administration is approved.

The comfortable pad of money he brought home disappeared within five months.

"Once I hit the city, I put the money in the bank. Let's face it, I didn't want to go to work right away. I was going to check up on the VA schools," he said.

He wasn't worried about the job situation, he said. "They told me that Vietnam vets have first preference. First, I wanted to be a mail carrier and go to school at night."

The first surprise was being told there were no openings at the Post Office. Others followed.

So last week, his money gone and only 7 weeks eligibility remaining on his unemployment compensation payment of $47 a week, Talley went down to the Jobs for Veterans Office at 6th Street and Pennsylvania Avenue NW, the place to which most job-seeking vets eventually turn.

There, in the Unemployment Security Building, about 1,000 per month are interviewed, questioned, given a list of possibles and sent out again. Says William Syphax, Jr., the World War II Air Force veteran who is state representative for the District, "I better be careful about this. In the past this city has never felt the recessions of the rest of the country."

Yet Syphax readily admits that Talley's situation is hardly unique. "He's going to have to do the best he can until he can do better." Syphax said.

Jobs for Veterans, the Nixon administration program aimed at getting Vietnam veterans back into the economy of the country as quickly as possible, is crowded these days.

There is the dairy which shut down in Washington less than a week ago, the schools are out for the summer, and the Washington job market is as tight as it has been in many years.

The program has been placing about 300 veterans per month since it received additional staff and a shove forward from the administration Jan. 1.

POOL PUT AT 2,000

Syphax estimates that a constant pool of about 2,000 unemployed veterans is now looking for work here. About half that number are men from out of state who have come here because they believe that if there's a job to be had anywhere, it's here where the government is.

Many also come with the mistaken belief that the government will hire them if no one else will.

The group is 70 percent black, says Syphax, and they remain unemployed for as long as 6 to 8 months, or as little as 72 hours after coming through the doors. Syphax said the agency had plenty of jobs on its books, but they fell into two distinct categories—highly trained technical jobs, such as architect, social worker or accountant, and what he calls "service" jobs—paying $1.60 to $1.80 an hour.

SOME "PROBLEM CASES"

Former Army Sgt. James Jackson, one of the men interviewing the D.C. veterans, said that a few—but only a few—veterans were "riding unemployment," and there were several hundred "problem cases" that would probably not find jobs whatever the economy.

Both Jackson and Syphax take a fairly hard-nosed attitude about jobs which contrasts strangely with the veterans' complaints.

"Jobs are scarce, period," says Jackson, Syphax is fond of repeating stories of his own youth in the clenched-teeth tradition.

Howard McNiel, 22, of the 6600 block of 2nd Place NW an E4 who ran a power plant in Vietnam, has been through the Jobs for Veterans process. "It was not how I thought it was going to be," he said.

Mr. EAGLETON. Mr. President, the Senate District Committee has been examining this problem and has found that the figures for unemployment among veterans in the District of Columbia are astonishingly high.

It is for that reason that I am announcing hearings beginning Tuesday, July 13, 1971, on the subject of veterans unemployment within the District of Columbia, at 10 a.m. in room 6226, New Senate Office Building.

Any interested person who wants to file a statement or appear as a witness on this matter should notify Mr. Gene Godley, general counsel of the District of Columbia Committee, in room 6222, New Senate Office Building.

NOTICE OF HEARINGS ON PROPOSED FORESTRY LEGISLATION

Mr. HATFIELD. Mr. President, the Senate Subcommittee on Public Lands chaired by the distinguished Senator from Idaho (Mr. CHURCH), will be holding three field hearings over the course of the summer on S. 350, the American Forestry Act, which I introduced, and S. 1734, the Forest Lands Restoration and Protection Act, introduced by the distinguished Senator from Montana (Mr. METCALF). The first of these 1-day hearings will be held in Atlanta, Ga., on July 23; the second in Portland, Oreg., on August 9; and the third in Syracuse, N.Y., on September 24. I invite the testimony of my colleagues at these hearings, and I ask unanimous consent that both bills be printed in the RECORD.

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

S. 350

A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to institute programs designed to reforest and restore the quality of public and private forest lands; to enhance and expand recreational opportunity on such lands; to provide financial incentives to improve management of State and private forest lands; to establish a Federal forest lands management fund; to facilitate public participation in Federal resource management; and to enhance the quality of the environment and the resources of the public lands

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

TITLE I—SHORT TITLE AND STATEMENT OF PURPOSE

SHORT TITLE

SEC. 101. This Act may be cited as the "American Forestry Act".

STATEMENT OF PURPOSE

SEC. 102. The Congress hereby declares that the purpose of this Act is to provide for—

(a) the restoration, maintenance, and enhancement of the quality of the forest land environment;

(b) an important and accelerated reforestation program on private and public forest lands to increase productivity and benefits;

(c) financial incentives to encourage prompt action in development of private and State forest lands;

(d) the delegation of authority to States for expenditure of Federal funds for certain forestry programs;

(e) State development of a statewide plan for private and State forest lands;

(f) increased outdoor recreational opportunities on forest lands;

(g) Federal funding for State-sponsored primary and secondary education programs in forestry;

(h) an expanded research program to meet new demands upon forest lands;

(i) increased Federal support for State-sponsored technical assistance programs for private forest lands;

(j) increased public participation in forest land programs;

(k) the use of the Federal share of receipts from public forest lands for management and development of Federal forest lands;

(l) an American forestry board to advise and counsel on national forest land policy;

(m) plans and public hearings for Federal forest lands not presently incorporated in multiple-use plans before physical disturbance of natural conditions; and

TITLE II—INCENTIVE FORESTRY

FORESTRY INCENTIVE PROGRAM

SEC. 201. (a) There is hereby established a forestry incentive program to stimulate the development of forests on private- and State-owned lands. Such program shall include reforestation of non-Federal forest lands, expansion and development of forest tree nurseries, development of outdoor recreation, and development of forestry environmental education and technical assistance programs.

(b) The Secretary of Agriculture (hereinafter referred to in this title as "Secretary") is authorized to approve State-prepared plans for programs authorized under this title and to make matching grants for the payment of the Federal share: *Provided, however,* That payment of up to 100 per centum of the cost

is authorized for outdoor recreation development projects.

STATE PLAN REQUIREMENT

SEC. 202. Any State desiring to receive a grant under this title shall submit to the Secretary a State plan which shall be prepared in accordance with the following:

(a) Provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency.

(b) Set forth a program for the development of forestry programs which are consistent with the requirements set forth by this title.

(c) Set forth policies and procedures designed to assure that Federal funds made available under this Act will be so used as not to supplant State funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes set forth.

(d) Provide assurances that the State will pay from non-Federal sources the remaining cost of such programs.

(e) Provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title.

(f) Provide that the State will submit to the Secretary—

(1) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this Act, and

(2) such other reports as may be reasonably necessary to enable the Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which the State is eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(g) The Secretary shall approve a plan which meets the requirements specified in subsections (a) through (f) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

PAYMENTS

SEC. 203. (a) The level of payment to any State to be made for purposes authorized under this title during any year shall not exceed the non-Federal amount expended within the State for the same purposes during the same fiscal year.

(b) The Secretary as authorized to make payments on the certification by the designated State official that the specific projects undertaken in accordance with the approved plan have been completed.

RESTORATION OF NON-FEDERAL FOREST LANDS

SEC. 204. The following limitations are applicable to the reforestation of non-Federal forest lands under this section:

(a) Assistance shall be limited to initial stocking of those acreages which are in the judgment of the Secretary nonstocked or poorly stocked on the date of enactment of this Act;

(b) In any one year, the acreage under one ownership eligible for reforestation shall be limited to any one tract or combination of tracts not exceeding five thousand acres and such other limitations as may be imposed by the State. The acreage shall be State-owned land and nonindustrial private land under the sole ownership of an individual, corporation, partnership, trust, association, or any other business unit, device, or arrangement;

(c) To assure the intent of this title, the State may require, as a condition for the expenditure of incentive funds, the nonindustrial private fee landowner be required to sign a lien agreement, management contract, or similar device for a specified period or until the State certifies the first cut of timber is suitable for industrial use, whichever is the lesser period. The lien, contract, or device is intended to assure restoration of timber productivity and its associated environment to obtain repayment of the grant, plus interest at prevailing rates, if such lands are not maintained or protected for the purposes for which the funds were granted, excepting, however, catastrophic losses. For State lands, evidence of laws, ordinances, or public resolutions is deemed to satisfy this requirement;

(d) Reforestation priorities under this section shall be based on the demand for forest products, environmental conditions, or combinations of both so as to yield the greatest benefits to the public.

LEASING AND DEVELOPMENT FOR RECREATIONAL PURPOSES

SEC. 205. Forest lands suitable for recreation use during the period of timber growth may be leased and maintained for the development of outdoor recreation projects.

FOREST TREE NURSERIES

SEC. 206. Where the State determines that present facilities are inadequate for producing tree planting stock to meet reforestation requirements of this Act, the development or expansion of new or existing State forest tree nurseries is authorized.

FOREST ENVIRONMENT EDUCATION AND TECHNICAL ASSISTANCE

SEC. 207. To complement and support existing programs, the Secretary shall encourage States to develop forestry education and technical assistance plans to—

(a) provide a better public understanding of the forest environment through primary and secondary education programs, and

(b) provide expanded technical assistance on non-Federal forest lands to improve management and the environment.

TITLE III—FEDERAL FOREST LANDS MANAGEMENT

FOREST LAND MANAGEMENT FUND

SEC. 301. (a) There is hereby established in the Treasury of the United States a "Forest Land Management Fund" (hereinafter referred to as the "fund").

(b) Section 603 of the Act of July 31, 1947 (30 U.S.C. 603), is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law and excepting that part of the money received from the sale of timber and other forest products from lands of the national forests and the public domain, designated by law to be paid to local governments, any money received from the sale of timber and other forest products shall be credited to the Forest Land Management Fund.".

APPROPRIATION FROM THE FUND

SEC. 302. Money credited to the Forest Land Management Fund shall be available to the Forest Service and to the Bureau of Land Management, in amounts which do not exceed the respective agency deposits, for expenditure upon appropriation. Such moneys as may be appropriated shall be available until expended. Any money credited to the fund and not subsequently authorized for expenditure by the Congress within two fiscal years in which such money was credited to the fund, shall be transferred to miscellaneous receipts of the Treasury of the United States.

USE OF FUNDS

SEC. 303. (a) Money appropriated from the fund is authorized for expenditure by the Secretary of Agriculture on national forest lands and by the Secretary of Interior on public domain forest lands. Such money shall be used in conformity with the policies and principles of multiple use and sustained yield for purposes which include the following:

(1) management of timber resources, including reforestation and development;

(2) management of the forest land environment, including restoration and enhancement;

(3) development of outdoor recreation;

(4) management and development of fish and wildlife habitat;

(5) management and development of range forage;

(6) management of sail, water, air quality, and scenery; and

(7) expanded forest land research.

(b) Forest land management funds shall be allotted in accordance with the following priorities:

(1) The reforestation of other cultural measures for stand improvement of nonstocked, recently harvested, and poorly stocked forest lands to enhance the forest environment and timber growth;

(2) The improvement in the quality of timber management, forest land planning, and the environment; and

(3) The development of other multiple uses of the forests to obtain a wider range of goods and services while maintaining or improving the quality of the environment.

(c) Money for expanded research shall follow the order of allotment priorities cited in this section and shall be administered in accordance with the provisions of the Act of October 10, 1962 (76 Stat. 806).

ENVIRONMENTAL IMPACTS

SEC. 304. In connection with the sale of timber and other forest products or the use of Federal lands, the Secretary of Agriculture and the Secretary of the Interior are authorized and directed to require contractors and permittees to install or take such additional measures as may be needed to reduce unfavorable environmental impacts that might result from the authorized activity. The costs of such measures shall be recognized in determining the appraised value of the product to be sold or the amount of the permit fees.

TITLE IV—POLICY BOARD

AMERICAN FORESTRY POLICY BOARD

SEC. 401. (a) For the purpose of advising and counseling the Secretary of Agriculture and the Secretary of the Interior on national forest land policy, there is hereby established an American Forestry Policy Board, hereinafter referred to as "the Board".

(b) The President shall appoint members of the Board to serve at his pleasure and name its Chairman. The Board shall be composed of not less than fifteen or more than nineteen members who shall have attained national prominence by their professional qualifications and who shall represent major citizen groups interested in forest land management including the following: professional forestry, wood products, outdoor recreation, wilderness, fish and wildlife, State forestry, labor, forestry education, livestock grazing, minerals, industrial forestry, forest wasteland, air quality, and members of the general public. The Secretary of Agriculture and the Secretary of the Interior shall serve as ex officio members.

(c) Members of the Board shall while serving on the business of the Board be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of $100 per day, including travel-time; and while so serving away from their homes or regular places of business they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(d) The Chairman of the Board shall call an organizational meeting of the Board within three months following appointment of its membership and meetings of the Board shall be held at least twice annually thereafter.

TITLE V—UNDEVELOPED FOREST LAND

UNDEVELOPED FEDERAL FOREST LAND AREAS

SEC. 501. (a) Except for those forest lands where the public has participated through hearings, advisory discussions, or similar meetings in the planning, development, and use of Federal forest lands, and before any physical disturbance of natural conditions occurs in any regionally significant underdeveloped area not presently incorporated in multiple-use plans, the Secretary of Agriculture or the Secretary of the Interior shall prepare a plan and hold public hearings to determine whether such lands shall be managed and developed or preserved.

(b) Following review of the hearing record the Secretary will determine the appropriate use.

TITLE VI—GENERAL PROVISIONS

DEFINITIONS

SEC. 601. When used in this Act the term—

(a) "Forest land" means land which is producing or is capable of producing crops of industrial wood and is not withdrawn from timber utilization by statute or administrative regulation.

(b) "Non-Federal" includes private nonindustrial and State forest land ownerships.

(c) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) "State forest land" includes State, county, and municipal land ownership.

RULES AND REGULATIONS

SEC. 602. The Secretary of Agriculture and the Secretary of the Interior, respectively, are authorized and directed to issue rules and regulations as may be necessary to carry out the provisions and purposes of this Act.

EFFECT ON OTHER ACTS

SEC. 603. (a) The Act of March 4, 1913 (37 Stat. 843) is hereby repealed.

(b) Nothing contained in this Act shall in any way be construed to alter, amend, repeal, interpret, modify, or be in conflict with any other Act unless specifically so provided under this Act.

APPROPRIATIONS

SEC. 604 (a) Funds authorized for appropriation under this Act are in addition to those which are regularly appropriated and are not intended, to supplant regularly appropriated funds.

(b) There is hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this Act, as follows:

(1) for fiscal year 1972, 50 per centum of title III forest land management fund and the full amount of money credited to the fund for each fiscal year thereafter, and

(2) in addition to those funds provided under the title III forest land management fund, $50,000,000 for fiscal year 1972 and $100,000,000 for fiscal year 1973 and so much thereafter as the Congress may determine to be needed to carry out the provisions of this Act.

S. 1734

A bill to provide for comprehensive management of the Nation's forest lands through the application of sound forest practices, 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 "Forest Land Restoration and Protection Act of 1971."

DEFINITIONS

SEC. 2. When used in this Act, the term—

(1) "Secretary" means the Secretary of Agriculture;

(2) "timber harvesting and land management plan" means a comprehensive plan for the harvesting of timber and the managing of forest land by using sound forest practices and taking into account the particular ecological conditions encountered (including soil, climate, vegetative cover, and topography);

(3) "fully mature tree" means a tree which has attained at least 95 per centum of its maximum potential height growth, has grown its maximum volume of high quality wood, and whose merchantable portion is capable of being manufactured into high grade lumber;

(4) "sound forest practice" includes, but is not limited to, protection of site quality, prevention of erosion, particularly on steep slopes and in areas of unstable soil, selection for harvesting of fully mature trees wherever consistent with the biological requirements of the tree species, limitation of clear cuts to small openings to maintain as much contiguous forest cover as possible, growth of timber on long rotations, prompt reforesting after harvest or after fire or any other disaster, prevention of the degradation of any waters, and to follow even flow principles;

(5) "even flow" means perpetual yield of approximately equal annual amounts of timber of the same or improving quality in quantities which do not decline and which may increase;

(6) "small forest landowner" includes any person who owns, leases, operates, or otherwise controls no more than five thousand acres of designated commercial forest land;

(7) "person" includes an individual, partnership, corporation, company, association, firm, society, joint stock company, Indian tribe, State, municipality, and political subdivision of a State;

(8) "cooperative management unit" means an association or group established under State law of small forest landowners who harvest timber and manage designated commercial forest lands under a single timber harvesting and land management plan;

(9) "commercial forest land" means any forest land capable of growing continuous crops of fully mature trees on an even flow basis after application of sound forest practices consistent with the purposes of this Act;

(10) "forest products" means any renewable material including trees, shrubs, and flowers or other plant life which are sold from forest lands;

(11) "forest lands" when referred to in section 3 and title II of this Act includes all federally owned or administered forest land as that term is defined in the Act of March 29, 1944 (16 U.S.C. 583f);

(12) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof, or which affects commerce; and

(13) "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

FINDINGS AND PURPOSES

SEC. 3. (a) The Congress finds and declares that—

(1) the environmental quality and productivity of the Nation's forest lands are rapidly deteriorating due to inadequate and unregulated timber harvesting and land management procedures and measures;

(2) the public has a right to enjoy a healthy human environment and to expect that the Federal Government, the States, and local government will utilize all practicable means and measures to protect that right and enhance the quality of our environment;

(3) multiple-use values relating to recreation, watershed, wildlife. range and forage, fisheries, esthetic enjoyment, and preservation of wilderness are not being adequately taken into account with respect to the management of the Nation's forest lands;

(4) a maximum sustained yield of high-quality timber products in an even flow from the Nation's forest lands is not occurring; and

(5) approximately four-fifths of the Nation's commercial forest lands are privately or otherwise nonfederally owned and that much of these lands are not being optimally managed through the application of sound forest practices.

(b) It is, therefore, the purpose of this Act to create and maintain an effective and comprehensive system of regulation and use of all forest lands in the Nation through a program where timber harvesting and land management will be carried out only on forest lands already in, and suitable for, commercial production of timber products so as to assure that—

(1) the environmental quality and productivity of forest lands are restored, enhanced, and maintained;

(2) multiple-use values are effectively taken into account with respect to the management of such lands; and

(3) the goal of maximum sustained yield of high-quality timber products is achieved consistent with such multiple-use values.

TITLE I—COMMERCIAL FOREST LANDS

CRITERIA FOR THE DESIGNATION OF COMMERCIAL FOREST LANDS

SEC. 101. (a) Within forty-five days after the enactment of this Act, the Secretary shall publish in the Federal Register proposed criteria for the designation by the States of commercial forest lands located therein. Such criteria shall be consistent with, and in furtherance of, the purposes of this Act.

(b) After a reasonable time for interested persons to submit written comments thereon (but no later than ninety days after the initial publication of such proposed criteria), the Secretary shall promulgate such criteria with such modifications as he deems appropriate. Such comments shall be available for public inspection.

(c) The Secretary shall from time to time review, and, as appropriate, revise such criteria in the same manner as the initial criteria were developed.

STATE DESIGNATION OF COMMERCIAL FOREST LANDS AND STANDARDS FOR TIMBER HARVESTING AND LAND MANAGEMENT PLANS

SEC. 102. (a)(1) Each State shall, after reasonable notice and public hearings, designate all lands located in such State (within six months after criteria are promulgated under section 101 of this title) which are already in, or suitable for, consistent with the criteria promulgated by the Secretary under section 101 of this title, as commercial forest lands, except that such designations shall not apply to any Federal forest land. In addition, each State shall, after reasonable notice and public hearings, adopt, within nine months after the enactment of this Act, and submit to the Secretary (A) standards for timber harvesting and land management of designated commercial forest lands, and (B) a plan for the implementation, maintenance, and enforcement of such standards (hereinafter referred to as the "plan").

(2) The Secretary shall, within four months after the date required for submission of standards and a plan under paragraph (1) of this subsection, approve or disapprove such standards and plan or any portion thereof. He shall approve such standards or any portion thereof, if he determines that they were adopted after reasonable notice and hearing and are consistent with the purposes of this Act. He shall approve such plan or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

(A) it provides for the attainment of such standards as expeditiously as practicable;

(B) it provides necessary assurances that a designated State agency has or will have (within one year from the date of approval of such plan) adequate funding, authority, and trained personnel to carry out and enforce such standards and plan;

(C) it provides effective measures, including, but not limited to, land use controls, to insure maintenance of such standards after they are attained;

(D) it provides for periodic reports by persons subject to such plans on the timber and land management operations conducted by such persons, which reports shall be available to the public;

(E) it provides that each person who owns, leases, operates, or otherwise controls all or any portion of any designated commercial forest land and who conducts or plans to conduct timber harvesting thereon shall submit to the appropriate State agency (within four months after the approval of such standards) an effective timber harvesting and land management plan prepared by a licensed forester for all or a portion of such person's land consistent with such approved State standards and plan, except that where more than one person owns, leases, operates, or otherwise controls such lands and conducts or plans to conduct timber harvesting thereon, each such plan shall be coordinated to insure that it is so consistent;

(F) it provides (i) for periodic review and, where appropriate, revision, after public hearings, of such standards or plan, or both, to achieve the purposes of this section, (ii) for revision of such standards or plan, or both, whenever the Secretary finds on the basis of information available to him that such standards or plans are substantially inadequate to achieve the purposes of this Act; and

(G) it provides such other information as the Secretary may require to carry out the purposes of this Act.

(3) The Secretary shall, in accordance with the procedures and requirements of this subsection, approve any revision of such standards or plan.

(4) The Secretary may, whenever he finds it necessary and publishes his finding, extend the period for submission of any plan or portion thereof not to exceed six months.

(b) The Secretary shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth such plan or portion thereof, if (1) a State fails to submit standards or a plan for implementation, maintenance, and enforcement of such standards within the time prescribed, or (2) the standards or plan, or portion thereof, or both, submitted is determined by him not to be in accordance with the requirements of this section, or (3) the State fails, within sixty days after notice by him or such longer period as he may prescribe, to revise such standards or plan as required by this section. If such State held no public hearing associated with adoption of such standards or plan, he shall provide an opportunity for such hearing within such State on any proposed regulation for such State. He shall, within six months after the date required for submission of such standards or plan, promulgate any such regulation unless, prior to such promulgation, such State has adopted and submitted standards or plan which he determines to be in accordance with the requirements of this section. Such standards or plan promulgated by him for any State shall be the standards or plan, or both, applicable to such State in the same manner as if such standards or plan had been adopted by such State and approved pursuant to this section, and shall remain in effect until such State submits such standards or plan and it is approved under this section.

(c) (1) A petition for review of any action of the Secretary approving such standards or plan, or both, may be filed in the United States court of appeals for the circuit which includes the applicable State. Such petition shall be filed, within thirty days from the date of such approval by any interested person praying that it be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary and thereupon he shall certify and file in such court the record upon which the approval complained of was issued, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm or set aside the determination complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record at such hearing.

(2) Such approved standards or plans with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement under this Act.

TIMBER SUBJECT TO ACT

SEC. 103. (a) Beginning on and after the date established by section 102 of this title for designating commercial forest lands in each State, no person shall sell, offer for sale, deliver, or introduce any timber into commerce which was harvested from any land in such State other than from designated commercial forest lands.

(b) Beginning on and after the date established under section 102 of this title for the approval of standards and a plan for each State, no person shall sell, offer for sale, deliver, or introduce any timber into commerce which was harvested on designated commercial forest land in such State in violation of such standards or plan, or both.

(c) Any person who knowingly violates subsection (a) or (b) of this section shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such person under this title, punishment shall be by a fine of not more than $25,000, or by imprisonment for not more than three years, or by both; one-third of said fine shall be paid to any person who gives information leading to a conviction, and he may sue for the same.

FEDERAL ENFORCEMENT OF STANDARDS AND PLANS

SEC. 104. (a) Whenever, on the basis of information available to him, the Secretary finds violations of an applicable standard or plan approved by him under section 102 of this title, he shall notify the person in violation and the appropriate State of such finding by certified mail. If such violation extends beyond the fifteenth day after receipt of such notice, he shall issue an order requiring such person to comply or he may bring a civil action in accordance with subsection (b) of this section. Any order issued under this subsection shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Secretary, taking into account the seriousness of the violation and any good faith efforts to comply, determines is reasonable. A copy of any such order shall be sent to the appropriate State and all orders and notices and related data, information, documents, and material shall be available to the public for inspection.

(b) (1) The Secretary may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

(A) violates or fails or refuses to comply with any order issued under this section; or

(B) violates any standard or plan for more than fifteen days after receipt of notice thereof under this section.

(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State agency.

INSPECTIONS, MONITORING, AND ENTRY

SEC. 104. (a) For the purpose of (i) developing or approving or assisting in the development of any standards and any plan for the implementation, maintenance, and enforcement thereof or (ii) determining whether any person is in violation of any such standard or plan—

(1) the Secretary shall require the person who owns, leases, operates or otherwise controls any designated commercial forest lands to (A) establish and maintain such records, (B) make such reports, and (C) provide such other information as he may reasonably require; and

(2) the Secretary or his authorized representative, upon presentation of his credentials—

(A) shall have a right of entry to, upon, or through such lands or in any premises in which any records required to be maintained under paragraph (1) of this subsection are located, and

(B) may at reasonable times have access to and copy any records and inspect such lands and timber operations conducted thereon.

(b) Each State shall develop and submit to the Secretary a procedure for carrying out subsection (a) of this section in such State. Nothing in this subsection shall prohibit the Secretary from carrying out this subsection in a State.

(c) In carrying out the provisions of this title, the Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and other documents, he may administer oaths. Any records, reports, or information obtained under this title shall be available to the public, except that upon a showing satisfactory to the Secretary by any person that records, reports, or information, or particular part thereof to which the Secretary has access under this title if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Secretary shall consider such record, report, or information, or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such persons, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary, to appear and produce papers, books, and documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

LICENSING OF FORESTERS

SEC. 105. Each State shall establish requirements for the licensing by the State of all foresters working within the State in accordance with criteria to be established by the Secretary. The Secretary shall publish within four months after enactment of this Act criteria for the licensing of foresters and

shall provide an opportunity for public written comment thereon. Such criteria shall be promulgated by him within three months after such publication. The Secretary shall from time to time review, and, where appropriate, revise such criteria in accordance with this section. Such comments shall be available to the public.

COOPERATIVE MANAGEMENT UNITS

SEC. 106. The Secretary shall cooperate with the States in providing technical assistance to small forest landowners whose commercial forest lands are within a cooperative management unit, in the development of timber harvesting and land management plans, and in otherwise assisting such landowners in carrying out the requirements of this Act.

TITLE II—TIMBER HARVESTING AND LAND MANAGEMENT ON FEDERAL FOREST LANDS

GENERAL POLICY

SEC. 201. Where timber harvesting on Federal forest lands is permitted, it shall be conducted in accordance with the principles and requirements of the Multiple Use and Sustained Yield Act (16 U.S.C. 528 et seq.) and this Act. All such timber harvesting operations shall, to the fullest extent possible, not impair the multiple-use values relating to water quality, recreation, range and forage, watershed, wildlife and plant life, including habitat for populations of rare, endangered, disjunct, narrow range, endemic, or unique associations of species, fish, esthetics, and preservation of wilderness. Whenever the Secretary or the Secretary of the Interior, in the case of Federal forest lands under his jurisdiction, finds that such values are or will be impaired on any such land, he shall not permit timber harvesting to begin or to continue until effective means and measures are developed to prevent such impairment and are reviewed by the public.

TIMBER HARVESTING ON FEDERAL LANDS

SEC. 202. (a) Beginning one year after the enactment of this Act, timber harvesting on Federal forest lands shall be conducted under timber harvesting and land management plans promulgated under this section.

(b) The Secretary or, in the case of Federal forest lands within the jurisdiction of the Department of the Interior, the Secretary of the Interior shall publish proposed plans for the harvesting of timber on Federal forest lands where such harvesting is permitted. Such plans shall be consistent with, and in furtherance of, the provisions of this Act and the Multiple Use and Sustained Yield Act. Such plans shall be published for all such lands within each State or region. Within forty-five days after such publication, the appropriate Secretary, whenever there is sufficient public interest in any such plan, shall hold a public hearing thereon. After considering any oral or written comment thereon, such Secretary shall promulgate each such plan with such modifications as may be appropriate within six months after such publication. Each such plan shall be reviewed at least every three years and, if appropriate, revised, after notice and public hearing.

(c) (1) The Secretary or, as appropriate, the Secretary of the Interior shall not enter into any contract or other arrangement for the clear cutting of any Federal forest land or portion thereof, until a timber harvesting and land management plan is promulgated for such land.

(2) After such plan is promulgated, the appropriate Secretary, before entering into any such contract, shall find, and publish his findings, whether clear cutting of any part of such forest lands is a sound forest practice. In making this finding he shall among other matters consider—

(i) the effect of clear cutting on all other resource values and the environment;

(ii) the compatibility of clear cutting with the maintenance and enhancement of long-term productivity of the forest lands and the integrity of the environment;

(iii) the practicability of reforestation and other work to restore forest lands which are clear cut; and

(iv) all feasible and prudent alternatives to clear cutting.

(3) The appropriate Secretary shall, within forty-five days after enactment of this Act, review each contract or other arrangement to clear-cut timber on any Federal forest land where such work has not begun or is not substantially completed. Pending such review, such work shall be halted. If based on such review, he finds and publishes his finding that such work does not constitute a sound forest practice he shall terminate such contract. Such termination shall be subject to applicable provisions of law relating to the payment of damages, if any, for such termination.

(d) In entering into any contract or other arrangement for timber harvesting on Federal forest lands, the appropriate Secretary shall do so by competitive bidding and shall require that the fair market value of the timbers be received by the United States. He shall also provide that it is the responsibility of said contractor to comply fully with the applicable policies and requirements of this Act, including, but not limited to, those requiring that harvested lands be restored and wastes removed. The Secretary shall publish in the Federal Register within six months after enactment effective regulations to meet the requirements of this subsection and afford an oportunity for public comment thereon. Such regulations shall be promulgated, after consideration of such comment, four months after such publication.

FEDERAL ENFORCEMENT ON FEDERAL FOREST LANDS

SEC. 203. (a) Any person who knowingly harvests timber in violation of any applicable plan promulgated under this title shall, upon conviction, be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both. One-half of said fine shall be paid to any person giving information which shall lead to a conviction and he may sue for the same.

(b) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both.

(c) No Federal agency may enter into any contract with any person, who is convicted of any offense under section 103 of this Act or this section, to harvest timber on Federal forest lands. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

(d) Any person who conducts timber harvesting operations on any lands subject to such plans shall establish and maintain such records and make such reports as the appropriate Secretary shall require. Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Secretary by any person that records, reports, or information, or particular part thereof, to which the Secretary has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Secretary shall consider such record, report, or information or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

NATIONAL FORESTS: PRIMITIVE AREAS

SEC. 204. (a) All areas within the national forests which fall within the definition of "wilderness" as defined by section 2(c) of the Wilderness Act (16 U.S.C. 1131) but are not, as of the date of enactment of this Act, classified as a "primitive area" or "wilderness" area by such Act because they fail to satisfy the acreage requirement of such Act, are hereby given "primitive area" status and shall be managed under the provisions of such Act as a "primitive area", if such area is at least three thousand contiguous acres, or at least one thousand two hundred and eighty contiguous acres if adjacent to a presently designated "wilderness area" or "primitive area".

(b) The Secretary shall, within ten years after the date of enactment of this Act, review, as to its suitability or nonsuitability for preservation as "wilderness", all areas whose classification is changed to "primitive area" as a result of subsection (a) of this section.

(c) Nothing in this section shall be construed to abrogate any contract in existence on or before December 31, 1970, to harvest timber in a national forest.

EXPORT RESTRICTIONS

SEC. 205. Notwithstanding any other provision of law, no logs or unfinished forest products from Federal forest lands or from designated commercial forest lands shall be exported from the United States during any calendar year, unless the Secretary shall find, after public hearings with adequate notice in the Federal Register of such hearings, that the Nation's projected timber supply needs for each of the five consecutive years thereafter can be satisfied entirely by domestic supplies.

FEDERAL FOREST LAND FUND

SEC. 206. (a) There is established in the Treasury of the United States a trust fund to be known as the Federal Forest Land Fund (hereinafter referred to as the "Trust Fund"). The Trust Fund shall consist of such amounts as may be appropriated or credited to the Trust Fund as provided in this section.

(b) (1) There is authorized to be appropriated to the Trust Fund amounts equal to the net proceeds accruing to the United States from the sale of forest products by the United States.

(2) The amounts appropriated by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts, referred to in paragraph (1), received in the Treasury. Proper adjustments shall be made in any amounts transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

(c) (1) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund and to report to the Congress not later than the 1st day of March of each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its projected expected condition and operations. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such

investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) Amounts in the Trust Fund shall be available in addition to all other appropriated and other funds, to the Secretary for making expenditures to complete the national forest system, to complete the acquisition of inholdings, including those affecting recreational programs which have been authorized by Congress, to enlarge tree-planting operations on Federal forest lands, and to carry out other activities to improve the environment within Federal forest lands.

OTHER LAWS

SEC. 207. The provisions of this Act shall not apply to Federal forest lands within the National Wildlife Refuge System and the National Park System.

EMPLOYEE PROTECTION

SEC. 208. (a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee of any timber harvesting operation or any authorized representative thereof by reason of the fact that such employee or representative (1) has notified the Secretary or his authorized representative of any alleged violation, (2) has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or (3) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any such employee or representative who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice to the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary of Labor's findings therein. Any order issued by the Secretary of Labor under this subsection shall be subject to judicial review in accordance with this Act. Violations by any person of subsecton (a) of this section shall be subject to the provisions of section 203 of this Act.

(c) Whenever an order is issued under this section, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

REPORT

SEC. 209. The Secretary and the Secretary of the Interior shall on September 1 of each year submit to the Congress a report on the actions taken by each under this Act during the preceding fiscal year. Such report shall include a detailed description of all timber harvesting contracts or other such arrangements on Federal forest lands and a statement of any findings made by each concerning any clear cutting permitted under such contracts, and a statement of the actions, including legislative recommendations, which are necessary to more fully carry out the purposes and requirements of this Act. The report shall also set forth the sums accruing to the Fund established by this Act and the actions taken with such sums. The report shall also describe in detail the actions taken or not taken by each State to carry out the purposes and requirements of this Act.

ADDITIONAL STATEMENTS

THE VIETNAM PAPERS

Mr. ALLOTT. Mr. President, in the coming days much will be written about the real significance of the New York Times' action in arrogating too itself the right to receive, declassify, and publish stolen secret documents. And much will be written about the revelations—if any—which these documents contain.

Thus far the most perceptive and responsible comment I have seen is contained in the column by Messrs. Evans and Novak in today's Washington Post. So that all Senators can consider this wise column, I ask unanimous consent for it to be printed in the RECORD.

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

THE VIETNAM PAPERS

(By Rowland Evans and Robert Novak)

Even though the remarkable collection of Vietnam papers published by the New York Times by no means proves the charge that President Lyndon Johnson was playing a game of calculated deceit during the 1964 presidential campaign, its impact on the political process in this country may be devastating.

That's because many voters will take at face value the charges by antiwar politicians that the papers show Mr. Johnson had already made up his mind to bomb North Vietnam long before his peace-oriented campaign of 1964. They will not bother to read the documents themselves which clearly refute that charge and reveal a President tortured by doubt after the election.

Thus, responsible officials here warn that the political effect of The Times' publication of the documents, many of them "top secret," lies not in further damage to Mr. Johnson's reputation. Rather, the damage—and these officials regard it as extremely serious—lies in a further breakdown of confidence in the U.S. government, particularly among the youth.

As such, in the words of one key official of the Johnson administration, who long since has entered the antiwar ranks, the published documents are "a stunning blow to moderate liberalism in the United States and a tremendous gain for the Far Left."

The reason is found in the current conventional wisdom about Vietnam. With even politicians on the far right now demanding an immediate pullout of all U.S. troops from Vietnam, the rationale of deliberate war escalation that permeated the published documents written by high officials in the Johnson administration during the mid-1960's look treasonous or insane in retrospect.

But that rationale should be judged by the mood of 1963–64. Then, even the New York Times, now so passionate a leader in demanding an immediate end to the war, was playing a different tune.

A Times editorial on Sunday, Nov. 3, 1963, just after the Saigon coup d'etat that resulted in the murder of President Ngo Dinh Diem, praised the fact that Diem's successors "are dedicated anti-Communists who reject any idea of neutralism and pledge to stand with the free world." The editorial noted with pleasure that certain key figures in the Diem government who had "tried to make a deal with the Communist North Vietnamese along lines hinted at by President de Gaulle" were purged from the government along with President Diem.

An unsigned article in the News of the Week in Review section that day asserted that South Vietnam must not be allowed to fall to the Communists because it "holds the key" to all Southeast Asia, that even India "would be outflanked," and that it "would raise doubts around the globe about the value of U.S. commitments to defend nations against Communist pressure."

The Times, obviously, had every right to change its mind, as many other American institutions and politicians of both parties eventually did. But what The Times itself was advocating in late 1963 is vital to an understanding of what Lyndon Johnson eventually did.

Moreover, the published documents reveal that the Johnson war plans were still subject to debate long after the 1964 election—a fact that badly undercuts the conspiracy theory.

As late as Feb. 7, 1965, a few days after the Communist attack on the American barracks at Pleiku in the central highlands, McGeorge Bundy, Mr. Johnson's national security aide, wrote in a memorandum to the President that the Pleiku attack "(has) created an ideal opportunity for the prompt development and execution of sustained reprisals" against North Vietnam.

Contingency plans for just such "sustained reprisals" had been drafted months before inside the government, but Mr. Johnson had persistently and adamantly refused to give his approval.

Yet Bundy, the Pentagon, Gen. Maxwell Taylor (then the U.S. Ambassador in Saigon), and State Department officials could hardly have been expected not to prepare elaborate contingency plans. Had they not done so, they would have been derelict.

What deeply concerns politicians here is that publication of the Johnson documents when the national mood is so changed will trigger a vengeful hunt for scapegoats that could undermine national confidence. As one Johnson policy-maker told us: "This is a calculated effort to make honorable men seem dishonorable."

OFFICIAL SECRETS

Mr. SYMINGTON. Mr. President, much has been written in recent days about the New York Times articles based on a secret Defense Department study of the origins of U.S. involvement in Indochina and the Government's attempt to prevent the publication of further installments on this revealing study. Deserving of particular attention, however, is an interesting and thought-provoking editorial in the Wall Street Journal of yesterday.

Commenting on Attorney General Mitchell's complaint that these disclosures will cause "irreparable injury to the defense interests of the United States," the editorial states that—

After reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

In this connection, I join with the senior Senator from Virginia in requesting that the Department of Defense make "a clear and unequivocal statement to the American people as to just why this early history of the Vietnam war should continue to be classified top secret."

In my opinion, there would appear no jusification on the grounds of "national security" for the Justice Department's attempts to keep the truth from the Congress and the American people about the policy decisions which led our Nation into this tragic conflict. One of the cornerstones of democracy is the faith of the people in their Government. That faith has already been badly shaken by the revelations of deception by the previous administration and what faith remains can only be further undermined if the present administration fails to reveal the basic facts about past, as well as current and future, foreign policies to the American public.

As the Wall Street Journal editorial asks: "If the President's word cannot be trusted, how can there be any hope of sustaining a national sense of morality?"

President Nixon himself summed it up well in November 1969, when he said:

I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what the Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

To that end, I will continue to press for a Senate investigation, either by the Foreign Relations or Armed Services Committees separately, or jointly, to undertake a full examination of the origins of the war in Indochina so that future generations may profit from this sad experience.

Hopefully, this investigation and the disclosure of at least part of this Pentagon report will also force a long overdue examination of present attitudes toward the use of classification for political purposes, not reasons of national security.

As the editorial concludes:

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely on the ingenuity of the press for such information, the government has very little justification for complaint.

I ask unanimous consent that the editorial in question from the Wall Street Journal of June 16, 1971, entitled "Official Secrets" be inserted at this point in the RECORD.

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

OFFICIAL SECRETS

In his demand that The New York Times halt publication of articles based on a secret Pentagon study of the origins of U.S. involvement in Vietnam, Attorney General Mitchell claimed that the disclosures will cause "irreparable injury to the defense interests of the United States."

Yesterday a federal judge granted the government a temporary order restraining The New York Times from publishing the last two installments of the study. But after reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

The very attitude that the retaliative reaction of the Attorney General and the Pentagon reflect—the idea that the truths involved in momentous government decisions should be "stage managed" for the benefit of public opinion—has done a great deal of harm to our national interests. This attitude, so prevalent in Washington in the mid-1960s, gave rise to the widespread impression that American leaders were not to be trusted. That opinion has weakened the country's world influence and helped cause serious divisions at home.

If the Pentagon study has any current importance, it is in its revelation of the extent to which public distrust of the government was justified. That revelation does no further harm to America's "defense" or even its foreign-policy objectives at this late date. On the contrary, it could prove useful if it suggests that there should be much less official secrecy in the future conduct of American affairs.

The study evokes memories of the Washington climate in those days when the prevailing attitude of President Johnson and his advisers was that the public and the Congress could not be trusted with the truth. As the President moved in early 1965 from reprisal raids against North Vietnam to continuous bombing, the change brought serious "stage management" problems for the President, the analyst who wrote the report observes.

And showing only mild recognition of the implications, the report says the President was "being less than candid" when he told the press in March 1965 that he knew of no "far-reaching strategy that is being suggested or promulgated" for Vietnam. This was only a few days before U.S. troops in Vietnam were committed to offensive operations for the first time. There are plainer words than "less than candid" for the President's deception.

The Pentagon report confirms, if anyone had any lingering doubts, that there were good reasons why the government developed a "credibility gap" in the 1960s. The credibility gap proved costly to President Johnson and the Democrats in 1968 and it also was costly to the country.

We still are suffering the costs in widespread public and Congressional doubts about whether public statements of policy on Vietnam reflect the actual policy. And the argument that government no longer deserves trust and willing consent, although perhaps no longer justified, is used by radicals to justify guerrilla activities that could be dangerous to the nation's social and political fabric.

This kind of situation has been a large price to pay indeed for whatever benefits official secrecy might have had in the conduct of Vietnam policy. If the President's word cannot be trusted, how can there be any hope of sustaining a national sense of morality?

The flap over the Pentagon report might be an appropriate occasion for the present administration to reexamine its own attitudes toward secret formulation and conduct of national policy. Its reaction to the publication of the report suggests that some of the attitudes of the discredited Johnson regime have carried over into this administration.

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely on the ingenuity of the press for such information, the government has very little justification for complaint.

SECRETARY ROGERS C. B. MORTON CITES NEED FOR REORGANIZATION

Mr. HANSEN. Mr. President, recently, the Secretary of the Interior, the Honorable Rogers C. B. Morton, addressed the Wyoming Bankers Association at its annual convention at Jackson Hole, Wyo.

As a strong advocate of the President's plan to reorganize the executive branch of our Government, I was especially pleased to read Secretary Morton's comments concerning the need for a Department of Natural Resources.

The new Department of Natural Resources would be built around the Department of the Interior. The Forest Service and the Soil Conservation Service of the Agriculture Department would be transferred to the Department of Natural Resources. It also would take over the National Oceanic and Atmospheric Administration now in the Commerce Department and the civilian energy functions of the Atomic Energy Commission.

Mr. President, this proposal makes a lot of sense. I believe a majority of Americans favor the President's reorganization plan. I would like to ask unanimous consent to include in the RECORD a brief synopsis of Secretary Morton's remarks on June 11 before the Wyoming Bankers Association.

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

SECRETARY MORTON URGES SUPPORT OF PRESIDENT'S GOVERNMENT REORGANIZATION PLAN

Secretary of the Interior, Rogers C. B. Morton, today urged the members of the Wyoming Banker's Association to support the Administration's Government Reorganization Plan. In an address delivered to the 63rd Annual Convention of Wyoming Bankers at Jackson Lake Lodge, the Secretary stated:

"The Federal Government has not pursued an effective approach to the stewardship of our vast natural resources. As we in Government attempt to solve this and other problems, another challenge confronts us. Our Federal Government is not organized to deal effectively with these matters."

Morton cited several examples of the fragmentation of responsibility that exists in government today:

Nine different Federal Departments and twenty independent agencies are now involved in some aspect of education.

Three Departments work to help develop water resources.

Four agencies in two Departments are involved in managing public lands.

Six agencies in three Departments administer Federal Recreation areas.

He praised the President's reorganization plan which recommends that the Departments of State, Treasury, Defense, and Justice continue as basic units of the Cabinet but that all other departments be consolidated and rearranged into four.

Morton stated that, "Under the President's plan Government would be modernized to deal comprehensively with modern-day National needs. It would give us a Department of Human Resources to deal with the con-

cerns and needs of the people, a Department of Community Development to bring assistance to the people's urban and rural community needs, a Department of Economic Development to promote the Nation's prosperity and develop jobs and businesses, and, a Department of Natural Resources to look after our physical environment and the preservation and balanced use of our natural resources.

"Naturally, the proposal closest to my heart is the one designed to enable us to maintain and enhance our rich heritage of land, forest and water—the proposed Department of Natural Resources. Built around the Interior Department it would also include the Forest Service and Soil Conservation Service now in the Department of Agriculture; the civil functions of the Army's Corps of Engineers; the National Oceanic and Atmospheric Administration now in the Commerce Department; and the related civilian energy functions of the Atomic Energy Commission.

"This is a carefully thought out plan to reorganize activities to effect five major and interrelated federal missions—the management of: energy and minerals; land (the Federal Government owns one-third of the land area of the United States); water resources; earth sciences; and the people whose heritage and lives are most closely related to the land—the American Indians, the Alaska Natives, and the peoples of the Territories.

"Consider, for example, how utterly wasteful and time-consuming it is to have interrelated land and water projects conceived and considered separately, each agency having its own mission. It is easy to see how they can cancel out each other's efforts or render them ineffective.

"Consider how much easier it would be for you as citizens to deal with one Department responsible for managing public lands, their range and forest, their recreation potential, and their other multiple uses."

The Secretary went on to discuss the need for the adoption of the National Land Use Policy Act now before Congress. After commenting on the problems this Nation faces today due to inadequate machinery for influencing land use decisions, the Secretary said:

"Land is our basic resource and its misuse has grave consequences. Although most land use decisions are properly made at the local level, those land use issues which spill over local jurisdictional boundaries or involve values of State-wide concern must be made at a higher level. Environmental values frequently fall into this category. The Administration's National Land Use Policy Act of 1971 encourages the States to exercise more fully their responsibility to deal with these land use problems of more than local impact. This year there will be a $10 billion gap between the costs and ability to pay for running States and providing local services. The Administration's legislative program attempts to close this gap and protect our vital land resources."

The Secretary concluded by stating: "The President is taking dramatic action, but as he has so often pointed out: 'No matter how well organized Government itself might be . . . in the final analysis, the key to success lies with the American people'."

"So I must caution you, the financial leaders of this great State of Wyoming, never to forget that you have as great a stake—and a responsibility for—the preservation, the use and the management of our Nation's resources as does anyone in Washington.

"Your support, your counsel, your constructive criticism, all are so desperately needed if we are to attain the goals which we have set for ourselves and for you—that the great trust of our natural resources on this continent be managed and used in such a way as to provide a legacy and a promise for our children and future generations to come."

MISS JIM CRABTREE

Mr. McCLELLAN. Mr. President, in this day and age of big, costly, and impersonal government, it is a rare pleasure to discover that public servant who still performs as one. Miss Jim Crabtree was such a devoted, helpful friend to residents of St. Charles, Ark., for the 30 years she delivered their mail. No matter of weather or roads, however foul, could prevent her daily rounds. She treated the rural families along Route 2 as her own, and they reciprocated with mutual affection.

Miss Crabtree recently retired from the U.S. Postal Service. She will be sorely missed, not only by her people in St. Charles but by the Government she served so honorably as well.

It is a privilege for me to ask unanimous consent to insert in the RECORD an article from Era Enterprise of De Witt, Ark., which recognizes Miss Crabtree's accomplishments.

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

MISS JIM CRABTREE

Rain, sleet, shine or snow—the mail must go through. Even though this old cliche dates back to the time of the horse and buggy and has been worn ragged from over use during the years, it still has a special meaning to a St. Charles woman and an affectionate tone could be depicted in her voice as she repeated the words last Friday.

Perhaps the reason the phrase has a special meaning to Miss Jim Crabtree is because she has lived by the words for the past 30 years. Doing a job normally held by a man, Miss Crabtree has traveled rain-sodden dirt roads of which many skilled drivers backed away. Her job—delivering the U.S. Mail.

"Miss Jim" by which she is affectionately known, recently retired from her mail route of 30 years because of failing eye sight but memories of her many experiences as a rural mail carrier still linger on.

Miss Jim delivered mail on Route 2 which covered 50 miles round trip, six days a week. She left St. Charles at 7:30 a.m. and returned at 10:30 a.m. by way of Van and Ethel distributing and picking up Uncle Sam's parcels. However, her work day was only half completed as Miss Jim's afternoon trip left St. Charles at 4:40 and returned at 5:40 p.m.

Before the mail route was established, residents of the areas where no railroad connections reached received mail and freight once a week by boat on the White River. Miss Jim took over the contract route in 1940 and made her first delivery May 27 of that year. She established a period of personal service that was only interrupted for eight days during her 30-year span. Due to death and sickness in the family, a subsitute carrier was needed to cover her route only eight times during her career.

Miss Jim's final mail run was last Christmas Eve. She entered Mid-South Sight Service Institute on New Years Eve for eye surgery. The corrective eye surgery enabled Miss Jim to see well enough to get around but she feels her vision is not good enough to drive the mail route.

Since her retirement she has been devoting most of her time improving her home at the outskirts of St. Charles. It doesn't take long to realize that she takes great pride in preserving the 100-year-old home and its furnishings. Miss Jim has also been a successful farmer and a regular attendant at church and Sunday School. She has been absent from church only seven Sundays in the past 30 years.

Miss Jim is acknowledged to be one of the most well-known and most respected residents of her area. She has a reputation of considering right to be essential and wrong intolerable.

Mr. McCLELLAN. Mr. President, I am sure that we all agree that Miss Crabtree deserves our highest esteem and best wishes for her future happiness. Both the U.S. Postal Service and the people of Arkansas should take great pride in her accomplishments.

RETIREMENT OF REPRESENTATIVE McCULLOCH OF OHIO

Mr. TAFT. Mr. President, I know that all Members of the Senate and the country at large share with me in expressing great regret at learning that WILLIAM M. MCCULLOCH, Member of Congress from Ohio's Eighth District and dean of the Ohio delegation will not seek reelection for health reasons.

BILL MCCULLOCH's service to our Nation has been exceptional and outstanding. His inspiration and help to his colleagues has known no peer. We shall miss him deeply.

George Jenks of the Toledo Blade reviewed brilliantly a number of his many accomplishments and I ask unanimous consent that his article of June 9 be included at this point in the RECORD.

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

CHAMPION OF FAIRNESS

(By George Jenks)

WASHINGTON.—Rep. William M. McCulloch, Piqua, O., Republican, will retire from the House at the end of his present term after 26 years as the representative of west central Ohio's politically conservative 4th Congressional District. He shared the conservatism of his constituency in most fields, particularly government extravagance and arrogance. The right-wing Americans for Constitutional Action gives him the high rating of 80 for his entire congressional career. Yet, if he receives a footnote in the history of his times—and it is probable that he will—it will be because of his vigorous participation in the liberal cause of civil rights.

As the ranking minority member of the House Judiciary Committee, he became the catalyst who made possible the enactment of the landmark civil rights legislation of two Democratic administrations, those of John F. Kennedy and Lyndon B. Johnson.

He came into national prominence in 1963 with the introduction of proposed legislation to protect voting rights and strengthen federal authority in bringing an end to southern racial discrimination.

A House judiciary subcommittee had reported a bill which went far beyond the Administration's proposal, one which Democratic House leaders informed the White House had no chance of approval.

Accordingly, the late Robert F. Kennedy, then attorney general, went before the full committee to ask Republican assistance in modifying the subcommittee bill. It was Mr. McCulloch who worked with the Kennedy administration in writing the measure that finally became law. Robert Kennedy later

said that without the Ohio congressman's help the bill never would have become law.

He again went to the aid of the Democratic majority and the cause of civil rights during the Johnson administration in 1944 when Congress enacted what has been called the most far-reaching civil rights legislation since the reconstruction period.

The bill was stalled in the House Rules Committee and was reported out only after Mr. McCulloch, his party's leading spokesman on civil rights matters, went before the committee to defend the constitutionality of the measure as approved by his judiciary Committee.

His claim to a position in the high councils of civil rights advocates was recognized by the White House. Former President Johnson named him to the Advisory Commission on Civil Disorders along with Sen. Edward Brooke of Massachusetts and Roy Wilkins of the NAACP.

The emergences of this small town, Ohio Republican as a defender of minority rights came about from two sources. One was his long seniority in the Judiciary Committee. The other was his intense concern for fairness both in the law and in the administration of the law.

Evidence of that latter trait came when he became incensed at what he regarded as overzealous and improper tactics by the Department of Justice in securing the conviction of Teamster leader James Hoffa. Mr. McCulloch in 1964 introduced a resolution to name a committee to investigate the Department of Justice for violation of individual rights and liberties.

It cannot be said of him that his activities in controversial fields were undertaken for the sake of winning votes. In fact, in 1964 he feared that his defense of civil rights might cost him his seat and he called this newspaper's Washington bureau to suggest that a few kind words in print might make the difference between victory or defeat.

Mr. McCulloch deserves more than a few kind words. He has served his country and his state well.

A MEDICAL BILL OF RIGHTS

Mr. EAGLETON. Mr. President, on June 4, Senator MUSKIE and I introduced amendments to the health manpower legislation now pending in the Senate Committee on Labor and Public Welfare. At that time, Senator MUSKIE referred to the tasks that lay before us in improving our health care systems above and beyond the need for national health insurance. He especially spoke about revamping our health manpower system and development of new types of health maintenance operations—HMO's.

On Thursday, May 27, Senator MUSKIE gave a commencement address at the Albert Einstein College of Medicine, in New York City. At that time he most eloquently described the health care crisis before this Nation, and in great detail, spoke of the "medical rights" that must be established for all Americans.

I ask unanimous consent that the full text of that statement be printed in the RECORD, so that all Senators may have the benefit of his views on this question.

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

A MEDICAL BILL OF RIGHTS

When politicians speak at college commencements in 1971, careful students raise their guard. You wonder what we really have to say—and whether you should even try to listen. The world in your time has left you with a sure sense of skepticism about public men and political life.

A graduate of Einstein has seen too much in recent years to accept very much of the rhetoric he hears.

For as long as you have been in college, America has been in Indochina. Your generation has stood up for peace—and your protest has persuaded most of my generation to oppose the war. But still the fighting rages on—and still our free system fails to bend our policy to the will of our peopple.

For as long as you have been in medical school, you have witnessed in some neighborhoods of the Bronx the starkest evidence of man's inhumanity to man. You long ago heard the pledge of new priorities—but daily you encounter mothers without food, workers without work, and children hooked on heroin. Politicians have always made promises to the South Bronx—but they have seldom made progress for the families who live there.

Finally, for as long as you can remember, the stain of racial prejudice has mocked our claim to national equality. We have talked civil rights and supported civil rights and even proclaimed civil rights. But how would white Americans now answer President Kennedy's probing question: "Which of us would willingly trade places with a black man?"

So I understand whatever skepticism you bring to this ceremony today. I know that my words cannot erase your doubts. Only the deeds of government in the years ahead can restore your confidence and renew our country. But I think we can do what we must—and I think that we will. I think that ultimately America will turn from the tasks of death abroad to the tasks of life at home.

I cannot prove my conviction. But I ask you to share it—in spite of the wrong you have seen—and because of the right you have experienced. Your education alone is vital evidence of an ability to build justice here in America.

In 1954, Dr. Samuel Belkin founded Einstein, not only because New York City needed another high quality medical school, but because the nation needed another non-discriminatory medical school. His faith and the faith of his fellow founders can be reduced to a single, simple truth. They believed that something better than bias should determine the chance to learn how to heal. They believed that general quotas could not measure individual qualifications. And they translated their belief into a place that is first rate in its profession and first rate in its principles.

In 1971, Einstein is a quietly eloquent testament to the good that Americans can create. And Einstein's remarkable record gives us reason to hope that our institutions can respond to our conscience and our social crisis.

Between 1958 and 1971, your medical school graduated only 15 blacks and Puerto Ricans. In 1974 alone, it will graduate 20. The difference is that Einstein is no longer waiting for minority applications. It is actively seeking them—and it is succeeding in its search. Your institution has done what some say no institution can do—it has adapted the practices of the past to the present and the future needs of people.

But Einstein's response has not been limited to serving the cause of racial justice. This new college has also discarded the old prejudice of the medical profession against women. Twenty-nine of them become doctors here today—twenty-nine more than almost any medical school would have wanted or accepted only a few years ago. Their hands and brains will have lives—because Einstein has broken with an ancient tradition that was wrong from the beginning.

And now Einstein is pointing the way to further reform. In response to the shortage of doctors, it is increasing its enrollment and reducing its course of study. The result of the three-year program will be more doctors of equal competence trained in less time. And the result of that will be more health care for more Americans.

Anyone privileged to graduate from Einstein cannot be completely skeptical about institutions and their potential to advance the cause of compassion and decency. You should be proud to come from a medical school which is serving, not only your special profession, but our entire society. Its example is a lesson to take with you as you leave here today—a lesson equal to any you have learned—a lesson as important as anatomy or physiology or biochemistry. For you, like your college, have a social as well as a professional service to perform.

This morning you receive a piece of paper and swear a solemn oath that will permit you to cure the sickness of people. But the diploma and the oath will require something more from each of you—a constant commitment to cure the sickness of a medical care system which too often keeps doctors and the people who need doctors far apart. The technical name for the system is "health care delivery." The human reality behind the name is painfully visible everywhere in this city.

In the South Bronx, a young couple dips into their meager savings, not to send a son to school, but to bury their youngest child. It is no consolation for them to learn that their neighbors share their sorrow—that the rate of infant mortality in the South Bronx is double the rate of communities to the north.

In Brownsville, a seven-year-old is brought to an emergency room with stomach cramps from eating lead paint. After treatment, he is returned home to more hunger—and to a further risk of lead poisoning—a risk that each year becomes a reality for at least 900 children throughout New York City.

On the lower east side, a Spanish speaking mother takes her injured daughter to the hospital. After waiting around for seven hours, she is told in words she barely comprehends to return tomorrow. She does not know enough English to understand the explanation that there are not enough doctors. All she is left with is a worried night alone with her child.

And on Staten Island, a widow discovers that all the insurance and investments of years have been drained by the $30,000 bill for her husband's cancer treatments. She is discovering a hard fact of life and death in America—that sickness is often a financial as well as a physical catastrophe.

Multiply all these tragedies a hundred fold—reduce them to categories and numbers—and you will end up with the sad statistics of a failing health care system..

Between 1966 and 1980, the number of workers who cannot work due to illness will climb from 18 million to 21 million.

Seventy-five thousand newborn babies die in the United States each year.

The number of general practitioners has declined 35% since 1957—and foreign physicians now constitute more than 25% of our nation's doctors.

One hundred and fifty counties across the country have absolutely no health professionals of any kind. In most central cities, the situation is as bad—or just a little better. In the Kenwood section of Chicago, there are only two physicians for 46,000 people.

The cost of medical care has skyrocketed to over $60 billion annually. At the same time, the health insurance industry has used its actuarial studies to exclude segment after segment of our society from access to medical protection. The poor are abandoned to uneven and often inhuman public health services. And the middle class is caught squarely in the middle—too well-off to qualify for government help—too pressured to help themselves with comprehensive insurance.

In the end, millions of Americans go without adequate medical care. They cannot afford it. They are afraid it will break them. Or they cannot find a doctor. Some of them die. Others are left destitute. And most of them fall victim to needless pain and needless suffering. They are your parents or mine—your children or mine—our friends and our fellow citizens.

The disaster we call medical services makes most Americans forgotten Americans. It betrays each of them and all of us. Our system of medical care is in fact a system of medical neglect. It is in the deepest sense un-American.

Despite our power and our strength, despite our trillion dollar G.N.P., we have let young people die before their time and old people die when there was some precious time left. How will history judge us, a country which was first in the wealth of its resources, but far from first in the health of its people? And more importantly, how will we judge ourselves in those quiet, inner moments, when we remember that what finally counts is not how much we have, but what we are?

It is time for us to do more until we have done enough to sustain and enhance the health of our nation.

Countless medical students and some doctors have already answered the call to a new kind of service. In the early 1960s, student health organizations from Los Angeles to Boston pioneered concepts for comprehensive health care. In the summer of 1967, students like you joined together in New York City to found the student health project of the South Bronx. Their historic initiative was a sign of a new generation's determination to make medicine work for people.

But the young and the concerned in the the medical profession cannot do the whole job alone. Your voices have been heard—and sometimes even heeded. But your own efforts will take too long. And the results will be too uncertain. The only certainty is that entrenched and established forces will oppose you every step of the way. We cannot wait or gamble on the outcome. Human life and human health hang in the balance.

Four decades after organized medicine almost adopted a report favoring uniform financing for medical services—four decades and a hundred million illnesses too late—we must enact a medical bill of rights for all Americans. The Constitution commits our country to protect political freedom. Now, by legislation, the Congress must commit America to protect the physical health which alone makes possible the exercise of liberty.

The first medical right of all Americans is care within their means. Admission to a hospital or a doctor's office should depend on the state of an individual's health, not the size of his wallet. And we cannot depend on reform on half-way measures and half-hearted compromise. A right to medical care which left the burden of cost on the poor and the near poor would mock its own purpose. The only sure security is federally funded universal health insurance. That is our best hope for the future—and a priority goal in 1971.

We must take the dollar sign out of medical care. We must destroy the financial barrier between deprived people and essential medical services. We must end the terrible choice so many Americans face between losing their health and losing their savings.

The second medical right of all Americans is care within their reach. Even if we guaranteed the payment of health costs, millions of our citizens could not find sufficient medical services. The system is not only inequitable—it is also undermanned and inefficient. It is on the verge of collapse. The Nation must now respond with Federal financial incentives that will insure real reform.

There are not enough doctors. But Federal incentives can persuade medical schools to follow Einstein's lead and expand their enrollment. New schools can be created and sustained by Federal loans and grants. And Federal funds must also be provided to help medical students who should have something better than money to worry about. A program of scholarship aid must include all who are in need—and it must encourage minority students who intend to return to the old neighborhoods.

Yet the number of doctors is not the whole answer. If we produce 50,000 additional physicians and plug them into the current structure, our efforts for reform will certainly fail. Some of the health manpower legislation now before the Congress would do just that—and the result would be too many more doctors serving too few people at too high a cost.

Here, too, Congress must set up financial incentives that can move medicine in a new direction. We must encourage a shift from a system dependent on the individual doctor to a system built around the concept of the health team, composed of primary care physicians and other medical professionals. Teams would allow us to allocate medical resources with maximum efficiency and to maximum effect. They would employ paraprofessionals to relieve nurses and doctors from routine, time-consuming tasks. They would gather together diverse skills—from internists to pediatricians—and patients would deal with the team, not just a single physician. Einstein has experimented with the health team concept. The Federal Government must make Einstein's experiment national policy.

And health teams must be sufficient in distribution as well as in number. Federal bonuses must make it worthwhile to practice in the inner city and in rural America. Medical care cannot reach people unless people can reach doctors. And people must have more than geographic reach. A health team should also be subject to the reach of local influence.

Location incentives for health services must be designed to create responsive, personal structures. It was never right—and it is no longer possible—to satisfy Americans with distant, impersonal medical care. The system must respect everyone's identity—and sacrifice no one's dignity. And we must always remember that it is easier for a patient to reach a health team that he knows—than a shining new medical center walled off from surrounding rural poverty or a nearby urban ghetto.

The third medical right of all Americans is care within their needs. The present health insurance system is heavily biased toward high-cost hospital treatment and against preventive health care. That is incredibly expensive—and incredibly insensitive to the real needs of people. It has filled hospitals with patients who should not be there and would be better off elsewhere. A new national health program must reverse the old priorities. It must guarantee a range of medical services, comprehensive in scope, preventive in emphasis, and restricted only by the scope of scientific knowledge.

America's concern over the quality of health care has reached a high water mark in 1971. You are graduating from medical school at a time when the whole medical profession may be profoundly altered. You should welcome change—and work for change. Only in the context of a medical bill of rights for every American, can each of you truly and in the most literal sense profess your profession—which is nothing more and nothing less than the protection of human life.

And that requires not just a medical bill of rights, but a social bill of rights. The real cure for lead poisoning is not hospital care, but decent housing. The most effective treatment for malnutrition is adequate food. And the best guarantee of good health is a physically and emotionally health environment.

As health professionals, you must commit yourselves to total health care. And total care includes virtually everything that determines whether we are sick or well. You cannot confine yourselves to the technical skills you have learned here. You must also practice the fundamental human concern of a school like Einstein.

You must speak out for a fair and sensible medical care system.

You must stand up for social progress and for people—whether they are your patients or migrant workers two thousand miles away.

You can cure individuals—and you must help America build a compassionate society.

It will take time. There will be setbacks and frustrations and defeats. But men and women who come from Einstein have good reason to believe that we can finally fashion a country that is great enough to be good. You have seen in your own lives what a difference one school can make. Now all of you have a chance to make a real difference in the lives of others.

The practice you choose and the practices you follow may not change our country overnight. But you can remind us by example of Aristotle's ancient truth: "Health of mind and body is so fundamental to the good life that if we believe men have any personal rights at all as human beings, they have an absolute moral right to the measure of good health that society is able to give them."

That is our challenge and our chance. Two thousand years after Aristotle wrote, we must secure a medical bill of rights for our own people. We can wait no longer—in health care or in society. In our individual lives and in our national life, whatever we can do, and whatever we dream we can do, we must begin now.

THE CIA FIGHTS ILLEGAL DRUG TRAFFIC

Mr. HANSEN. Mr. President, earlier this year I had the pleasure of addressing an ROTC group who was in the audience, questioned me in regard to certain allegations made in Ramparts magazine that the Central Intelligence Agency encouraged the opium traffickers of Indochina.

I doubt that such allegations have been given credence by many Americans, but apparently Mr. Ginsberg either believed them to be true, or chose to pretend that he believed them. But because I do not take such serious charges against our Government lightly, and believe that none of us should allow unjust criticism of our Government to stand unchallenged, I recently asked the Bureau of Narcotics and Dangerous Drugs to set the record straight on these accusations.

Bureau Director John Ingersoll replied this week, and his remarks are timely in view of the major initiatives President Nixon is expected to announce today to help deal with the illegal drug problem.

Mr. President, Mr. Ingersoll has reported to me that the CIA is his Bureau's strongest ally in identifying foreign sources and routes of illegal trade in narcotics. I ask unanimous consent that his letter of June 15 be printed in the RECORD, followed by a report on recent trends in the illicit narcotics market in Southeast Asia, and my telegram of May 11 which was printed in the final spring semester edition of the University of Wyoming student newspaper, the Branding Iron.

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

JUNE 15, 1971.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: This is in response to your letter of June 9, 1971, concerning charges made in "Ramparts Magazine."

Charges made in the article appear to be a part of a continuing effort to discredit agencies of the U.S. Government, such as the U.S. Military, the FBI, the CIA, and the Department of State, all of which are, in point of fact, working actively with the Bureau of Narcotics and Dangerous Drugs (BNDD) in our worldwide effort to curtail international drug traffic.

Actually, CIA has for sometime been this Bureau's strongest partner in identifying foreign sources and routes of illegal trade in narcotics. Their help has included both direct support in intelligence collection, as well as in intelligence analysis and production. Liaison between our two agencies is close and constant in matters of mutual interest. Much of the progress we are now making in identifying overseas narcotics traffic can, in fact, be attributed to CIA cooperation.

In Burma, Laos, and Thailand, opium is produced by tribal peoples, some of whom lead a marginal existence beyond the political reach of their national governments. Since the 1950's, this Southeast Asian area has become a massive producer of illicit opium and is the source of 500 to 700 metric tons annually, which is about half of the world's illegal supply. Up to now, however, less than ten percent of the heroin entering the United States comes from Far Eastern production.

The dimensions of the drug problem and the absence of any strong political base for control purposes has been a dilemma for United Nations opium control bodies operating in Southeast Asia for many years. Drug traffic, use, and addiction appears to have become accepted as a fact of life in this area and, on the whole, public attitudes are not conducive to change.

The U.S. Government has been concerned that Southeast Asia could become the major source of illicit narcotics for U.S. addicts after the Turkish production is brought under control. The Bureau of Narcotics and Dangerous Drugs, with the help of CIA, DOD, and the Department of State, has been working to define and characterize the problem so that suitable programs to suppress the illicit traffic and eliminate illegal opium production, such as the proposed United Nations pilot project in Thailand, can be implemented.

It is probable that opium production in Southeast Asia will be brought under effective control only with further political development in these countries. Nevertheless, in consideration of U.S. Military personnel in the area, as well as the possibility that opium from this area may become a source for domestic consumption, concerned U.S. Agencies, including CIA, Bureau of Customs, DOD, and State, are cooperating with BNDD to work out programs to meet the immediate problem as well as provide longer term solutions.

Since the subject matter of your letter concerns CIA, I have taken the liberty of furnishing a copy along with my reply to Director Richard Helms.

Sincerely,

JOHN E. INGERSOLL,
Director.

RECENT TRENDS IN THE ILLICIT NARCOTICS MARKET IN SOUTHEAST ASIA

1. The reported increasing incidence of heroin addiction among U.S. servicemen in Vietnam and recent intelligence indicating that heroin traffic between Southeast Asia and the United States may also be increasing suggest that Southeast Asia is growing in importance as a producer of heroin. While this phenomenon in part reflects improvement in information available in recent months to the U.S. Government, there are also good indications that production of illicit narcotics in Southeast Asia has indeed risen in 1971.

BACKGROUND

2. The Bureau, Laos, Thailand border area, known also as the "Golden Triangle," is considered one of the world's largest opium producing regions. This region normally accounts for about 700 tons of opium annually or about one-half of the world's total illicit output. A substantial proportion is consumed within the region. Burma, by far the largest producer of opium in this region, accounts for about 400 tons annually.

BURMA

3. Production in Burma is concentrated in the Eastern and Northern parts of Shan State and in the Southwestern part of Kachin State. Poppy fields cover the rugged slopes in Eastern Shan State around Keng Tung and in Northern Shan State from Lashio east and north to the China border. The latter territory, comprised of the former Wa and Kokang feudal states, is now a center of insurgency directed against the Burmese government, with much of the area under insurgent control.

4. The growing season varies with the altitude, but the planting season generally falls during the months of August and September, with the harvest some seven months later during February and March. At harvest time the women of the hill tribes slit the poppies and collect the raw opium by hand. The opium plants themselves are ground into a compound for smoking. In Northeast Burma, the raw opium is packed by the growers and traded to itinerant Chinese merchants who transport it to major collection points, particularly around Lashio and Keng Tung. Agents of the major entrepreneurs circulate through the hill country shortly after harvest time arranging for payment and pickup. Payment is often in the form of weapons and ammunition, although gold and silver rupees are also used.

5. The opium harvested in Shan, Wa, and Kokand areas is picked up by caravans that are put together by the major insurgent leaders in these areas. The caravans, which can include up to 600 horses and donkeys and 300 to 400 men, take the opium on the southeasterly journey to the processing plants that lie along the Mekong River in the Tachilek (Burma)-Mae Sai (Thailand)-Ben Houei Sai (Laos) area. Caravans carrying in excess of 16 metric tons have been reported.

THAILAND

6. Opium-growing areas in northern Thailand are located in the upland tracts occupied by various tribal groups. The provinces of Chiang Mai, Chiang Rai, and Nan, which have the largest concentration of Meos, produce most Thai opium. Illicit opium production in Thailand is estimated at 200 tons.

LAOS

7. Another, less productive, opium growing area is along the 2,500 to 4,500 foot high mountainsides of Northwest Laos. The opium cultivated by the Meo in this area is of a relatively lower grade and thus less suitable for refinement into morphine base or heroin. In these areas where the tribesmen have been encouraged to grow corn, the poppies are planted among the corn. When the corn is cut, the poppies continue to grow until they too can be harvested.

8. Major producing areas include Phong Saly Province in the North, Houa Phan (Samneua) Province in the Northeast, and the Plaine des Jarres area of Xiang Khoang Province in the East-central part of the country. However, large areas of production in Phong Saly Houa Phan, and Xiang Khoang have fallen under the control of the Pathet Lao and North Vietnamese.

9. The trade in Northwest Laos is well structured and organized for significant commercial exploitation. There are no advance purchasing agents or pick-up caravans. The harvested opium and the poppy plants which are ground up for smoking are transported to nearby village markets by the growers themselves. In highland market places the raw opium and its by-product are used openly as currency. Ethnic Chinese merchants are the traditional purchasers of the opium products throughout Laos. The products they collect are transported to population centers and also to processing plants along the Mekong River by travelers, particularly government soldiers, who have the most mobility and access to air travel in the area, and refugees. Opium produced in the Communist-controlled areas also finds its way into the regular marketing channels.

DISTRIBUTION AND REFINERIES

10. The KMT irregular "armies" and the Burmese Self Defense Forces (KKY) are the most important trafficking syndicates in Northern Southeast Asia. The KMT irregulars—formerly the remnants of the Chinese Nationalist forces which retreated across the Chinese border in 1949—now composed largely of recruits from the local population, have a combined strength of between 4,000 and 6,000 well-armed men. The largest force, with an estimated strength of 1,400 to 1,900, is the Fifth Army. The second largest with a troop strength of between 1,200 and 1,700 is the Third Army. The headquarters of both armies are located in a remote part of Northern Thailand between Fang and Mae Sai. It is estimated that these two KMT irregular forces control more than 80 percent of the opium traffic from the Shan State.

11. The KKY have been major competitors of the KMT irregulars in the opium trade. the KKY are comprised of former Shan State insurgents and bandits who have allied themselves with the Burmese government against both the KMT and Chinese Communist-backed insurgents. In return the government of Burma allowed them to pursue their opium trafficking activities.

12. The Shan States Army, an insurgent group, is also heavily involved in the opium business. It maintains several camps in Northern Thailand where opium is marketed for weapons and military supplies.

13. About 140 tons of raw opium is normally transported annually out of Northeast Burma to foreign markets. Most of this opium is stored or processed in the Mekong River tri-border area before transiting Thailand and Laos. Tachilek, Burma is probably the most important transshipment point in the border area. In 1970, out of a total of 123 tons reportedly shipped out of Northeast Burma, 45 tons was received in the Tachilek area. In the first two months of 1971, 58 out of a total of 87 tons had Tachilek as its destination. Other important transshipment points appear to be located in the vicinity of Ban Houei Sai, Laos, and Mae Salong, Thailand.

14. There appear to be at least 21 opium refineries of various sizes and capacities located in the tri-border area, of which about 7 are believed to be able to process to the heroin stage. The most important are located in the areas around Tachilek, Burma, Ban Houei Sai and Nam Keung, Laos, and Mae Salong, Thailand. The best known, if not largest of these refineries is the one at Ban Houei Tap, Laos, near Ban Houei Sai which is believed capable of processing some 100 kilos of raw opium per day. The 14 refineries in the Tachilek area apparently process the largest volume of raw opium in the region. In 1970, about 30 tons was converted by the Tachilek refineries into refined opium, morphine base, and heroin.

15. The typical refinery is on a small tributary of the Mekong River in an isolated area with a military defense perimeter guarding all ground approaches. Most of these refineries operate under the protection of the various military organizations in the region, or are owned or managed by the leaders of these military groups. The KKY units protect and operate most of the refineries in Burma. Leaders of these groups also hold an ownership interest in many of these facilities. In Thailand, the refineries appear to be operated by units of the KMT irregulars, whereas in Laos, most of the refineries operate under the protection of elements of the Royal Laotian Armed Forces (FAR). While the management and ownership of the Laotian refineries appear to be primarily in the hands of a consortium of Chinese, some reports suggest that a senior FAR officer may hold an ownership interest in a few of these facilities.

16. Most of the narcotics buyers in the tri-border area are ethnic Chinese. While many of these buyers pool their purchases, no large syndicate appears to be involved. The opium, morphine base, and heroin purchased in this area eventually finds its way into Bangkok, Vientiane, and Luaing Prabang, where additional processing may take place before delivery to Saigon, Hong Kong, and other international markets.

17. Much of the opium and its derivatives transiting Thailand from Burma moves out of such Northern Thai towns as Chiang Rai, Chiang Mai, Lampang, or Tak by various modes of ground and water transport. These narcotics, along with those produced in Thailand, are smuggled into Bangkok for further refinement into morphine or heroin. A considerable quantity of the raw opium and morphine base is sent by fishing trawler from Bangkok to Hong Kong during a period from about 1 January to 1 May. During this period, approximately one fishing trawler a day—carrying one to three tons of opium and/or quantities of morphine base—leaves Bangkok for Hong Kong. The boats proceed to the vicinity of the Chinese Communist-controlled Lema Islands—15 miles south of Hong Kong—where the goods are loaded into Hong Kong junks.

18. Opium and its derivatives which move through Laos are transferred from the Mekong River refineries by river craft and FAR vehicles to Ban Houei Sai, farther downstream on the Mekong in Laos, from where it is transported on Royal Laotian Air Force (RLAF) aircraft to Luang Prabang or Vientiane. From Vientiane narcotics are usually sent via RLAF aircraft, as well as Air Laos, to other cities in Laos such as Savannakhet or Pakse or to international markets. A considerable portion of the Laotian produced narcotics is smuggled into Saigon on military and commercial air flights, particularly on Royal Air Laos and Air Vietnam. Although collusion between crew members and air line agents on one hand and individual narcotics smugglers on the other has been reported, poor handling of commercial cargo and the laxity of Lao customs control in Vientiane and other surreptitious loading of narcotics aboard commercial flights.

RECENT CHANGES IN THE AREA

19. There are tentative indications that larger quantities of raw opium may now be moving into the tri-border area for refining and that larger quantities of this raw opium are now being refined into morphine base and heroin in this area. As suggested in paragraph 13 above, data on the first two months of 1971 indicate that the Tachilek transshipment and refining area may be receiving and processing sizably larger amounts of raw opium than was the case in 1970. As for changes in the type of refined narcotics produced, the processing plants at Mae Haw in Thailand and Houei Tap in Laos now appear to be converting most of their opium into #4 or 96 percent pure white heroin. Previously, these refineries tended to produce refined opium, morphine base and #3 smoking heroin. An increased demand for #4 heroin also appears to be reflected in the steady rise in its price. For example the mid-April 1971 price in the Tachilek area for a kilo of #4 heroin was reported to be U.S. $1,780 as compared to U.S. $1,240 in September 1970. Some of this increase may also reflect a tight supply situation in the area because of a shortage of chemicals used in the processing of heroin. Rising prices for opium and its derivatives can also be seen in other areas of Southeast Asia.

20. The establishment of new refineries since 1969 in the tri-border area, many with a capability for producing 96 percent pure heroin, appears to be due to the sudden increase in demand by a large and relatively affluent market in South Vietnam. A recent report pertaining to the production of morphine base in the Northern Shan States would indicate a possible trend toward vertical integrations—producing areas establishing their own refineries—in the production of narcotics. Such a development would significantly facilitate transportation and distribution of refined narcotics to the market places.

MAY 11, 1971.

Miss VICKI WHITEHORN,
Editor, % The Branding Iron, University of Wyoming, Laramie, Wyo.

DEAR MISS WHITEHORN: In a letter to the editor, published in *The Branding Iron* of April 23, 1971, Mr. Allen Ginsberg asked my comments on some allegations contained in a recent issue of *Ramparts Magazine* which, in Mr. Ginsberg's words allege "that our government's Central Intelligence Agency has been for decades subsidizing the main opium traffickers of 83 per cent of the world's illegal supply in Indochina," and "that the CIA did actually subsidize main opium traffickers in Indochina as part of our political policy."

I do not take such serious charges against our government lightly, nor do I feel the students at our University can afford to take such charges lightly. None of us should allow unjust criticism of our government to go unchallenged. Therefore, I have sought the facts and hope you are able to print this in its entirety.

Having thoroughly investigated these allegations, I can state categorically that they are completely unfounded. As recently as April 14 of this year, the Director of Central Intelligence stated in an address to the American Society of Newspaper Editors: "There is the arrant nonsense, for example, that the Central Intelligence Agency is somehow involved in the world drug traffic. We are not. As fathers, we are as concerned about the lives of our children and grandchildren as are all of you. As an agency, in fact, we are heavily engaged in tracing the foreign roots of the drug traffic for the Bureau of Narcotics and Dangerous Drugs. We hope we are helping with a solution; we know we are not contributing to the problem."

The Central Intelligence Agency is directly accountable to the President, through the National Security Council which is privy to all of its activities; it is subject to the scrutiny of the Office of Management and Budget, which oversees is expenditures; to the President's Foreign Intelligence Advisory Board, made up of distinguished private citizens; and to four Committees of the Congress, to whom it reports on all its activities. To suppose that in these circumstances the Agency could conduct the activities alleged in the *Ramparts* article without the knowledge or approval of any of these authorities to which it is responsible, or that any of these authorities would sanction such activity, is the ultimate in absurdity.

Turning to some of the more specific allegations in the *Ramparts* article, it is worth noting that:

So far as opium entering the U.S. is concerned, recent studies indicate that perhaps only about 5 per cent of the illegal imports come from all of Southeast Asia, the remainder originating mainly in the Middle East;

Roland Paul, a former investigator for the Senate Foreign Relations Committee who made a study of the area last year, writes in the April issue of *Foreign Affairs* that "in passing it may be interesting to note that because of their long association with the American agency (CIA), the hill tribes have shifted their agricultural emphasis from opium to rice," a conclusion which can be solidly documented from other authoritative sources.

In fact, efforts of American agencies to discourage opium growing among these hill tribes has produced a North Vietnamese propaganda campaign encouraging and applauding the raising of opium poppies. This campaign contrasts the Communist-controlled areas where the population can "make our living as we wish" by raising opium to the lot of those under "imperialist domination" who are restrained from doing so. (In view of his concern, perhaps Mr. Ginsberg would like to raise the matter with the authorities in Hanoi.)

In summation, I can assure you that the allegations in question are completely false and that no U.S. Government agency operating in Southeast Asia has approved, supported, or condoned illegal drug production or traffic. On the contrary, these U.S. Government agencies are all cooperating in efforts to discourage opium production and distribution and these efforts have had at least some success.

Sincerely,

CLIFFORD P. HANSEN.

STEP BACKWARD—PSYCHIATRIC TRAINING CUTS UNWARRANTED

Mr. HUMPHREY. Mr. President, the administration's proposed cutback in psychiatric training is a cruel and unwarranted step backward in the field of mental health.

President Nixon has proposed a $6.7 million cut in funds for the National Institute of Mental Health's training support for fiscal 1972 and a planned phaseout of the entire $34 million program for psychiatric residency training.

This cutback would mean the loss of more than 1,000 hospital residency positions and severe curtailment of mental health services to the poor.

For example, the Presbyterian Hospital in the Bronx, N.Y., treats about 5,000 emotionally disturbed persons a year from the black and Puerto Rican communities.

If the President's cutbacks go into effect, the number of psychiatric residents would drop from 30 to 18 and the number of patients served would be reduced by an estimated 2,000.

It is important to emphasize that almost all of the patients seen at this facility are poor people, and there is no other psychiatric service available to them.

At a time when we are trying to upgrade health care and do more to help those with mental problems, we cannot afford to be cutting back.

Drug use, alcoholism, crime, and delinquency are creating severe emotional problems and increasing the demand for mental health services. The growing drug crisis among Vietnam veterans and soldiers is further compounding the situa-

tion. The need for more professional psychiatric manpower is ever more evident.

There is little evidence that mental illness is declining. On the contrary, there is evidence that it is increasing. And the administration's programs are inadequate on both the preventive and curative sides. Nor is it moving effectively to get at the roots of emotional problems.

How can we expect emotional stability when we lock young people into slum housing in ghetto communities? When we give them substandard education? When they are hungry and malnourished?

Mr. President, today, more than ever before, our society is beset with enormous problems because of major social, economic, and political changes.

Our youth, our minorities, our poor, our veterans—are confronted with unique problems of an extremely serious nature.

The problems that they face are reflected in different ways.

Our youth and our veterans in increasing numbers turn to drugs and alcohol. Our young become delinquents and engage in crime. Or they decide to disown everything about this country and withdraw into subcultures dominated by antiheroes.

It is our task to show them that life is worth living and that it can be fulfilling, rewarding, and happy.

It is our job to see that there are educational and vocational opportunities—

Freedom from racism and discrimination,

Good nutrition and adequate, wholesome housing,

The lifting of inequities,

And freedom from wars which deprive our youth of life and peace of mind.

Meanwhile the many problems our young people and others face often cause deep emotional conflicts.

One way to solve these problems is to strengthen programs in health and the programs operated by trained professionals to combat drug abuse, alcoholism, alienation, and the dreadful and sometimes irreversible effects of poverty.

CHILDREN

Let me begin with our Nation's children. Too few children who need psychiatric attention receive it during the critical period before age 6. A New York survey provided by the American Psychiatric Association shows that only one out of 1,400 children needing care between 2 and 5 years of age are being treated either in clinics or by private psychiatrists.

Comparable ratios reported one out of 170 receiving care between 6 and 11; one out of 110 between 12 and 14; and one out of 90 between 15 and 18. In the entire population between ages 2 and 18, only one out of 160 are being treated.

The Joint Commission on Mental Health of Children made recommendations to guarantee the mental health of our Nation's children in a report entitled, "Crisis in Child Mental Health: Challenge for the 1970's."

These recommendations included correcting many of the social inequities or inadequacies which cause mental and emotional problems among our children.

The inequities include segregated housing in ghetto communities, hunger, and malnutrition, poor working conditions and an inadequate minimum wage level for parents, inadequate facilites and services to meet the physical and mental health needs of American children and their families, lack of prenatal care, lack of family planning and birth control services, and lack of integration of physical and mental health services with the educational system.

Serious mental health problems exist among our Nation's youth. A New York City study, for example, shows that 4 out of 5 leading causes of death among young people aged 15 to 35 can be attributed to disturbed behavior, including drug addiction, homicides, and suicides.

VETERANS

Our young Vietnam veterans are suffering from a drug problem which has reached crisis proportions. Because of it there is a rising rate of mental and emotional illness. It is said that more than 100,000 of these veterans are victims of this addiction.

Meanwhile, the Veterans' Administration has stated that they have facilities and services to treat only 7,000 of them in 1972.

The Vietnam veteran is beset with numerous other problems today which erode his mental health. He is no longer accorded the deserved status of one who has served his country.

He also is not honored for having taken part in an unpopular war. He is not encouraged to readjust to civilian life, and he is frequently the victim of unemployment.

It has been a time-honored tradition in our country that our war veteran be given the opportunities to rediscover his role in society. But we now find ourselves remiss in this responsibility. Is there any doubt why the veteran is losing his way? We must rehabilitate those who need rehabilitation, and that includes improved mental health services and training of mental health professionals.

THE POOR

The poor in our country also suffer disproportionately from mental and emotional illness.

Social deprivation, poor housing, poor health, and health facilities and services, poor nutrition, and the complex factors introduced in the human relationships of a poverty environment are all contributing causes to the high incidence of mental illness among the poor.

It has been shown that severe malnutrition of either mother or baby in the early stages of development can be a cause of mental retardation. There is new and more conclusive evidence that severe prenatal and postnatal malnutrition may inhibit the division of cells in the developing brain, and thereby cause mental retardation. Prenatal and postnatal factors such as clinical and subclinical brain injuries relating to problems of pregnancy also occur at a significantly higher ratio among the poor.

Scientists have established many links between conditions of poverty and poor mental and physical health.

Here it is to be noted that a significant number of mental health services to the poor are provided by psychiatric residents, physicians who are taking a graduate course of study to become specialists in psychiatry.

If the number of these residents is decreased, as it would by the proposed administration's action to phase-out the National Institute of Mental Health training supports, mental health services to the poor would be severely curtailed. The American Psychiatric Association in a national survey has shown that one-third of these residencies would be lost if the training supports were lost.

For example, at Presbyterian Hospital in the Bronx, N.Y., a large volume of psychiatric care is provided to indigent blacks and Puerto Ricans living in the area immediately surrounding the hospital. The Department of Psychiatry of Columbia Medical School administers the psychiatric service of the hospital. Virtually all the patients treated in this service—about 5,000 a year—are seen by the 30 psychiatric residents in training at this hospital. Forty percent of these residents, 12 men and women, are supported through the Federal stipend program.

If this program is eliminated the medical school would have to reduce its residency program from 30 to 18. It would not be able to find other funds to replace this Federal source of support.

As a result, the psychiatric service at the Presbyterian Hospital would have to drastically reduce the number of patients it can serve a year—from 5,000 to 3,000. And the number of weekly treatment visits would be cut from 830 to 498. This means that there would be some 17,000 fewer treatment sessions per year. It is important to emphasize that almost all of the patients seen at this facility are poor. There is no other psychiatric service available to them.

The mental health problems of minority groups occur in roughly the same proportion as they do among the poor, and often the two are synonymous. However, minority groups have additional barriers to good mental health, having to overcome the effects of low self-esteem, alienation, and prejudice.

Forty percent of the hospital beds in our Nation are occupied by the mentally ill, and 1 in 10 of our population suffers from some form of mental or emotional illness. A recent Public Health Service survey showed that nearly 20 million Americans either had had a mental or emotional breakdown, or thought themselves close to it.

The mental health field has made great strides since 1945. At that time, there were nearly 3,000 psychiatrists in the United States. During World War II, in order to cope with new neuropsychiatric problems, the armed services were compelled to establish special schools to train medical officers in psychiatry. The enactment of the National Mental Health Act of 1946 created training funds for psychiatrists because of a dire national need.

The program has worked well.

Nevertheless, the great need continues. There is little indication that mental illness is on the wane in our country. Half of those who now present them-

selves to a physician, complaining of physical symptoms, are found to have an element of mental or emotional illness.

There is no question that modern society imposes strains and stresses on the human psyche never experienced before, and the casualty rate is great.

Behavioral problems, such as drug addiction, alcoholism, and the problems of childhood and adolescence have been recognized by the Congress as problems we must face squarely. Therefore, we have mandated augmented programs in all of these areas which must be carried out.

An adequate and well-trained supply of mental health professionals must be made available if these programs are to be carried forward.

Many psychiatrists have amply demonstrated their social consciousness. Close to 60 percent of their time is devoted to institutional services. Increasing cadres of young psychiatrists are taking a great interest in the community mental health centers program. But many more are needed. Our stated goal is 2,000 community mental health centers to serve the mental health needs of our population. Seven and one-half years after the passage of this historic legislation, we have less than 300 in operation. A great part of the problem lies in the inadequacy of staffing grants to man this growing network.

Through the years our research has developed new methods in coping with mental illness. The development of psychotropic drugs have enabled many of our mentally ill to resume useful roles in the community. Protracted stays in mental institutions have greatly diminished, and the resident population of state mental hospitals has dropped from over 500,000 in 1950 to slightly over 300,000 today

There is great hope for the future, as we begin to uncover some of the secrets of mental illness.

But at the time especially, we cannot afford to diminish the ranks of our mental health professionals.

I am distressed that the 1972 budget message to Congress projects a $6.7 million cut in psychiatric residency training funds.

These funds are needed to train psychiatrist to fight the problems I have outlined.

Under the administration's proposal, there will be an elimination of the current $34 million for psychiatric training over the next 3 years.

Such cutbacks are not in tune with the times.

We must expand our efforts in the mental health field. We cannot afford to retreat.

REVENUE SHARING FOR PUBLIC ASSISTANCE ACT

Mr. TOWER. Mr. President, I am extremely pleased to join my good friend from Nebraska, Senator CURTIS, in cosponsoring S. 2037, the "Revenue Sharing for Public Assistance Act," which he introduced on June 10.

The entire Congress is now well aware of the tremendous problems this Nation faces in reforming our current welfare system. President Nixon was perhaps the first figure of national prominence to recognize this problem. In his original message on welfare reform, the President said:

> The present welfare system has failed us—it has fostered family breakup, has provided very little help in many States and has even deepened dependency by all too often making it more attractive to go on welfare than to go to work.

Since the first Presidential message August 11, 1969, the Congress has attempted to find a rational and workable solution. Last year, the House of Representatives passed the Family Assistance Plan. The Senate Finance Committee held lengthy hearings on this measure and finally reported it unfavorably to the Senate. After considerable debate during the waning hours of the 91st Congress, the Senate took no action.

The Family Assistance Plan was reintroduced on behalf of the Nixon administration by the distinguished chairman of the House Ways and Means Committee, Mr. MILLS, in the 92d Congress, as H.R. 1. Included in the bill are various reform measures intended to improve the social security, medicare and medicaid programs. The bill has been again reported favorable to the House of Representatives by the Ways and Means Committee. I am extremely pleased by the action taken by the House Rules Committee which will enable a separate vote on the family assistance plan, independent of the other sections of the bill which include a 5-percent increase in social security.

As Senator CURTIS stated in his introductory remarks, S. 2037 has as its primary objective the return of decisionmaking and administrative powers regarding public welfare to the several States. The bill is based upon the revenue-sharing concept proposed by President Nixon. I support the revenue-sharing concept and I believe it can be well applied to welfare reform.

I strongly believe that by returning government power to the States, which have traditionally had the responsibility for implementing public assistance programs, we can reduce overall Government expenditures and simultaneously provide help for those who are truly in need. The bill I now join as cosponsor would provide block grants to each of the States to meet the fiscal crisis that has been primarily thrust upon them by increased expenditures for the Aid to Families with Dependent Children—AFDC—program. It would allow the States to establish any type of public assistance program they deem necessary to meet the problems of their citizens. Each State would be required to provide a fixed percentage of the cost of each of its welfare programs. The Federal Government would supplement payments above the percentage for each welfare program through the block grant procedure.

This method employs the two ingredients which I believe essential to effective welfare reform. First, it would allow the States the opportunity to control and administer a particular set of programs which can be tailored to meet their own specific needs in an area traditionally under State jurisdiction. Secondly, it would relieve the States of the fiscal burden that has been forced upon them by administrative edicts emanating from the Federal establishment, notably the Department of Health, Education, and Welfare.

For a moment I would like to examine the AFDC program. This program has caused the upshoot in welfare panic that is now upon us. The AFDC program provides public assistance to needy family units with children. Most of these families are headed by the mother, who is often unable to work because of family responsibilities. The most ridiculous aspect of this program is that it encourages family breakdown by reducing the level of assistance if a male resides in the home. This limitation has often resulted in either temporary or permanent male desertion from the household in order for the family to qualify for AFDC payments.

If there is a poverty cycle based upon a distinctly unhealthy social relationship found in millions of American households, then it is certainly caused to a large extent by the hypocritical regulations of the AFDC program. While the AFDC program is mostly State supported, it originated within the Federal establishment, and many of the guidelines supporting the program have been federally imposed upon the States.

Government expenditures for the AFDC program reflect the thoughts I have just expressed. According to the chairman of the House Ways and Means Committee, expenditures for the AFDC program for the month of January 1971 was $482.4 million—a 40.5 percent increase over the previous January. The number of recipients rose from 7.5 million in January 1970 to 9.7 million in January 1971—2¼ million more people in 1 year.

My own State of Texas is now facing a monumental welfare crisis. According to a State senate committee, AFDC rolls are increasing on the average of 12,000 a month. During the decade of the 1960's the number of payments increased by 250 percent. The number of children on the AFDC rolls increased by a similar amount. Total payments increased by more than 300 percent. To dramatize the fact that the welfare problem is primarily caused by the AFDC program, it should be noted that for the same 10-year period the number of individuals receiving old age assistance payments in the State of Texas increased by only 10,000 people. The amount of payments for this program increased by only $3 million.

Texas State officials are attempting to devise methods to insure that public assistance payments are maintained in the upcoming fiscal year. However, there is a State constitutional limit on welfare expenditures and there is a good chance that benefits will have to be reduced for all groups receiving public assistance, including old age assistance beneficiaries, the majority of whom are over the age of 75.

Therefore, it would seem natural that State officials would look for out-of-State

fiscal relief to resolve this crisis. I do not blame some of these officials for endorsing complete federalization of all welfare programs. It would seem that the Federal Government would be a logical source because of its ability to collect and disburse large sums of revenue.

There is no question in my mind that the Federal Government must come to the assistance of the States in meeting this problem. Yet, with complete federalization of the welfare program, the States will surrender any remaining powers they have to regulate the type of program to be instituted. Through its stringent and uncompromising requirements, the Federal Government has been the major direct cause of the welfare crisis now upon us.

Gov. Ronald Reagan of California has been in the forefront in the battle for welfare reform at the State level. In his message to California State Legislature on welfare reform, the Governor succinctly dramatized the reasons against federalization of welfare:

> The idea of simply surrendering our authority and administrative machinery to the same huge Federal system that created the crisis in the first place is simply unacceptable to me.

I completely agree with Governor Reagan on this point. At the same time, I believe the Federal Government has an obligation to relieve the States of the problem that it, the Federal Establishment, has created. It is for this reason that I am supporting the Revenue Sharing for Public Assistance Act which will relieve the States of this financial problem, while allowing them to institute programs suited to the needs of their citizens without Federal encroachment.

A few days ago, an address by the Honorable Edward Reinecke, Lieutenant Governor of California, was inserted into the CONGRESSIONAL RECORD. I enjoyed reading his remarks and strongly concur with the thoughts he expressed. The Lieutenant Governor of our largest State spoke of welfare as a problem unique to the various States and localities throughout the Nation:

> Welfare is not a national problem. Welfare is a local problem that occurs in every one of the 50 States. And unless we think of welfare recipients as individuals who have real problems and personal difficulties which must be overcome, we will end up with a spiritless army of national dependents. We will have a corps of people existing on federal handouts, people who are no longer considered to be local responsibilities. I can think of no more inhuman and callous method of handling the very deep social and personal difficulties which afflict our welfare clients.

The proponents of the family assistance plan included in H.R. 1, maintain that with the passage of this bill, fiscal relief will be almost instantaneous. This is only true to the extent that the 50 State governments will no longer have to pick up the majority share of welfare expenditures. However, the American people, through increased taxation, will eventually pay for adding the 10 million more people who will benefit if the plan is enacted.

Mr. President, if the family assistance plan is enacted over 25 million Americans will be eligible for welfare. I would hope that someone could inform me how welfare reform will be instituted by placing one out of every nine Americans on the public welfare rolls. No doubt millions of these Americans should be receiving some form of assistance because of physical disabilities, old age, or other unfortunate circumstances. But it seems highly impractical to suggest that by adding 10 million people to the welfare rolls we will be achieving welfare reform.

According to the House Ways and Means Committee report, 1,571,300 people will be eligible for welfare in the State of Texas if the family assistance plan becomes operative. Of these, more than 1.1 million will be eligible under the family category, which is similar to the AFDC program. These figures represent more than a 100-percent increase in the overall number of eligibles in the State, and perhaps even more astonishing, they represent nearly a 300-percent increase in eligibles under the family category.

These figures simply do not represent responsible reform. Furthermore, there are technical and philosophical questions involved in the ability of the Department of Health, Education, and Welfare to move people off the welfare rolls and onto the payrolls once the Nation has 25 million people on the caseloads who are supported through the use of general revenues. It has not yet been determined that those officials charged with the responsibility of encouraging the incentive mechanism built into the family assistance plan will actually work to achieve the success that most of us desire. I am not questioning Secretary Richardson, who has on numerous occasions convincingly expressed the point that without the incentive and work requirements the program would be a failure. Yet, none less than the distinguished chairman of the Senate Finance Committee, RUSSELL LONG, has questioned the sincerity of certain HEW officials who continue in positions of power throughout a number of administrations. These bureaucrats give only lipservice to the work incentive program as well as to the overall philosophical attitude in support of strong incentives and requirements that have been the keystone of President Nixon's statements on the welfare issue.

Furthermore, I am astounded by the report in the June 16 Washington Post in which Deputy Under Secretary of HEW Patricelli made it clear that the Department favors further liberlization of the family assistance plan when the bill comes to the Senate. I have no doubt that should the family assistance plan be enacted there would soon be attempts to increase the $2,400 guaranteed annual income provision for a family of four. However, it now seems apparent that the Department of HEW intends to join a number of Senators in support of raising the minimum even before the plan is enacted.

I do not have the figures to show how much a higher minimum income guarantee will cost the hard-working American taxpayer who has had to pay for the ever-increasing welfare costs over the past decade. I do know that passage of the family assistance plan will add some 10 million Americans to the welfare rolls at an initial cost of $5.5 billion to the American taxpayer. I do not consider this to be responsible reform and I cannot support this bill in its present form.

The Congress must enact some type of welfare reform. The Revenue Sharing Public Assistance Act in my view represents the best welfare bill thus far presented in the Congress. It allows the States the opportunity to devise solutions to their own problems. At the same time, it provides the funds to the States to resolve a crisis that for the most part has been caused by an irrational and unworkable program directed and controlled by the Federal Government.

Mr. President, this is the kind of responsible welfare reform the Congress should approve.

VIETNAM ARCHIVE AND THE FIRST AMENDMENT

Mr. BAYH. Mr. President, the publication by the New York Times of the Department of Defense study entitled "The History of U.S. Decision Making Process of Viet Nam Policy," has been met with an unprecedented response from the Nixon administration. Never before in the history of this Nation has the U.S. Government gone to court to keep a newspaper from printing the news.

Attorney General Mitchell says this censorship is justified, that printing these articles will cause "irreparable injury to the defense interests of the United States." If this is true, it is a serious matter indeed. But I would like to call to the attention of the Senate an editorial that appeared this morning in the Wall Street Journal. The Journal—certainly a publication without any partisan position opposed to the Attorney General on this question—states—

> ... after reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

Now I do not agree with everything the Journal says, indeed I have often taken positions which the Journal has opposed editorially. But I believe that today's editorial makes an extremely important point—that excessive secrecy in Government is not in the best interest of this country, and, as the Journal's editorial points out—

> The very attitude that the retaliative reaction of the Attorney General and the Pentagon reflects—the idea that the truths involved in momentous government decisions should be "stage managed" for the benefit of public opinion—has done a great deal of harm to our national interests.

The issue, Mr. President, is a clear one. Simply put, it is whether the Government trusts the people. I believe that the Government must take the people into its confidence. As Thomas Jefferson said 150 years ago—

> I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not en-

lightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

Or, as the Wall Street Journal puts it—

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely upon the ingenuity of the press for such information, the Government has little justification for complaint.

Mr. President, I ask unanimous consent that the text of the Wall Street Journal editorial of June 16, 1971, entitled "Official Secrets" be printed at this point in the RECORD.

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

REVIEW AND OUTLOOK: OFFICIAL SECRETS

In his demand that The New York Times halt publication of articles based on a secret Pentagon study of the origins of U.S. involvement in Vietnam, Attorney General Mitchell claimed that the disclosures will cause "irreparable injury to the defense interests of the United States."

Yesterday a federal judge granted the government a temporary order restraining The New York Times from publishing the last two installments of the study. But after reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

The very attitude that the retaliative reaction of the Attorney General and the Pentagon reflect—the idea that the truths involved in momentous government decisions should be "stage managed" for the benefit of public opinion—has done a great deal of harm to our national interests. This attitude, so prevalent in Washington in the mid-1960s, gave rise to the widespread impression that American leaders were not to be trusted. That opinion has weakend the country's world influnce and helped cause serious divisions at home.

If the Pentagon study has any current importance, it is in its revelation of the extent to which public distrust of the government was justified. That revelation does no further harm to America's "defense" or even its foreign-policy objectives at this late date. On the contrary, it could prove useful if it suggests that there should be much less official secrecy in the future conduct of American affairs.

The study evokes memories of the Washington climate in those days when the prevailing attitude of President Johnson and his advisers was that the public and the Congress could not be trusted with the truth. As the President moved in early 1965 from reprisal raids against North Vietnam to continuous bombing, the change brought serious "stage management" problems for the President, the analyst who wrote the report observes.

And showing only mild recognition of the implications, the report says the President was "being less than candid" when he told the press in March 1965 that he knew of no "far-reaching strategy that is being suggested or promulgated" for Vietnam. This was only a few days before U.S. troops in Vietnam were committed to offensive operations for the first time. There are plainer words than "less than candid" for the President's deception.

The Pentagon report confirms, if anyone had any lingering doubts, that there were good reasons why the government developed a "credibility gap" in the 1960s. The credibility gap proved costly to President Johnson and the Democrats in 1968 and it also was costly to the country.

We still are suffering the costs in widespread public and Congressional doubts about whether public statements of policy on Vietnam reflect the actual policy. And the argument that government no longer deserves trust and willing consent, although perhaps no longer justified, is used by radicals to justify guerrilla activities that could be dangerous to the nation's social and political fabric.

This kind of situation has been a large price to pay indeed for whatever benefits official secrecy might have had in the conduct of Vietnam policy. If the President's word cannot be trusted, how can there be any hope of sustaining a national sense of morality?

The flap over the Pentagon report might be an appropriate occasion for the present administration to reexamine its own attitudes toward secret formulation and conduct of national policy. Its reaction to the publication of the report suggests that some of the attitudes of the discredited Johnson regime have carried over into this administration.

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely on the ingenuity of the press for such information, the government has very little justification for complaint.

PROPOSED CONQUEST OF CANCER AGENCY

Mr. TAFT. Mr. President, I am delighted that the Senate Labor and Public Welfare Committee has unanimously reported S. 1828, a bill to create a "Conquest of Cancer Agency." This would be an independent agency within the National Institutes of Health.

Testimony before this committee has indicated that in 1969 we spent $410 per citizen for national defense, $125 for the war in Vietnam, and $19.50 for space exploration but only 89 cents for cancer research.

The striking disparity of these figures is highlighted by the fact that in 1969, 323,000 Americans died of cancer that year compared with 9,414 Americans who were killed in Vietnam for the same period.

As concerned as we all have been about Vietnam casualties, we have not given proper emphasis to a concerted effort to cure cancer. If a cancer casualty list were published in our daily newspapers perhaps Americans would recognize that almost 1,000 Americans die each day from this dreaded disease.

I am pleased that our committee has been able to strike a compromise between the administration bill and the Kennedy bill. By laying aside partisan considerations we can act decisively and promptly to undertake a major national research effort in a concerted way. The haunting specter of cancer is one which casts a dark shadow over every American family. Let us hope that this new effort will result in a meaningful breakthrough that can eradicate cancer and give hope to those who are now suffering from this dreaded disease.

THE VIETNAM CHRONOLOGY: "IRREPARABLE INJURY?"

Mr. KENNEDY. Mr. President, many of us are grappling in our own minds with the issues presented by the New York Times publication of the McNamara Vietnam chronology.

My own conclusion is that the full chronology and analysis should be made public. We have already seen the bulk of the materials from the Johnson years, and I think we should also see the materials from the Kennedy years and prior years, so that we can have the whole story, letting the chips fall where they may.

The only significant issue which some have raised is whether full release by the Times would inflict substantial damage on our national defense. I have seen no such possibilities in the material published so far, and I have no reason to believe the remainder will present such risks. But in any event I am willing to trust the self-discipline and dedication to the national interest of the New York Times, as well as the constraints presented by the Federal penal laws, as a guarantee that no information will be published which would constitute a substantial and actual threat to the present ability of the United States to maintain its military defense capabilities.

Moreover as Tom Wicker points out in today's New York Times, the Government in its lawsuit has not even made any specific allegations that release of the materials would bear in any way on current or future military operations. I believe the Members of the Senate may want to read Mr. Wicker's lucid analysis, and I ask that it be printed in the RECORD.

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

THE IRREPARABLE INJURY

(By Tom Wicker)

The Government has alleged that The New York Times, in publishing the Defense Department's own record of the nation's involvement in Vietnam, "has prejudiced the interests of the United States and the publication of additional excerpts . . . would further prejudice the defense interests of the United States and result in irreparable injury to the United States." That is a travesty of fact and common sense.

Is it alleged by the Government that these appalling documents are not genuine? No.

Is it alleged by the Government that The Times is in any way distorting or manipulating this historical record to its own ends? No.

Is it alleged by the Government that these documents bear in any way on current or future military operations? No.

Is it alleged by the Government that these historical documents recount any of the confidential deliberations concerning Vietnam of the present Administration? No; the compilation of the record was completed in 1968, before President Nixon's election.

There remain two ways in which The Times might be charged with having damaged the nation's "defense interests" by publishing historical documents. One is by the mere act of publication, since the Pentagon study was "classified."

Aside from the fact that newspapers publish and Government officials "leak" classified information every day—Presidents and Cabinet officers have been known to do it—the statute that The Times is alleged to have violated is one adapted to guard against espionage, not against a free press in pursuit

of its duty to publish. Nor can a wartime emergency be involved to justify supression of information about public business, since the Government in its wisdom has never seen it to declare war on North Vietnam or any other entity with which it may be at odds in Southeast Asia.

Since the documents in the Pentagon record go back to the Truman Administration, since they were collected in 1967 and 1968 expressly for historical purposes, and since they bear on present diplomatic and military exemptions only in a historical sense, for any newspaper or scholar to concede that they can properly be "classified" and kept from the public would be to concede that history itself can be classified and suppressed.

It must be, therefore, that the Government believes further publication would "result in irreparable injury to the United States" because of the content—because the documents themselves form an almost incredible record of subterfuge, deception, shortsightedness, mistakes, wrong assumptions and arrogant disregard of truth. Moreover, these are not the creation of that devil-press Vice President Agnew likes to denounce; nor are they the fantasies of "peaceniks." This is the factual record of what happened, compiled within the Pentagon itself, often by men who bore the responsibility for much of that record.

But no statute exists that says Government officials must be protected from the exposure of their follies or misdeeds. Indeed, the great lesson of the Pentagon record is that the ability to operate in secrecy breeds contempt for that very public in whose name and interest officials claims to act. It often is argued that government cannot function if its officers cannot deal with one another in confidence; but seldom if ever has it been so graphically demonstrated that when men are relieved of the burden of public scrutiny, uncomfortable as it may be, no other form of accountability can effectively take its place.

Although it may be long past the point when the tragedy might have been averted, and although it may now be too late to hold anyone effectively accountable for the blunders and deceptions of the past, one thing is apparent: reading this sad record can teach every American something about the nation, the world, the past—and therefore about the future. Can anyone maintain that the public will be less enlightened and the future of the nation more endangered if these documents are made available for study and reflection? On the other hand, can anyone conceivably suggest that the people of the United States would be better off and the interests of the nation further advanced if this dark chapter of its history were locked away in the vaults of the Pentagon?

To advance the latter argument would be to assert that truth has less value than deception, and that in a democracy the people ought not to know. Yet that is essentially what the Government is asking the courts to rule; and in the legal ground upon which it tries to base its case, it is also asking that the self-serving security classifications of the Defense Department take precedence over the First Amendment to the Constitution.

That is the only "irreparable injury" that can be done, in this painful matter, to the real interests of the United States, and it is not The New York Times that can perpetrate it.

PROPOSED REGULATIONS OF THE INTERNAL REVENUE SERVICE FOR ACCELERATED AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT

Mr. COOPER. Mr. President, on December 9, 1969, I introduced on the floor my amendment No. 399 to H.R. 13270, the Tax Reform Act of 1969, to provide a 5-year amortization of the coal mine safety equipment needed in order to meet the requirements of section 305(a)(2) of the Federal Coal Mine Health and Safety Act of 1969. This amendment permits operators of nongassy mines located above the water table to writeoff over a 5-year period the cost of heavy electrical permissible equipment that they are required to purchase and install or the cost of converting existing equipment to a permissible condition within the period specified in the act.

My amendment was cosponsored by my colleague from Kentucky (Mr. COOK) and Senators BAKER, BYRD of West Virginia, BYRD of Virginia, RANDOLPH, SPONG, STEVENS, and SCHWEIKER and was accepted and taken to conference by the manager of the bill, the distinguished senior Senator from Georgia (Mr. TALMADGE). It was agreed to in conference and became section 707 of the Tax Reform Act of 1969.

I am pleased to note that the Internal Revenue Service has issued its notice of proposed rulemaking and proposed regulations to implement this provision of the 1969 Tax Reform Act, and they appear in the Federal Register of May 26. I would like to bring to the attention of interested parties that written comments on these proposed regulations should be submitted in writing to the Commissioner of Internal Revenue by June 25, 1971.

Mr. President, I ask unanimous consent that section 707 of the Tax Reform Act of 1969, Public Law 91-172, 83 Statutes-at-Large 706, and the proposed notice of rulemaking be included in the RECORD at this point.

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

PUBLIC LAW 91-172

SEC. 707. AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT.

(a) ALLOWANCE.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 186 (added by section 904 of this Act) the following new section.

"SEC. 187. AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

"(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a), may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

"(d) CERTIFIED COAL MINE SAFETY EQUIPMENT.—For purposes of this section, the term 'certified coal mine safety equipment' means property which—

"(1) is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act.

"(2) the Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

"(3) is placed in service before January 1 1975.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

"(e) SPECIAL RULES.—

"(1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

"(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section."

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of the chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 187. Amortization of certain coal mine safety equipment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1969.

Internal Revenue Service

[26 CFR Part 1]

AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are sub-

mitted in writing, in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 25, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601 (b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner, by June 25, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the changes made by section 707(a) of the Tax Reform Act of 1969 (83 Stat. 674) relating to amortization of certain coal mine safety equipment, such regulations are hereby amended as set forth below. Section 1.187–1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 187(b) of the Internal Revenue Code of 1954, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. The following regulations are prescribed under section 187 to precede § 1.211:

§ 1.187 Statutory provisions; amortization of certain coal mine safety equipment.

Sec. 187. *Amortization of certain coal mine safety equipment*—(a) *Allowance of deduction.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

(d) *Certified coal mine safety equipment.* For purposes of this section, the term "certified coal mine safety equipment" means property which——

(1) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act.

(2) The Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

(3) Is placed in service before January 1, 1975.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

(e) *Special rules.* (1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section.

[Sec. 187 as added by sec. 707(a), Tax Reform Act 1969 (83 Stat. 674)]

§ 1.187–1 Amortization of certain coal mine safety equipment.

(a) *Allowance of deduction*—(1) *In general.*—Under section 187(a), every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in § 1.187–2), based on a period of 60 months. Such 60-month period shall, at the election of the taxpayer, begin either with the month following the month in which such equipment was placed in service or with the succeeding taxable year. For rules as to making or discontinuing the election, see paragraphs (b) and (c) of this section. For the computation of the adjusted basis (for determining gain) of any certified coal mine safety equipment, see paragraph (b) of § 1.187–2.

(2) *Amount of deduction.* (i) Such amortization deduction shall be an amount, with respect to each month of such 60-month period which falls within the taxable year, equal to the adjusted basis for determining gain of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in such 60-month period. Such adjusted basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to any certified coal mine safety equipment for a particular taxable year is the sum of the amortization deductions allowable for each month of the 60-month period which falls within such taxable year.

(ii) If any certified coal mine safety equipment is sold or exchanged or otherwise disposed of during a particular month, then the amortization deduction (if any) allowable to the tranferor in respect of that month shall be that portion of the amount to which such person would be entitled for a full month which the number of days in such month during which the equipment was held by such person bears to the total number of days in such month.

(3) *Effect on other deductions.* (i) The amortization deduction provided by section 187(a) with respect to any month shall be in lieu of the depreciation deduction which would otherwise be allowable with respect to such equipment under section 167 for such month.

(ii) If the adjusted basis of such coal mine safety equipment as computed under section 1011 for purposes other than the amortization deduction provided by section 187(a) is in excess of the adjusted basis, as computed under paragraph (b) of § 1.187–2, then such excess shall be recovered through depreciation deductions under the rules of section 167. See section 187(e), and paragraph (b)(2) of § 1.187–2.

(iii) See section 179 and paragraph (e)(1)(ii) of § 1.179–1 for additional first-year depreciation in respect of certified coal mine safety equipment.

(4) *Special rules.* (i) If the assets of a corporation which has elected to take the amortization deduction under sesction 187(a) are acquired by another corporation in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation is to be treated as if it were the transferor or distributor corporation for purposes of this section.

(ii) For the right of estates and trusts to take the amortization deduction provided by section 187 see section 642(f) and § 1.642(f)–1.

(iii) For the allowance of the amortization deduction in the case of coal mine safety equipment of partnerships see section 703 and § 1.703–1.

(i) In the case of certified coal mine safety equipment held by one person for life with the remainder to another person, the amortization deduction under section 187(a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant during his life.

(5) *Effective date.* The provisions of this paragraph shall apply to taxable years ending after December 31, 1969.

(6) *Meaning of terms.* Except as otherwise provided in § 1.187–2, all terms used in section 187 and the regulations thereunder shall have the meaning provided by this section and § 1.187–2.

(b) *Election of amortization*—(1) *In general.* Under section 187(b), an election by the taxpayer to make amortization deductions with respect to any certified coal mine safety equipment and to begin the 60-month amortization period shall be made by a statement to that effect attached to his return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each piece of certified coal mine safety equipment for which an amortization deduction is claimed;

(ii) The date on which such equipment was "placed in service" (see paragraph (a)(2)(i) of § 1.187–2);

(iii) The date on which the amortization period began;

(iv) The total costs paid or incurred in the acquisition and installation of such equipment;

(v) A computation showing the adjusted basis (as defined in paragraph (b) of § 1.187–2) of the equipment as of the beginning of the amortization period;

(vi) In the case of electric face equipment

which is newly acquired by the taxpayer, a statement that the equipment has been certified by the Secretary of the Interior or the Director of the Bureau of Mines as being permissible within the meaning of section 305(a)(2) of the Federal Coal Mine Health and Safety Act of 1969; and

(vii) In the case of property placed in service in connection with used electric face equipment (within the meaning of paragraph (a)(2)(ii) of § 1.187–2, a statement that such property has resulted in the used electric face equipment becoming permissible and a copy of the notification that such property is permissible.

(2) *Late certification.* If, 90 days before the date on which the return described in this paragraph is due, a piece of coal mine safety equipment has not been certified as permissible by the Secretary of the Interior or by the Director of the Bureau of Mines, then the election may be made by a statement in an amended income tax return for the taxable year in which falls the first month of the 60-month amortization period so elected. The statement and amended return in such case must be filed not later than 90 days after the date the equipment is certified as permissible by the Secretary of the Interior or the Director of the Bureau of Mines. Amended income tax returns or claims for credit or refund should also be filed at this time for other taxable years which are within the amortization period and which are subsequent to the taxable year for which the election is made. Nothing in this paragraph shall be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(3) *Other requirements and considerations.* No method of making the election provided for in section 187(a) other than that prescribed in this section shall be permitted on or after (the date of publication in the FEDERAL REGISTER of the regulations under section 187). A taxpayer who does not elect in the manner prescribed in this section to take amortization deductions with respect to certified coal mine safety equipment shall not be entitled to such deductions. In the case of a taxpayer who has elected prior to (such date) the statement required by subparagraph (1) of this paragraph shall be attached to his income tax return for his taxable year in which (such date) occurs.

(c) *Election to discontinue or revoke amortization*—(1) *Election to discontinue.* (i) Under section 187(c), if a taxpayer has elected to take the amortization deduction provided by section 187(a) with respect to any certified coal mine safety equipment, he may, after such election and prior to the expiration of the 60-month amortization period, elect to discontinue the amortization deduction for the remainder of the 60-month period for such equipment.

(ii) An election to discontinue the amortization deduction shall be made by a statement in writing filed with the district director or with the director of the internal revenue service center with whom the return of the taxpayer is required to be filed for its taxable year in which falls the first month for which the election terminates. In addition, a copy of such statement shall be attached to the taxpayer's income tax return filed for such taxable year. Such statement shall specify the month as of the beginning of which the taxpayer elects to discontinue such deductions, and shall be filed before the beginning of the month specified therein. In addition, such notice shall contain a description clearly identifying the certified coal mine safety equipment with respect to which the taxpayer elects to discontinue the amortization deduction. If the taxpayer so elects to discontinue the amortization deduction, he shall not be entitled to any further amortization deductions under section 187 with respect to such equipment.

(2) *Revocation of elections made prior to [the date of publication in the* FEDERAL REGISTER *of the regulations under section 187].* If before [such date] an election under section 187(a) has been made, consent is hereby given for the taxpayer to revoke such election without the consent of the Commissioner. Such election may be revoked by filing a notice of revocation on or before [the 90th day after the date]. Such notice shall be in the form and shall be filed in the manner required by subparagraph (1)(ii) of this paragraph. If such revocation is for a period which falls within one or more taxable years for which an income tax return has been filed, an amended income tax return shall be filed for any taxable year in which a deduction was taken under section 187 on or before [such 90th day].

(3) *Depreciation subsequent to discontinuance or in the case of revocation of amortization.* (i) A taxpayer who elects in the manner prescribed under subparagraph (1) of this section to discontinue amortization deductions under section 187(a) or under subparagraph (2) of this paragraph to revoke an election made prior to [the date of publication in the FEDERAL REGISTER of the regulations under section 187] with respect to an item of certified coal mine safety equipment may be entitled to a deduction for depreciation with respect to such equipment. See section 167 and the regulations thereunder.

(ii) In the case of an election to discontinue an amortization deduction under section 187, the deduction for depreciation shall be computed beginning with the first month as to which such amortization deduction is not applicable, and shall be based upon the adjusted basis (see section 1011 and the regulations thereunder) of the property as of the beginning of such month. Such depreciation deduction shall be based upon the remaining portion of the period authorized under section 167 for the facility, as determined as of the first day of the first month as of which the amortization deduction is not applicable.

(iii) In the case of a revocation of an election under section 187 referred to in paragraph (c)(2) of this section the deduction for depreciation shall begin as of the time such depreciation deduction would have been taken but for the election under section 187. See subparagraph (2) of this section for rules as to filing amended return for years for which amortization deductions have been taken.

(d) *Examples.* This section may be illustrated by the following examples:

Example (1). On September 30, 1970, the X Corporation, which uses the calendar year as its taxable year, places in service a piece of coal mine safety equipment required as a result of the Federal Coal Mine Health and Safety Act of 1969 which is certified as indicated in paragraph (a) of § 1.187–2. The cost of the equipment is $120,000. On its income tax return filed for 1970, the corporation elects to take the amortization deductions allowed by section 187(a) with respect to the equipment and to begin the 60-month amortization period with October 1970, the month following the month in which it was placed in service. The adjusted basis at the end of October 1970 (determined without regard to the amortization deduction allowed by section 187(a) for that month) is $120,000. The allowable amortization deduction with respect to such equipment for the taxable year 1970 is $6,000, computed as follows:

Monthly amortization deductions:	
October: $120,000 divided by 60	$2,000
November: $118,000 ($120,000 minus $2,000) divided by 59	2,000
December: $116,000 ($118,000 minus $2,000) divided by 58	2,000
Total amortization deduction for 1970	6,000

Example (2). Assume the same facts as in example (1). Assume further that on May 20, 1972, X properly files notice of its election to discontinue the amortization deductions with the month of June 1972. The adjusted basis of the equipment as of June 1, 1972 (assuming no capital additions or improvements) is $80,000, computed as follows:

Yearly amortization deductions computed in accordance with example (1):	
1970	$6,000
1971	24,000
1972 (for the first 5 months)	10,000
Total amortization deductions for 20 months	40,000
Adjusted basis at beginning of amortization period	120,000
Less: Amortization deductions	40,000
Adjusted basis as of June 1, 1972	80,000

Beginning as of June 1, 1972, the deduction for depreciation under section 167 is allowable with respect to the property on its adjusted basis of $80,000.

Example (3). Assume the same facts as is in example (1), except that on its income tax return filed in 1970, X does not elect to take amortization deductions allowed by section 187(a) but that on its income tax return filed for 1971 X elects to begin the amortization period as of January 1, 1971, the taxable year succeeding the taxable year the equipment was placed in service. Assume further that the only adjustment to basis for the period October 1, 1970, to January 1, 1971, is $3,000 for depreciation (the amount allowable, of which $2,000 is for additional first year depreciation under section 179) for the last 3 months of 1970. The adjusted basis (for determining gain) for purposes of section 187 as of that date is $120,000 less $3,000 or $117,000.

§ 1.187–2 Definitions.

(a) *Certified coal mine safety equipment*—(1) *In general.* (i) The term "certified coal mine safety equipment" means property which—

(*a*) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act.

(*b*) The Secretary of the Interior or the Director of the Bureau of Mines certifies is permissible within the meaning of such section 305(a)(2), and

(*c*) Is placed in service (as defined in subparagraph (2)(i) of this paragraph) before January 1, 1975.

(ii) In addition, property placed in service in connection with any used electric face equipment which the Secretary of the Interior or the Director of the Bureau of Mines certifies makes such used electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment. See subparagraph (2)(ii) of this paragraph.

(2) *Meaning of terms.* (i) For purposes of subparagraph (1)(i)(*a*) of this paragraph, the term "placed in service" shall have the meaning assigned to such term in paragraph (d) of § 1.46–3.

(ii) For purposes of subparagraph (1)(ii) of this paragraph, the term "property" includes those costs of converting existing nonpermissible electric face equipment to a permissible condition which are chargeable to capital account under the principles of § 1.1016–2. Property is considered to be placed in service in connection with used electric face equipment (which was not permissible) if its use causes such electric face equipment to be certified as permissible.

(b) *Adjusted basis*—(1) *In general.* The basis upon which the deduction with respect to amortization allowed by section 187 is to be computed with respect to any item of certified coal mine safety equipment shall be the adjusted basis provided in section 1011

for the purpose of determining gain on the sale or other disposition of such property (see part II (section 1011 and following) subchapter O, chapter 1 of the Code) computed as of the first day of the amortization period. For an example showing the determination of the adjusted basis referred to in the preceding sentence in the case where the amortization period begins with the taxable year succeeding the taxable year in which the property is placed in service see example (3) in paragraph (d) of § 1.187–1.

(2) *Capital additions.* The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under section 187(b), shall not be increased, for purposes of section 187, for amounts chargeable to the capital account for additions or improvements after the amortization period has begun. However, nothing contained in this section or § 1.187–1 shall be deemed to disallow a deduction for depreciation for such capital additions. Thus, for example, if a taxpayer places a piece of certified coal mine safety equipment in service in 1971 and in 1972 makes improvements to it the expenditures for which are chargeable to the capital account, such improvements shall not increase the adjusted basis of the equipment for purposes of computing the amortization deduction allowed by section 187(a). However, the depreciation deduction provided by section 167 shall be allowed with respect to such improvements in accordance with the principles of section 167.

PAR. 2. Paragraph (c)(1) of § 1.179–1 is amended by adding the following new (*c*) and (*d*) to subdivision (iii) thereof. These added provisions read as follows:

§ 1.179–1 Additional first-year depreciation allowance.

* * * * *

(e) *When allowance is available.* (1) * * *

(iii) * * *

(*c*) Qualified railroad rolling stock which the taxpayer elects to amortize under the provisions of section 184.

(*d*) A piece of certified coal mine safety equipment which the taxpayer elects to amortize under the provisions of section 187.

* * * * *

[FR Doc. 71–7362 Filed 5–26–71; 8:53 am]

Mr. COOPER. Mr. President, because of the interest among the small coal operators in this tax provision I believe it would serve a useful purpose to have my explanation of the amendment and the supporting data as well as comments by other Senators when the amendment was considered on the floor made available again.

Mr. President, I ask unanimous consent that the discussion on this amendment appearing in the CONGRESSIONAL RECORD, volume 115, part 28, pages 37894–37897, be inserted in the RECORD.

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

AMENDMENT NO. 399

Mr. COOPER. Mr. President, I call up my amendment, No. 399.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COOPER. Mr. President, I ask unanimous consent that the Senate dispense with further reading of the amendment.

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

Mr. COOPER's amendment is as follows:

Page 454, after line 2, insert the following new section:

Sec. 707. Amortization of certain coal mine safety equipment.

(a) ALLOWANCE.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 186 (added by section 906 of this Act) the following new section:

"Sec. 187. Amortization of certain coal mine safety equipment.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

"(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

"(4) CERTIFIED COAL MINE SAFETY EQUIPMENT.—For purposes of this section, the term 'certified coal mine safety equipment' means property which—

"(1) is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act,

"(2) the Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

"(3) is placed in service before the expiration of six years after the operative date of title III of the Federal Coal Mine Health and Safety Act of 1969.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

"(e) SPECIAL RULES.—

"(1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

"(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section."

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 187. Amortization of certain coal mine safety equipment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Mr. COOPER. Mr. President, I offer this amendment for myself, the Senator from Tennessee (Mr. BAKER), my colleague from Kentucky (Mr. COOK), the Senators from West Virginia (Mr. RANDOLPH and Mr. BYRD), and the Senator from Virginia (Mr. BYRD).

Mr. President, I hope very much that the manager of the bill will be willing to accept the amendment.

Mr. TALMADGE. Will the Senator explain it, so that Senators can ascertain what it does?

Mr. COOPER. Yes. The purpose of the amendment is to permit the amortization of the cost of certain "permissible" coal mine equipment over a 5-year period. The usual period of depreciation, I am informed, is a period of 10 years. I shall explain the reason for offering the amendment.

Mr. JAVITS. Mr. President, will the Senator yield momentarily?

Mr. COOPER. I yield.

Mr. JAVITS. Before leaving the Chamber, I should like to inform my colleagues, if I could have their attention, that I am the ranking member of the Committee on Labor and Public Welfare which just handled the coal mine safety bill. That bill was drafted by the Senator from New Jersey (Mr. WILLIAMS) and myself.

One of the big problems that we had was to reconcile safety with economics. The Senator from Kentucky (Mr. COOPER) is laying before us a very grave problem affecting small miners, where we are trying to impose heavy safety precautions, and its costs money to provide them.

I should like to say to my colleagues who are interested in safety that what the Senator from Kentucky is now proposing is a way in which the small mine operator can be helped. We knew he had to be helped. We tried to get him small business loans and other things, which is a kind of long way around, but I think the Senator, with his tax amendment, has something which can directly help him, and I hope my fellow Senators will give the greatest sympathy to the Senator's proposition. I testify to my colleagues that one of the bases of the coal mine safety bill was an attempt to reconcile economics with human life. We did the best we could, but what Senator COOPER is now proposing would help us immeasurably to do justice on the economic scale.

Mr. COOPER. I thank the Senator from New York for his excellent statement. I have also been informed that the Senator from New Jersey (Mr. WILLIAMS), who was chairman of the subcommittee that had charge of the coal

mine health and safety bill, also supports the amendment.

I ask unanimous consent also to add the names of the Senator from Virginia (Mr. SPONG), and the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Alaska (Mr. STEVENS), as cosponsors of the amendment.

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

Mr. COOPER. Mr. President, on October 2 of this year the Senate passed S. 2917, the Coal Mine Health and Safety Act of 1969. On October 29, 1969, the House passed its bill. The conferees have met and it is expected that the conferees will file a conference report very soon.

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

Mr. COOPER. I yield.

Mr. TALMADGE. Mr. President, do I understand correctly that this is the result of the action of Congress in requiring these coal mine safety devices in coal mines?

Mr. COOPER. The Senator is correct.

Mr. TALMADGE. And that the equipment must necessarily be bought, because an act of Congress has required it?

Mr. COOPER. That is right.

Mr. TALMADGE. And that the purpose of the equipment is to save human life?

Mr. COOPER. The Senator is correct. Both Houses of Congress have passed bills which include a provision requiring that "permissible" machinery be used in all coal mines by a specified date.

The provision included in both the Senate and House bills would abolish the present distinction between "gassy" and "nongassy" mines, a classification that up to this time had been preserved in the Federal Coal Mine Safety Act since its adoption. The chief purpose of proposing the merging of all mines in one classification as "gassy" mines, is to require operators of mines now classified as "nongassy" mines to purchase and install new equipment which is designated as "permissible" equipment under the Federal Coal Mine Safety Act. This equipment is designed to prevent "sparking" of the machinery which could, of course, cause the danger of ignitions and explosions in mines where a sufficient concentration of methane occurs.

Bureau of Mines statistics show that for the year 1967 there were a total of 3,191 nongassy mines employing 45,472 workers and producing 143 million tons of coal a year.

I ask unanimous consent that a compilation prepared by the Bureau of Mines be printed in the RECORD at this point.

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

NUMBER OF BITUMINOUS UNDERGROUND COAL MINES, EMPLOYMENT AND PRODUCTION BY STATES AND BY GASSY AND NONGASSY MINES—1967

	Gassy			Nongassy		
	Number of Mines	Employees	Production	Number of Mines	Employees	Production
Alabama	17	3,222	8,443,850	85	1,633	739,350
Arizona				1	3	969
Arkansas	5	61	93,690			
Colorado	23	1,026	3,008,995	36	239	569,915
Illinois	26	5,271	27,797,978	9	111	525,834
Indiana	7	421	1,564,831	4	285	142,483
Iowa				5	51	244,917
Kentucky	32	3,851	18,996,388	913	10,687	42,000,000
					580	2,287,406
Maryland				33	236	409,550
Missouri				2	14	3,000
Montana	16		6,200	12	41	22,650
New Mexico	1	98	625,000	7	22	4,375
North Dakota				1	5	996
Ohio	18	2,115	8,922,588	55	1,244	4,496,000
Oklahoma	1	4	2,400			
Oregon				1	5	1,000
Pennsylvania	68	13,973	46,110,933	279	3,007	8,302,238
Tennessee	7	57	135,250	142	1,924	4,364,750
Utah	10	799	2,785,122	17	359	1,478,102
Virginia	44	3,347	14,265,000	673	4,722	16,625,000
Washington	1	7	8,599	3	31	48,017
West Virginia	132	20,848	80,348,324	908	20,181	61,037,451
					32	30,812
Wyoming				5	60	118,942
Total	382	55,116	213,115,058	3,191	45,472	143,453,737

Mr. COOPER. Since all mines are designated as "gassy" under the pending legislation, the operators of these 3,191 "nongassy" mines will be required to junk the nonpermissible machinery now used which has been installed at great cost and replace it with "permissible" equipment of greater cost. This will impose a burden which many operators cannot sustain, result in the closing of hundreds of mines, and will drive out of employment hundreds, if not thousands of miners. This drastic legislation will not only affect the mines and miners, but will result in severe economic hardship upon the communities and States in which the "nongassy" mines are located. The Bureau of Mines compilation for 1967 indicates that there were 913 "nongassy" mines in Kentucky, 908 in West Virginia, 279 in Pennsylvania, 142 in Tennessee, 55 in Ohio, 85 in Alabama, 36 in Colorado and smaller numbers in 10 other States.

Both in the Senate Labor and Public Welfare Committee and on the floor when the Senate considered S. 2917, I offered amendments to preserve the distinction between gassy and nongassy mines. I introduced statistics and geological data showing that nongassy mines are the safest mines and that there is no demonstrated need for abolishing the present distinction between "gassy" and "nongassy." However, my amendments were not agreed to.

The House and Senate conferees have agreed, first, that for all mines certain specified small electrical equipment must be made permissible within 1 year after the operative date of the act—which is 90 days after enactment; second, that heavy electrical face equipment employed in coal mines not classified as "gassy" prior to enactment of the act and which are located above the water table—which definition would include a great majority of mines now classified "nongassy"—must be made permissible within 4 years of its operative date of the act with the right to obtain extensions up to a maximum of 2 years. Thus, under this provision, all operators of the above described nongassy mines would be required at the conclusion of 6 years after the operative date to have replaced all existing nonpermissible equipment by permissible equipment.

In addition, nonpermissible equipment that has worn out is to be replaced 1 year after the operative date by equipment that is permissible.

The amendment I introduce today would permit the operators of nongassy mines located above the water table to amortize over a 5-year period the cost of heavy electrical permissible equipment that they are required to purchase and install, or the cost of converting existing equipment to a permissible condition within the 6-year period after the effective date of the act.

My amendment is limited to equipment required to be installed in this 6-year period and the 5-year amortization would not be available for equipment installed after the 6-year period has expired. In addition, the 5-year amortization provided by my amendment would not be available to write off the small horsepower equipment required to be permissible within a year after the effective date of the act. It is limited to heavy electrical face equipment and is extended only to operators of nongassy mines located above the water table. My amendment, therefore, is of limited scope and of limited duration.

I am informed by the Bureau of Mines that the useful life of coal mining equipment as determined by the Internal Revenue Service for accounting purposes is 10 years. I am informed that most operators employ straight line depreciation schedules in depreciating this equipment. During the debate on the Federal Coal Mine Health and Safety Act, statements were provided by the Senator from New Jersey (Mr. WILLIAMS), manager of the bill, concerning estimates of the cost of new equipment and of the conversion of old equipment. A letter from the Honorable Hollis M. Dole, Assistant Secretary of the Interior, addressed to Senator WILLIAMS, dated August 2, 1969, was included in the CONGRESSIONAL RECORD, volume 115, part 20, page 27143. In his letter, Assistant Secretary Dole stated that the Bureau of Mines has estimated the cost to be approximately $50 to $60 million. I would point out that these cost figures included the cost of converting or replacing small electrical equipment in both gassy and nongassy mines, which equipment would not be given the 5-year writeoff as proposed by my amendment. Therefore, I am informed by the Bureau of Mines that this $50- or $60-million total cost figure would be less when limited to the cost of heavy electrical equipment as provided for by my amendment.

Taking the cost estimates submitted by the Bureau of Mines, I requested the Treasury Department to give me an estimate of the revenue loss should my amendment be adopted.

In a letter dated December 8, 1969, I am informed by Mr. John S. Nolan, Deputy Assistant Secretary, that my amendment—and I read from his letter—"will result in a revenue loss of approximately $1 million per year for the next several years, reducing gradually to zero."

The new Federal Coal Mine Health and Safety Act will require many small operators in nongassy mines to junk their existing equipment and purchase permissible equipment as required by this legislation at great expense for reasons of safety. It seems to me, Mr. President, that the least that the Congress can do is to provide, to this limited extent, financial assistance in meeting these costs. The tax reform bill provides a 5-year amortization to the railroad industry and to industries purchasing air and water pollution equipment. Certainly, the equities of the small coal operator are equal, if not greater, than the industries helped by the 5-year amortization provided in this bill.

Mr. President, reconversion must take place under S. 2917 which is now in conference, within a minimum of 6 years. In my

judgment, based upon the letter from the Treasury Department, the overall cost of the amendment would probably be $5 million or less.

It affects approximately 45,000 miners who are working in these mines which produce about 40 percent of our bituminous coal.

It is a just amendment. Congress will enact the measure which is now in conference. Help should be given not only to the operators of the mines, but to the men employed in the mines. Keeping the mine open will continue their employment.

Mr. President, that is the basis of my argument for the measure.

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

Mr. COOPER. I yield.

Mr. BAKER. Mr. President, I thank the Senator from Kentucky for yielding and my chairman, the distinguished Senator from West Virginia, for permitting me to speak at this time for the purpose of observing that I believe the Senator from Kentucky has done a great service to a great industry by offering the amendment.

I very much hope that it will be agreed to by the Senate as part of the bill.

It is a difficult task, that of providing for mine safety and coming to grips with the issue of whether gassy and nongassy mines should be preserved.

The Senate has worked its will in that respect. For my part, and I know, from the standpoint of the senior Senator from Kentucky, we had hoped that there would be a continuing distinction between gassy and nongassy mines. However, there is not under the present state of affairs. Therefore, it becomes essential and urgent that something be done to encourage those who operate in nongassy mines, and obviously designated so, to devote permissible equipment to the preservation of those jobs which are by and large in an area of the country that has chronic unemployment and thus promote employment of men who are, by and large, uniquely suited to only one occupation, that of mining coal.

I think the Senator from Kentucky would move a great distance in this direction and the amendment would encourage many operators of nongassy mines to devote permissible equipment to conserving those jobs, thus contributing to our area of Tennessee, Kentucky, Virginia, and West Virginia.

Mr. President, it is with great pride that I join with the Senator from Kentucky in sponsoring the amendment. I hope that the Senator promptly agrees to it.

Mr. COOPER. Mr. President, I thank the Senator from Tennessee.

Mr. President, I yield now to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the amendment offered by the knowledgeable Senator from Kentucky (Mr. COOPER) indicates once again his very real concern for the problems of coal mining and the safety of the miners. These mining problems, particularly as relate to the smaller mines now classed as nongassy, are soon to become acute and expensive. With the Coal Mine Health and Safety Act nearing finalization in this Congress, most of these mines necessarily must install much new equipment at substantial cost to meet the strict new safety requirements. The amendment which I am privileged to cosponsor will help the smaller mining companies provide the equipment requisite to the safety of their miners. The amortization provided can be very important in the financing of the equipment changeover to satisfy provisions of the new safety measure.

Mr. President, I am very grateful that over a period of time the Senator from Kentucky has demonstrated detailed knowledge and has been realistic in evaluating legislation as it affected the mines of his own State and neighboring ones. The mines concerned in the amendment, frankly, are mostly in Kentucky.

But numerous others in Tennessee, Virginia, and southern West Virginia will have some measure of tax relief available to them under Senator COOPER'S amendment, and we are grateful to him for his alertness and his diligent attention to these matters.

Would amortization provisions, I ask the Senator from Kentucky, usually apply over a period of 10 years?

Mr. COOPER. That is the information we receive from the Department of the Interior and the Department of the Treasury. The usual depreciation is over a period of 10 years.

Mr. RANDOLPH. Mr. President, the Senator's amendment would reduce that to a period of 5 years.

Mr. COOPER. The Senator is correct.

Mr. RANDOLPH. And the letter the sponsor has referred to indicates that the cost to the Federal Government would not be a substantial sum.

Mr. COOPER. It would be $1 million a year for several years. It would then decrease to zero. The reason it would decrease to zero is that it ends as soon as the mines are reequipped in the 6-year transition period.

Mr. RANDOLPH. Mr. President, I am sure the estimate is correct. The estimate is that it would cost the eligible mining companies from $50 million to $60 million for this equipment.

Mr. COOPER. The letter is addressed to the committee of the Senator from West Virginia. The Committee on Labor and Public Welfare had charge of the bill. The letter was addressed to the Chairman of the Labor Subcommittee Senator WILLIAMS by Hollis M. Dole, Assistant Secretary of the Interior.

He states:

"Since, in fact, the upgrading of non-permissible equipment would be expected to be a mixture of field conversion and purchase of rebuilt or new equipment, a more realistic cost estimate would be between $50 and $60 million."

Mr. President, I ask unanimous consent that the letter of Assistant Secretary Dole of the Interior Department and the letter of Deputy Assistant of the Treasury Nolan and a summary I have prepared explaining the amendment be printed at this point in the RECORD.

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

ESTIMATES OF THE COST OF CHANGING NON-PERMISSIBLE ELECTRIC FACE EQUIPMENT TO PERMISSIBLE CONDITION, BY THE DEPARTMENT OF THE INTERIOR

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 2, 1969.

Hon. HARRISON A. WILLIAMS, Jr.
Chairman, Senate Labor Subcommittee,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Enclosed are two attachments (A & B) in response to your letter of July 5, 1969, requesting further information on the cost of changing non-permissible electric face equipment in underground coal mines to permissible condition under the procedures (Schedule 2–G) of the Bureau of Mines. These procedures are primarily designed to assure that such equipment, if maintained in permissible condition, will not emit a spark or arc and cause a mine fire or explosion.

The first of these attachments is an updating and correction of estimates previously prepared and supplied to your subcommittee in relation to the cost of changing non-permissible equipment to permissible and the time needed to accomplish it.

The other attachment is the results of a survey or undeground coal mines conducted, at your request, by the Bureau of Mines in each of the 9 major coal producing States. The survey was undertaken through the Bureau's district offices and complied here. While it included some contact with the industry, repair shops, and equipment manufacturers, it is largely a paper survey based on records and data of the Bureau, including inspection reports, etc. We have discussed informally the results of the survey with your staff.

At the request of your staff, we checked, after completing the survey, on whether a bias had been introduced inadvertently due to the small number of mines sampled in the 9 States. Time did not permit a greater sampling. We have concluded that the samples for at least 3 of the States, Virginia, Kentucky, and West Virginia, are not truly typical of the small mines in those States. Thus, a bias was, in fact, inadvertently introduced.

From the survey we have, at your request, estimated the cost of making this equipment permissible either by conversion or rebuilding. The estimates are as follows:

SMALL NON-GASSY MINES

Estimated costs

Cost of "conversion"[1] of all equipment:	
Nine States only	$37,000,000
County-wide basis (by extrapolation from data)	42,500,000
Cost of upgrading or using rebuilt equipment:	
Nine States only	54,882,580
County-wide basis (by extrapolation from data)	63,000,000

LARGE NON-GASSY MINES

Estimated cost

Cost of upgrading or using rebuilt equipment:[2]	
Seven States only	$13,475,650
County-wide basis	18,100,000

[1] Assumes field permissibility approval will be feasible even for equipment that had never had permissible approval.

[2] Assumes that all equipment could be upgraded and none would be converted.

You also requested that we provide an estimate, based on the survey, of the costs of making this equipment permissible, through conversion, upgrading, purchasing rebuilt or purchasing new, in the case of those gassy mines with "grandfathered" equipment is still permitted under the 1952 Act. The estimates are as follows:

Grandfathered equipment, all Gassy Mines:

Cost to upgrade, $3,591,350.

Cost to rebuild, $14,158,060.

Cost new, $36,951,170.

Because of the bias mentioned above, you also asked if we could use the survey and make some estimates taking the bias into account. Probably the most appropriate way to make such an estimate is to use an average of the capital cost per yearly ton of coal produced. For these larger and more efficient mines covered by the survey a mine producing 20,000 tons per year would require an investment of about $16,000. If the equipment were used for 20 years this would represent a cost of 4 cents per ton of coal mined. There is, however, some tonnage produced in hand loaded mines where permissible equipment would not be required. On the other hand, smaller mechanized mines, also not included in the survey, would be expected to have a higher investment per daily ton than those included in the survey. In our estimate, we have assumed that these two factors are to be in balance.

Using this method then, the cost for the small non-gassy mines for the country as a whole to convert or rebuild the equipment would be $30 million.

If all the equipment could be converted

rather than using a combination of conversion and rebuilt equipment, the cost would be about $21 million.

The total cost can thus be estimated at $51.7 million, broken down as follows:

Grandfathered equipment (all upgraded), $3.6 million.

Cost of upgrading or using rebuilt equipment in large non-gassy mines, $18.1 million.

Cost for converting or using rebuilt equipment in small non-gassy mines, $30 million.

These figures are lower than those in Attachment A because we have assumed that the new concept of conversion which we have discussed with your staff using field approval for permissibility will be possible and because the size of the sample in the latest survey introduced a bias. Since, in fact, the upgrading of non-permissible equipment would be expected to be a mixture of field conversion and purchase of rebuilt or new equipment a more realistic cost estimate would be between $50 and $60 million. It is probable, however, that some portion of this sum would be expended anyway due to normal replacement needs.

Another cost is that of the Government which would be appreciably higher if all the equipment were converted, since it would involve a large increase in the man-hours required for field inspection of field converted and approved equipment.

Sincerely yours,

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 8, 1969.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: You have requested an estimate of the revenue cost of Amendment No. 399 to H.R. 13270, the Tax Reform Act of 1969, which you have introduced. The amendment would allow five-year amortization for certain equipment installed to comply with the Federal Coal Mine Health and Safety Act of 1969.

Treasury estimates that this amendment will result in a revenue loss of approximately $1 million per year for the next several years, reducing gradually to zero.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

EXPLANATION OF COOPER, RANDOLPH, BYRD (W. VA.), COOK, BAKER AMENDMENT

Purpose is to permit amortization of the cost of certain "permissible" coal mine equipment over a five-year period. The usual period recognized by the Internal Revenue Service is ten years.

Cost of reequipping mines with "permissible" equipment, estimated by the Department of Interior, is $50 to $60 million. Cost, in loss of revenue, estimated by the Department of Treasury, is $1 million annually for the first several years, then reduced to no cost.

Reason: House and Senate conferees have agreed on a provision to be a part of the Federal Coal Mine Health and Safety Act of 1969 (S. 2917), which requires for the safety of miners that "permissible" equipment—that is, non-sparking equipment—be installed in "non-gassy" mines over a six-year period. "Non-gassy" mines number about 3,000 and employ about 45,000 men and produce about 40% of the nation's bituminous coal. These are chiefly small mines and the cost of reequipping will put many out of business and increase unemployment, unless some aid is provided.

The five-year amortization provided by the amendment is limited strictly to "non-gassy" mines located above the water table, and only to the cost of installation of heavy electrical face equipment of a permissible type or the cost of converting existing equipment to a permissible standard during the six-year transition period.

Mr. RANDOLPH. Mr. President, I do not wish to take more time except to say that this is desirable and necessary legislation. In the Coal Mine Health and Safety Act, we sought to be prudent without compromising the safety of miners. However, approval of this amendment would mean that we can be more careful in insisting that the smaller units in the industry are not put out of business with the resultant increase in unemployment.

Mr. COOPER. The Senator is correct.

Mr. RANDOLPH. And I have talked with the chairman of the Subcommittee on Labor. He is interested in the amendment and desires to support it.

I have listened to the acting chairman of the Finance Committee as he has questioned the principal author of the amendment. He indicates that he understands the problem we face in this matter.

It has been my privilege to join in cosponsoring the amendment. I do feel it is equitable. And I hope it will receive the unanimous approval of the Senate.

Mr. COOPER. Mr. President, I thank the Senator. We have conferred on the amendment and have worked out the amendment before us.

I yield now to my colleague from Kentucky.

Mr. COOK. Mr. President, although my distinguished colleague from Kentucky has said this would cost the Government $1 million a year for approximately 6 years, I think the weight of the argument is that it will cost the industry between $50 and $60 million during that same period of time.

This cost of $50 to $60 million is the direct action of Congress itself. Contrary to the Williams amendment of just a moment ago which, as the distinguished Senator from Delaware said slowly but surely pulls away this $1 million a year for approximately 5 or 6 years, the cost to the Federal Government is necessitated by the fact that the industry, by action of Congress, must expend between $50 and $60 million during that same period of time.

I say to the distinguished Senator from Georgia that the real argument is that, for the safety and protection of human life, the industry is required to pay some $60 million and Congress is asked for this opportunity to extend to the industry a rapid writeoff from 10 to 5 years at a cost to the Federal Government, for the safety of human lives, the sum of $1 million a year. I think this is the real argument, and this is the point that the distinguished Senator from Kentucky (Mr. COOPER) has so eloquently made. I hope that the committee will accept the amendment.

Mr. COOPER. I thank the Senator.

I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I commend the Senator from Kentucky for bringing this amendment to the floor. In my judgment, it is a necessary adjunct to the very fine mine safety legislation enacted earlier in this session.

I should like to associate myself with the remarks of the Senator from Kentucky and say that I am very pleased to be a cosponsor of the amendment, and I hope the committee will see fit to accept it.

Mr. TALMADGE. Mr. President, the distinguished Senator from Kentucky and the cosponsors of the amendment have made an impressive case for the amendment. It would authorize the same amortization that is already included in the bill for pollution control devices. Since this is a safety control device affecting human life, I have discussed it with the ranking minority member of the committee, and he and I are in accord that the Senate should adopt it and let us take it to conference.

Mr. COOPER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

THE PROPOSED ECONOMY RECOVERY ACT OF 1971

Mr. MONDALE. Mr. President, the numbers games continue. Every few days, the administration releases some new statistics which supposedly demonstrate that the economy is in a vigorous comeback—a "good solid expansion" according to Secretary Shultz.

Several Mondays ago, we learned that consumer prices had risen 0.3 percent in April, while durable goods orders had dropped by 2 percent. Administration spokesmen waxed euphoric on describing the small price rise while studiously ignoring the implications of the drop in durable goods orders.

But these are not the statistics that matter. What matters is the 5 million unemployed; the 17 percent of our teenagers who are without jobs; and the quarter of a million—15 percent of veterans 20 to 24—who are looking for work. For Negro veterans 20 to 24, unemployment is an appalling 21 percent.

People may disagree about the expansion, but there is one point which is widely accepted: There is no prospect for a substantial drop in unemployment in the near future.

Is not this what really matters?

To meet this problem, I recently introduced S. 1725, the Economy Recovery Act of 1971. This bill would:

First, move forward to this year personal tax cuts presently scheduled for 1972 and 1973;

Second, provide a program of extended unemployment compensation benefits; and

Third, reestablish a 7-percent tax credit for the first $25,000 of investment in plant and equipment.

My bill would have a vigorous expansionary effect now—when it is needed. Its impact would all but vanish at the end of 1972—when we should be approaching full employment. This is in contrast to the administration's new depreciation rules whose maximum impact will occur in the years after 1972—when inflationary pressures may well be threatening again.

I might add that the revenue loss resulting from my bill would be about one half that associated with the new depreciation rules over the next 10 years.

Recently, Prof. Walter Heller, Chief Economic Adviser to President Kennedy, gave me his views on S. 1725.

I ask unanimous consent that Dr. Heller's letter be printed in the RECORD.

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

MAY 17, 1971.

Hon. WALTER F. MONDALE,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: Your bill, S-1725, the "Economic Recovery Act of 1971," is exactly what the doctor ordered for the U.S. economy under present circumstances.

At a time when we have over 6% unemployment, when $60 billion of our productive

capacity is running to waste, and when 25% of our manufacturing capacity lies idle, it's clear that the U.S. economy urgently requires added fiscal stimulus.

Your bill would accomplish this in a responsible manner since it follows the principle of prompt stimulus today without undercutting the long-run revenues and anti-inflationary impact of our federal budget:

Your proposed income tax reduction is simply a speed-up of already legislated tax cuts.

The federal funding of extended unemployment compensation makes funds available today when unemployment is unconscionably high, but will fade out as the economy returns to full employment conditions and inflationary dangers.

The special investment credit for small business will not have a significant revenue effect, yet will help to balance the business structure of the country.

Your program, together with a system of temporary public service jobs, will speed up economic recovery without touching off a new surge of inflation. At a time when $60 billion of our country's productive resources are unemployed, the added stimulus will translate into more jobs, more production, higher profits, but not higher prices. Our inflation today is entirely of the cost-push variety, not demand-pull, and your program will exceed neither the speed limits nor the capacity of the economy to absorb additional demand.

As you know, we economists constantly think in terms of the balance of cost and benefit. Here's a program will obvious and immediate benefits in both human and material terms, and virtuously no costs in either the short run or long run.

I hope the Congress will speedily enact the "Economic Recovery Act of 1971."

Sincerely,

WALTER W. HELLER,
Regents' Professor of Economics.

THE IMPENDING SALT AGREEMENT

Mr. SAXBE. Mr. President, in today's Wall Street Journal there is an article entitled, "SALT Agreement: Genocide Pact?" Robert L. Bartley espouses the thesis not ordinarily heard in our deliberations on arms control. He believes that the doctrines of "mutual deterrence" and "assured destruction" embody a concept of nuclear deterrence that is constructed on an assumption of "reciprocal rationality" which can never be completely guaranteed. He proposes an alternative to assured destruction which would limit offense and encourage defense. This theory depends on the technical feasibility of missile defense.

As you know, I have opposed the Safeguard system of an anti-ballistic-missile defense precisely because I believe it is not technically feasible. However, I firmly believe that research and development should be continued in an effort to seek technical feasibility.

Many will argue that an adequate defense may encourage a first strike if the aggressor believes that his first strike would reduce the other side's second strike capacity to a level which could be effectively nullified by a missile defense system. This argument is the primary one against Mr. Bartley's thesis, however, in the interest of a more intelligent discussion of these issues, I commend it to the attention to my colleagues.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

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

[From the Wall Street Journal, June 17, 1971]

SALT AGREEMENTS GENOCIDE PACT?

(By Robert L. Bartley)

WASHINGTON.—With good luck American and Soviet negotiators will agree on strategic arms limitation sometimes this year, writing the doctrine of "mutual deterrence" and "assured destruction" into a formal agreement. Despite the general jubilation that will result, some experts will be deeply worried. For a dissenting school of strategic thinkers believes those doctrines add up to a "genocide pact."

The phrase comes from Fred Charles Ikle of Rand Corp. He and a few other analysts, notably Donald G. Brennan of the Hudson Institute, are deeply suspicious of the prevailing notion of deterring war by insuring that each of two competing nations can utterly destroy the other. Above all, they are appalled at the millions and millions of innocent civilians who would be killed if deterrence somehow broke down and war did start.

The doctrine of "assured destruction" became the bedrock of U.S. strategic posture during Robert McNamara's tenure as Secretary of Defense. The thinking is that if the U.S. can absorb a Russian nuclear strike and still retaliate with enough power to destroy the Soviet Union as a society, the first strike will never take place. When each power can retaliate to obliterate the other, the theory continues, the result is a "mutual deterrence" that makes nuclear war unthinkable.

Mutual deterrence and assured destruction will almost certainly provide the intellectual foundation for any arms pact that may emerge from the forthcoming round of SALT at Helsinki. The recent joint U.S.-Soviet announcement said that negotiators would "concentrate" on limiting anti-ballistic missiles, but would also agree on "certain measures" to restrict offensive missiles. The clear implication is that any agreement will follow the assured destruction doctrine in limiting the defense more sharply than the offense.

This order of priorities conforms to the assured-destruction logic because it would insure that neither side could escape destruction if a nuclear exchange took place, thus building the maximum "unthinkability" into the use of nuclear weapons. Opponents of the doctrine would reverse the priorities, limiting the offense more sharply than the defense to insure that any exchange would produce fewer deaths. This difference, in fact, has been at the root of much of the domestic debate over ABM proposals.

Ironically, assured-destruction-type deterrence seems likely to be formalized internationally just when it's losing its hallowed status among Western strategic thinkers. Those openly attacking it are few; most analysts continue to accept it for want of a persuasive alternative. But among its defenders, the self-satisfaction of the McNamara era has given way to a new uneasiness.

This shows in President Nixon's 1971 foreign policy message which contains a line saying the President should not be "limited to the indiscriminate destruction of enemy civilians as the sole possible response to challenges." The administration has found immense difficulties in translating this desire for flexibility into specific weapons and tactics.

A SMALL STEP

The Nixon administration concept of "sufficiency," however, is at least a small step away from assured destruction. In the heyday of the latter nuclear-force levels were decided by a computer programmed to calculate the number of warheads necessary to destroy given percentages of the Soviet population and production capacity. While "sufficiency" is a less clear-cut concept, it seems to mean that force levels and similar decisions are ultimately matters for political judgment.

The new uneasiness about current deterrent postures is cropping up not only in political quarters but in intellectual ones. The latest annual survey by the Institute for Strategic Studies in London found, for example, that "deterrence still seemed to be an overwhelmingly powerful force at the end of 1970." But it also noted, "some fear was an inevitable element in the strategic balance, if only because the concept of nuclear deterrence had been constructed on an assumption of reciprocal rationality which could never be completely guaranteed."

This is precisely the point at which critics of assured-destruction deterrence concentrate their attack. Obviously mutual deterrence means no rational man would deliberately start a war, but who ever said war is likely to be started by the deliberate plan of rational men? Yet for the purpose of deterring rationally planned war, the current nuclear posture insures that war starting from any cause will automatically result in the slaughter of the majority of the population in both the U.S. and the Soviet Union.

Rationality has in fact played scant part in most past wars, to judge by the evidence assembled by Rand's Dr. Ikle (pronounced E-Clay) in his new book, "Every War Must End" (Columbia University Press). In tracing how wars in this century have been brought to a close, he finds that those who started them have not even thought about the problems of ending them.

When the Japanese attacked Pearl Harbor, for example, their government had made no effort to think through how such a war would ultimately end. World War I started though no one wanted it. Once wars are actually underway, he finds, they grow ever more resistant to rationality, tending to continue beyond any logical purpose because of internal political developments in the warring nations.

If history is a guide, nuclear war, too, would be most likely to start in some less-than-rational fashion. Dr. Ikle conceives of a number of circumstances in which deterrence might be of little help; and accidental missile launch a non-nuclear war that escalates because of the powerful political forces war engenders, the advent of national leaders whose philosophy includes, as Mussolini's did, living dangerously.

There is even a possibility that leaders on one side might come to believe that the other would not in fact launch a retaliatory strike. However rational the threat of retaliation is, actually carrying it out when the threat has failed is a separate question. What if an enemy's first strike has hit your military installations, and the enemy retained further missiles that could strike your cities? Would you then kill his civilians?

ELEGANT BUT FRAGILE LOGIC

The point is not that nuclear war will come this way or that way, but that the logic of mutual deterrence is elegant but fragile. To work it must persist forever, but it is too clean, too logical, too pristine, Dr. Ikle says. "We have this rational structure that must survive decade after decade if we are to survive decade after decade, that's my main theme."

The alternative to assured-destruction deterrence would be negotiating armaments postures that limit offense and encourage defense. Dr. Brennan says, "The SALT context is a ready-made opportunity to make a dramatic difference," providing the talks are aimed at an agreement reducing offensive forces and allowing defensive build-ups on both sides. In the absence of an arms agreement, he has elaborated a unilateral posture of maintaining general parity while spending a greater proportion of money on defense.

Whether an alternative can work in practice as well as theory depends, however, on the technical feasibility of missile defense. Most experts agree that a well-designed system could be useful in defending hard targets like missile silos, but defense of the civilian population is quite another matter.

Dr. Brennan believes that if offensive forces were reduced to the equivalent of 500 Minutemen, a $20 billion missile defense around the top 50 cities could save perhaps 45 of them. The prospect of losing five cities, he adds, would still deter any rational leader. Over time he has been considerably more optimistic about defense than other planners, however, and in any event negotiating a 500-missile offensive limit would require astounding political feats.

Still, there is always the chance that a highly effective defense can be developed eventually; even a less effective one would still save some lives, and you have to start somewhere. The present technical problems are little reason, Dr. Ikle notes, to negotiate a treaty "closing" the door on defense. That may be a door we want to go through." Yet the thrust of arms talks so far seems to be sharp limits on defense in the pursuit of assured destruction. Dr. Brennan remarks, "People are not basically interested in getting out from under this."

Proponents of assured destruction, indeed, argue that missile defense starts to make nuclear war once again thinkable. A power knowing it had some protection against retaliation might consider launching a surprise first strike, says Herbert Scoville Jr., former deputy director of the CIA and now a spokesman for the Federation of American Scientists. "Without an ABM it's crystal clear, you've got to be bloody irrational to start anything."

HOW IRRATIONAL?

If any leader is completely irrational, Dr. Scoville continues, the whole situation is hopeless anyway. He agrees that assured-destruction deterrence is "psychologically not the most satisfying kind of situation." But he thinks the cataclysmic effects of nuclear war will make a sharp difference in the minds of national leaders, "even if they're not rational they're not that irrational."

This is a plausible line of argument, and its impact on American strategic thinking has been a powerful force toward an arms agreement stressing limits on defense. Also, the Soviets currently want to limit defense, and in fact had been proposing a defensive-only pact, a curious stance in light of their traditional emphasis on defense. Many American analysts and politicians had been urging acceptance of the Soviet proposal.

Given the political practicalities, American negotiators have reason to feel they did pretty well in maintaining any offensive limits at all in the joint announcement. The administration has to consider, for example, that even a limited ABM only barely passed Congress. Given both this background and the Soviet position, it's hard to conceive how the American government could insist on limiting offense and expanding defense the way critics of assured destruction would like. One close observer remarks, "If that's the way you're going to do it you may as well forget about SALT agreement at present."

Any reasonable SALT agreement would be a hopeful political sign, in the sense of suggesting a willingness of both the U.S. and the Soviet Union to work together at least to some extent on strategic problems. For the U.S. to suddenly reverse its negotiating position after all that has already gone by could have quite disturbing implications in international politics.

Even so, the critics of assured destruction would rather have no pact than the wrong one, preferring to wait and hope that the Soviets would work their way back to their old position that limits should apply to offense but not defense. And whatever the practicalities, the critics do raise highly disturbing questions about accepting assured destruction deterrence as a permanent doctrine.

When you look at the public images the two sides of the strategic debate have acquired, in fact, the questions turn downright eerie. How is it that anyone who wants an ABM to save civilian lives is seen as something close to a warmonger? How is it that one enrolls in the legions of peace, and stands up against the Dr. Strangeloves, by backing assured destruction and its threat of genocide?

These are the political practicalities that go far to determine what kind of SALT agreement we will negotiate, given a rare chance to do so. Unless the world has in fact reached the point where the only sanity is madness, there simply must be something fundamentally wrong with our national thinking. And regardless of the outcome of SALT, the need to clarify that thinking will persist.

A good start would be to recognize that if the impending SALT agreement does come to pass, its short-run political implications may very well give reason for jubilation, but its long-term strategic implications raise a hard question. To wit, for how long do we really want to stake the destruction of the world's two greatest nations on a bet that the elegant logic of assured destruction will prove more durable than the suggestions of history?

BALTIC STATES FREEDOM DAY

Mr. WILLIAMS. Mr. President, June 14 through 17 marks the 31st anniversary of the Soviet invasion and occupation of the formerly independent Baltic nations of Lithuania, Estonia, and Latvia, and the eventual deportation of thousands of Baltic citizens to undesirable and desolate portions of the Soviet Union.

Not long after the liberation from their Soviet oppressors in 1918, each of the Lithuanian, Estonian, and Latvian nations began to enjoy the long-sought treasures of self-government and national prosperity. The ensuing 22 years of independence brought to these countries a time of great cultural advancements, characterized by numerous literary and scientific achievements.

But this period of self-determination and national independence was tragically short-lived. By 1940, the Soviet recognition of Baltic sovereignty appeared ignored as Russian military presence became increasingly obvious. On June 14, 1940, the Soviet Union accused the Baltic nations of hostility and insisted on the formation of a government more friendly toward Moscow. Within only hours, the Soviet army invaded and occupied Lithuania.

This act of aggression was only the beginning of great sorrow and hardship for the people of the Baltic nations. On June 17, Estonia and Latvia were also invaded and forced to surrender their independence to the powerful Russian Army. Within several months nearly 100,000 Baltic citizens were cruelly and unjustly deported to remote regions of Russia.

Mr. President, as we mark the anniversary of this deplorable act, let us remember the contributions of these formerly autonomous Baltic people to the democratic way of life, and pay tribute to their courageous and continuous desire to be independent once again.

THE OKINAWA TREATY WITH JAPAN

Mr. INOUYE. Mr. President, I urge ratification of the treaty being signed today between the United States and Japan for the reversion of Okinawa to Japan. After almost 26 years of U.S. rule, Okinawa and the adjoining Ryukyu Islands are to be returned in the near future to their prior status under Japanese rule. I support the return of Okinawa and the other Ryukyu Islands to their historical position as a prefecture of Japan.

In submitting the Okinawa treaty to the U.S. Senate as a treaty rather than as an executive agreement, the Nixon administration risks unduly delaying ratification of the reversion accord. The possibility thereby exists that the domestic U.S. textile lobby may well attempt to halt Okinawa's reversion in order to gain leverage on Japan to reduce textile exports to the United States. Opponents of free trade may well delay a ratification to a Japanese voluntary cutback of textile exports. Pressure could also be put on Japan to increase the value of the yen, a move that would render Japanese products somewhat less competitive in American markets. While I believe that Japanese trade liberalization is certainly long overdue, I hope that the reversion of Okinawa will not become a hostage of trade negotiations in general and textile negotiations in particular. I note the recent Japanese announcement of an eight-point program of trade liberalization and encourage the vice-ministerial committee formed to implement such liberalization to generate substantial reforms in current trade relations.

Much more important than trade arrangements is the political stability which Okinawa's reversion should foster. Okinawa must not be considered in the parochial context of Asian political stability. At stake is not only the domestic stability of both Okinawa and Japan, but also the political stability of the Pacific and the Far East, which depends in large measure upon American and Japanese cooperation. Return of Okinawa to Japanese rule is the key to continued good relations between the United States and Japan, and the Japanese alliance is the cornerstone of the U.S. political and security position in the Orient. The return of Okinawa to Japan, where it is an emotional and nationalistic issue, is crucial to those relations. In Japan, the treaty has aroused so much interest that today's ceremony is being televised throughout the nation. Eighteen months of difficult negotiations should not now be exchanged for trade benefits at the expense of political stability.

THE SITUATION IN PAKISTAN

Mr. HARRIS. Mr. President, on April 1, I expressed my fears that the world community was silently allowing a human tragedy of massive proportion to take place in East Pakistan. At that time I urged that our Government end its unconscionable silence on this matter and encourage other nations to do the

same. Today, my fears of great human suffering in East Pakistan have not been allayed significantly. To the contrary, the appalling results of the conflict in Pakistan have spread into India, where over 4 million East Pakistani refugees have fled—with reports indicating an increase in that figure of up to 100,000 per day.

I am pleased to see that the U.S. plans to assist in the aid to the refugees in India—the enormity of the crisis demands that we do no less. If, however, our efforts are to be truly meaningful, we must address ourselves to the roots of the problems in Pakistan itself. The Indian Government has indicated, and rightfully so, that it cannot provide for the Pakistani refugees forever. They must return someday to their homeland. Yet the flow of refugees from Pakistan to India continues each day, with little of any prospect of reversing the flow. When millions of people are forced to flee from their country, whether it be from starvation or terror, I find it difficult to accept the contention that the problem is a purely internal one for the Government of Pakistan to handle.

When viewed in the context of the precarious relations between India and Pakistan, the situation even more urgently demands our attention.

One of the major problems, Mr. President, in assessing the situation in Pakistan has been the difficulty in attaining hard facts. Because of the Pakistani Government's policy of excluding the press—with the exception of two sponsored tours of the country—we do not know all the facts. The unwillingness of the Pakistani authorities to allow a completely open and honest reporting of the facts, as I stated on April 1, must cause us to conclude that life in East Pakistan has not returned to "normal." What we do know is that the conflict resulted in tremendous loss of life, starvation, and destruction of property for the people of East Pakistan. Eye-witness accounts and news reports indicate that both sides in the conflict exercised brutality that must be condemned by the world community. Particularly reprehensible, though, are the actions taken by the West Pakistani military against the people of East Pakistan. It seems that this action was an attempt to suppress a duly elected majority in East Pakistan by the use of armed might. It is no surprise then that many of the people of East Pakistan have refused to accept an imposed rule by the Government of West Pakistan. Those that have stayed in East Pakistan may give the impression of normality that the Pakistani Government so strongly wants the world to accept. Recent news reports have indicated that this apparent normality is nothing more than a facade. The nonresistance and passivity of many East Pakistani citizens mask their fear rather than their loyalty, their despair rather than hope.

Under these circumstances, I strongly doubt whether any effective relief operation for the people of East Pakistan can be mounted by the central government. Control over the food, health, clothing, and shelter for a starving and destitute people can be one of the most insidious means of bringing these people under political control. This situation could only inflame the bitterness, hatred, and mistrust among the people of Pakistan, and surely would not lead to any lasting settlement of the conflict between East and West Pakistan.

What I am suggesting today is that the United States must press for an international relief operation in East Pakistan and a climate in which the parties in conflict might be able to reconcile their differences in the political arena. First, we must insist that the actual distribution of relief items, beyond their unloading and shipment to distribution centers, be supervised by a team of international observers. We must be certain that the people of East Pakistan receive assistance with no strings attached. Second, and extremely important, we must strive to create an atmosphere in which a peaceful settlement to the Pakistani conflict can be reached. As long as we maintain a military and foreign aid policy that gives an advantage to one side or the other, we will prolong the conflict between East and West Pakistan. We must remove our presence from this situation and encourage others to do the same. Only by halting all military and economic aid to either party in the conflict can we do this. The withholding of economic aid, which is of crucial importance due to the ease with which such aid allows the diversion of other resources to military purposes, will not, of course, prevent us from contributing to an international relief operation for Pakistan. Finally, it is my hope that political talks between East and West Pakistan can be initiated with a view to bring a halt to the conflict.

To the above ends, Mr. President, I intend to submit Senate Resolution 99 as an amendment to the Case-Mondale resolution, or as an amendment to other appropriate legislative matters that might come before the Senate, with the following modifications:

First, in section 1, lines 7 and 8, strike the words "until the conflict ceases," substituting in lieu thereof the words "until an internationally supervised relief effort is demonstrated to be in successful operation in East Pakistan", and

Second, in section 1, lines 10 and 11, strike the words "as soon as the conflict ends," substituting in lieu thereof the words "as soon as an internationally supervised relief effort is demonstrated to be in successful operation in East Pakistan."

THE AMERICAN BAR ASSOCIATION AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, much of the opposition to the International Convention on the Prevention and Punishment of the Crime of Genocide comes from the American Bar Association. The vote by the ABA's house of delegates against ratification is used time and again to support the opponents' case. They argue: if the attorneys of the Nation do not support a proposed treaty, it should not be ratified.

The field of law is varied. No one can be an expert in all phases of legal thought. Good legal opinions are a result of careful investigation into a particular matter by experienced legal minds. This was the type of thorough examination the ABA's section of individual rights and responsibilities made of the Genocide Convention.

I ask the Senate to consider the conclusions of this committee which has been most directly and intimately concerned with the convention. The distinguished men and women in the ABA who knows the most about the subject and who had the responsibility of delving into every relevant issue, rendered this evaluation. I ask unanimous consent to have an excerpt of the section's report printed at this point in the RECORD.

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

1. The Convention on the Prevention and Punishment of the Crime of Genocide is an international commitment to decency and morality consistent with the American tradition. It does not, of course, stand alone. Like other efforts throughout history, from the Ten Commandments through the Magna Carta, the English Bill of Rights, the French Declaration of the Rights of Man and the Citizen, the United States Bill of Rights, the Thirteenth, Fourteenth and Fifteenth Amendments to the United States Constitution, and the United Nations Charter, the Convention is a statement which advances individual rights and human dignity. The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate a whole people during World War II, and of determination that such an effort shall not be undertaken ever again.

2. The great documents of human rights have taken various forms. From the laws of Moses to the pact between King and nobles at Runnymede, to the charters of the English, American and French Revolutions, to the constitutional amendments of nineteenth century America, the essential element was a statement of the rights of free men, coupled with punishment or threat of punishment to those who would abridge these rights. This pattern, too, was followed in the documents growing out of the rebirth after World War II, among them the Convention against Genocide.

Until 1945, the efforts to legislate internationally were very limited. The idea that the practices of states themselves could be illegal, or could be made illegal dates from the twentieth century, and with one or two exceptions, from the end of the Second World War. The Genocide Convention is designed to raise to the level of an international crime certain horrible acts, such as the effort of Nazi Germany to exterminate all the Jews within its domain, or attempts by other countries to exterminate other racial, religious, or ethnic groups within a given country or area.

The definition of genocide as of international concern reflects also the recognition that genocide is typically associated with threats or breaches of the peace. The most flagrant cases of genocide have occurred in major and "total" wars. Even lesser instances have tended to provoke retaliation, intervention by third parties, and a spread of war and devastation. Thus, steps to curb genocide are steps in the direction of preservation or restoration of peace.

3. The Genocide Convention recognizes that both states and individuals must be deterred in order to minimize the risk of geno-

cide. Accordingly, states are made to answer in international organs—for example, the United Nations Security Council or the United Nations General Assembly, for actions taken by their governments that might constitute genocide, or actions taken in their territory—even without official government sanction—such as by guerrillas, commandos, or the like. In other words, a state is given—properly—the affirmative obligation to prevent and punish genocide within the area it controls.

In addition, individuals are told directly and explicitly that they cannot hide behind actions of governments in which they participate. Whether in anticipation of a war crimes trial such as those after World War II, or in anticipation of a change in government internally, all those who support or execute a policy of genocide are warned that the world will not tolerate or excuse their behavior.

Thus, while no one can be certain of the effectiveness of any given documents, the Genocide Convention goes far to make genocide unattractive even for those who would not shrink from it on moral grounds.

4. Earlier opposition to the Genocide Convention seems to have stemmed largely from a fear of expanded use of treaties generally. That fear is no longer relevant, as treaties by the thousands have been entered into by the United States and others in the past twenty years. One particular aspect of this fear, that by the treaty process the United States government would seek to enact civil rights legislation otherwise not constitutional or not possible of passage, has also been overtaken by events, as the major federal civil rights bills and scores of judicial decisions have removed whatever doubt there might have been in 1949 about the powers of the federal government in this area. Neither the Genocide Treaty nor the treaty power generally has played any part in these developments.

In addition to the general objections to the Genocide Convention, a number of specific provisions of the text of the Convention were criticised, some as providing "loopholes", others as extending coverage of the Convention too far or raising conflicts with the United States Constitution. None of these objections stands up to careful analysis.

5. The Genocide Convention is now twenty years old, but it is a living and important document. Our friends are confused, our enemies delighted, at continued United States hesitation about the Convention. Adhering to the Convention now would be a real step in the advancement of America's national interest.

MAYORS ENDORSE VIETNAM DEADLINE

Mr. McGOVERN. Mr. President, while the news reached Washington too late to have a bearing on the vote yesterday, I am sure Members of the Senate will nevertheless be interested in the resolution on the Indochina war adopted yesterday by the U.S. Conference of Mayors at their 1971 annual conference in Philadelphia.

The mayors called upon the President to do—

all within his power to bring about the complete withdrawal of all American forces from Vietnam by December 31, 1971, or sooner. . . .

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

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

RESOLUTION NO. 41: WITHDRAWAL FROM VIETNAM AND REORDERING OF NATIONAL PRIORITIES

Whereas, City Governments fully understand and accept the leadership of the National Government in international affairs; and

Whereas, The war in Vietnam has brought such serious division to the people of our communities that it has become a proper concern to City Governments; and

Whereas, President Nixon has taken encouraging steps to end the American involvement in the Vietnam conflict; and

Whereas, the continuation of the Vietnam conflict badly distorts national priorities and the allocation of national resources; and

Whereas, Both Congress and leading elements in the private sector have undertaken serious study of the problems involved in conversion from war expenditures to domestic expenditures; and

Whereas, City officials and civic leaders, along with governmental officials and leaders in the private sector at all levels, must have some clear guidelines if the achievement of their conversion goals and new program directions are to be realistic; and

Now therefore be it resolved, that the United States Conference of Mayors calls upon the President to do all within his power to bring about the complete withdrawal of all American forces from Vietnam by December 31, 1971, or sooner; and

Be it further resolved that the United States Conference of Mayors calls upon the Congress to work with the President in the development of a constructive program of peacetime conversion which will give national priority to the needs we face in the fields of housing, education, health, child development, law enforcement, and other pressing domestic needs.

PROGRESS IN EDUCATION FOR DISADVANTAGED RETURNING VETERANS

Mr. CRANSTON. Mr. President, Public Law 91–219, enacted March 1970, has made it possible to establish much needed new programs for the educationally disadvantaged serviceman—preveteran—and veteran.

These programs, which I am proud to have authored, include PREP, the predischarge education program, which provides special educational benefits for men still in service, but lacking a high school diploma or needing remedial, refresher, or deficiency work to continue their education.

Another new program is the special supplementary assistance or tutorial allowance to provide up to $50 a month—for up to 9 months—for individualized tutorial help for college veterans enrolled in college and in academic difficulties.

Another program in Public Law 91–219 expanded opportunities for veterans with academic deficiencies to participate in short term special remedial or refresher programs at colleges and universities in order to prepare them to begin and succeed in college-level work.

Under PREP and the college preparatory program educationally disadvantaged veterans can take high school or college remedial work without charge to regular GI bill 30-month entitlements.

Mr. President, Dr. John P. Mallan, director of programs for servicemen and veterans at the American Association of Junior Colleges, and his staff have been very effective in getting colleges to develop PREP programs for educationally disadvantaged servicemen at military installations and military hospitals. The American Association of Junior Colleges, which includes in its membership most of the Nation's 1,100 2-year colleges, has a grant of almost $300,000 from the Carnegie Foundation to encourage colleges to develop more programs for returning GI's. The association has helped to organize 37 PREP programs at military bases and hospitals in all parts of the country, programs to encourage men still in service to continue their education. It is also planning overseas educational programs in Vietnam, Europe, and the Pacific, and working with a variety of other programs intended to bring education and guidance counseling to more veterans and servicemen.

I admire their efforts—often in the context of lethargy, disinterest, and footdragging by Veterans' Administration and Defense Department officials—and I congratulate them for it.

In my floor statement of March 23, 1970, I described these new programs as they might touch the life of a Chicano veteran in East Los Angeles. Mr. President, I ask unanimous consent that an excerpt from my March 23 statement be printed in the RECORD at this point.

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

Let us take a Mexican American from east Los Angeles who dropped out of high school after the 10th grade and was drafted at age 19. After he completes his 6 months basic training, he is approached by a college counsellor under PREP who convinces him of the importance of continuing his schooling and he enrolls under PREP in a special accelerated program at a nearby private college to assist him in securing credits toward his high school diploma. He makes significant progress but is held back by his lack of facility in spoken and written English.

He then is sent to Vietnam; and after his tour, while awaiting discharge is again recruited into a special 4-month college preparatory PREP program run by a nearby community college on the base where he is stationed. He shows such sufficient promise that the school suggests he enter their special college preparatory program for one semester, after which, should he perform satisfactorily, he would be granted an equivalency certificate and enrolled in the regular college program. However, during the end of the PREP program he becomes disillusioned due to his English language deficiencies, and fails to follow through despite the urging of the counselor working with the program that he go on to the college preparatory program.

He is discharged, after receiving the basic Veterans' Administration packet of materials about his benefits, to which, unfortunately, he is in no frame of mind to pay attention, and he returns home to East Los Angeles to search for a job. But to no avail; his lack of a high school diploma, his language deficiency, and his overall alienation and frustration at this point make him a very unsalable commodity on a job market already oversupplied with veterans and others with his same limitations.

One day in his 20th year, 6 months after his discharge, after having just exhausted his entitlement to veterans unemployment compensation, he is visited at home by another Chicano whom he remembers from his high school class and who is now enrolled in the nearby State college, having recently re-

turned from the service. He is employed part time in the East Los Angeles Veterans Service Center, performing the outreach activities assigned to the VA in the new legislation. He empathizes with our veteran and vice versa; they share their common high school, Army, and Vietnam experiences; and before long our veteran has applied to the special veterans preparatory program at UCLA. There he takes sufficient psychology and sociology credit hour courses and enough remedial and refresher math and English courses to qualify for a full-time GI bill allowance under the new full-time definition and noncredit/credit provision. He also has some time available to work part time to help out with his family's finances.

After one semester, he is granted a G.E.D. equivalency certificate and enrolles in UCLA, where he begins to use his 36 months of regular GI bill entitlement, all prior benefits not having been charged against that entitlement. He carries the minimum number of hours to qualify for a full-time GI bill allowance, for he is uncertain of his ability to succeed. Because his English is still weak, UCLA certifies to the VA the essentiality of correcting that deficiency as prerequisite to his satisfactory performance in college undergraduate work, and secures for him an excellent tutor for 5 hours per week, whom he pays with his supplementary assistance allowance from the VA. He begins to improve markedly in the overall stimulating college environment—he has moved onto the campus—and at the end of his first semester, after 4 months of tutoring, his classwork has picked up and he has earned a "B" and three "C's" in his college course.

He then proceeds through college rather uneventually except when, during the last semester of his senior year, he falls in danger of failing a European history course required for graduation. The university again assigned him a tutor, and he receives a supplementary assistance allowance from the VA for 3 more months, enabling him to pass the course and graduate from UCLA. He is then hired by IBM in a special junior executive minority hiring program.

Now, of course, it is highly unlikely that any one veteran would require or take advantage of all these special benefits; nor is it our intention that the assistance be quite so intensive in most cases. But all of this could happen, and who will say that producing this 24-year-old young man with a college degree from UCLA with a job and a starting salary of $8,500 per year, with a fine future and with self-esteem and dignity was not well worth all the effort and the relatively small extra Federal investment in his and our future. That total VA expenditure for this achievement, spread out over 6 years, was $8,580, $6,300 of which was for the 36 months of his regular GI bill entitlement. The total cost breaks down as follows:

Program, rate, and total cost

Six months special precollege program under PREP at $100 a month	$600
Three months college preparatory PREP prior to discharge at $150 a month	450
Outreach worker efforts at $2.50 per hour for 2 hours	5
Regular GI bill under special $175 a month for college preparatory program at UCLA, 5 months	875
Regular GI bill, $175 a month for 36 months	6,300
Special supplementary assistance allowance, $50 a month for 7 months	350
Total	8,580

Mr. CRANSTON. Today, I would like to describe for my colleagues an outstanding program being administered by Dr. Alan Gross, veterans' adviser at Macomb County Community College, Warren, Mich. The program is described in a paper by Dr. Gross entitled "The Returning Veteran and the Community College" includes four key parts: First, a PREP program for servicemen at nearby Selfridge Air Force Base; second, a "section 1691" remedial-refresher college preparatory program for educationally disadvantaged veterans; third, a veterans' tutorial program, which is also a work-study program for student tutors; fourth, a veterans' outreach program, to encourage more veterans to enter college.

In regard to the student outreach program, I note that the concept embodied is identical to that included in the work-study program in S. 3657, which was passed in the Senate in the last Congress and which, unfortunately, died in the other body. I reintroduced that bill as S. 740 on February 11, 1971, and it is my hope that the Veterans' Affairs Committee will begin hearings on it shortly. To refresh the recollection of Senators, I ask unanimous consent, Mr. President, that there be printed in the RECORD at the conclusion of my remarks an appropriate excerpt from the committee report—No. 91–1231, pages 14–16—on the work-study program. See appendix 1.

This comprehensive program which Dr. Gross has established at Macomb College is tied in with the new National League of Cities Veterans' Education and Training Action Committee program, on the steering committee of which I am privileged to serve. Funded by the Office of Economic Opportunity it has selected the Detroit area for a major veterans' outreach program. Student veterans will be employed as outreach workers to persuade other veterans to return to school. Other Detroit colleges, including Wayne County Community College are also involved.

The Macomb County project is an example of the excellent work that can be done by one man with sympathetic administrative backing at a given college. Dr. Gross, who also carries a regular teaching load and did not have additional staff or planning funds, was able to establish four major new programs for servicemen and veterans during a period of a few months. These programs, once estabilshed, are self-supporting under the GI bill, and the tutorial program will also support a substantial new college work-study program for other students.

I join Dr. Mallan and Dr. Gross in encouraging other colleges to review this experience and, hopefully, be stimulated to initiate programs along similar lines. Our returning servicemen deserve no less; they are entitled to no less.

In this connection, in terms of the great need for implementation of many, many more of these programs, it is noteworthy that virtually every study and report about drug abuse among servicemen and recent veterans cites boredom as a major faction in contributing to extensive experimentation with and then habituation to narcotics in Southeast Asia, overseas and here at home. More PREP programs would provide a very badly needed alternative to the boredom which oppresses so many of our troops. Through such programs, which could very well include drug abuse education components, we might find a constructive, preventive approach to the scourge of addiction among our servicemen and veterans. Through full implementation of outreach and college preparatory programs, and enactment of S. 740, we can follow up on these PREP efforts by making sure the returned veteran is placed and succeeds in an appropriate education and training opportunity under the GI bill.

Keeping one veteran or serviceman off drugs is at least as important—and far more productive and far less expensive than trying to break a veteran addict's habit acquired during service.

I urge my colleagues to bring these so far underutilized programs to the attention of appropriate educators in their own States, as I have done in California.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point Dr. Gross' paper entitled, "The Returning Veteran and the Community College: The Macomb County Experience."

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

AMERICAN ASSOCIATION OF JUNIOR COLLEGES,
Washington, D.C.

THE RETURNING VETERAN AND THE COMMUNITY COLLEGE: THE MACOMB COUNTY EXPERIENCE

(By Dr. Alan Gross)

In Michigan—a typical state—over 200,000 potential students are eligible for substantial, federally funded scholarships. Moreover, the number of these potential students increases by over 40,000 each year. But of this year's 40,000 only 8,000 will take advantage of their scholarships and there is a backlog of 160,000 who have never taken advantage of them.

What are these scholarships? Over two thousand dollars a year for college or technical training. Additionally, over two thousand a year for pre-college training. Also, free tutoring help when necessary.

Who are the people eligible for these scholarships? They are Vietnam Era veterans. They are probably not in school and their unemployment rate is between two and three times the national average: One in five Vietnam Era Veterans is unemployed.

WHO IS ELIGIBLE

Educational benefits are the legal right of every veteran (except for reservists) with 181 days consecutive service from January 31, 1955, to the present day. A veteran has eight years from date of discharge to pick his benefits up, but because of the way the law is written, any veteran—even those discharged as far back as January 31, 1955—has until May 31, 1974 to collect up to thirty-six months of benefits. In other words, even a man who was discharged sixteen years ago is still entitled to benefits.

Who else is entitled to educational benefits? War widows, war orphans, the wives and children of men on 100% disability. If a veteran dies his wife and children are entitled to veterans benefits if the death is shown to be the result of some pre-existing service-connected injury.

THE STUDENT VETERAN AS A PERSON

One day about a month ago I was sitting across the desk from a black veteran. We were talking about his educational opportunities at Macomb County Community College. I asked him how he found out about the college and he referred to an article that had been in *The Detroit News* two days before: "That article kept me up all night." he

said. "It was a second chance, a second chance to succeed in life." Speaking about the black veteran, Dr. Charles A. Stenger, head of the VA's Vietnam Era Committee says: "I am very surprised there is so little violence by blacks. They are very bitter in the sense they feel the need to strike back. Black veterans ask themselves if they really count as a person in our society." In the case of the veterans I see—black and white—the bitterness has as one of its causes the benign malignancy of the high school tracking system from which there was little hope of escape. For many of these veterans, school was a place of hostility and rejection. But their bitterness is the bitterness of young men. Once they see the school as a supporter and encourager of their self-respect, they will return to school. Once the school actually is such an encourager and supporter, these men will stay in school and become useful and fully employed citizens.

VETERANS AND THE COMMUNITY COLLEGE

The community college is an ideal place for the returning veteran to continue his schooling. Although veterans are given tuition assistance by some states, this is the exception rather then the rule. Accordingly, for most veterans the low tuition and expenses of community college attendance are a positive incentive. A single veteran living at home and holding a part time job can make it at Macomb where the tuition is only $150 for a full semester. For example, only one thousand two hundred and fifty veterans attend the University of Michigan—where the tuition is $330 per semester—while nearly four thousand attend Macomb County Community College.

Furthermore, the variety of programs at a comprehensive community college—many of which lead to jobs in a year or two—is bound to attract the returning veteran who tends to regard college as a remote ivory tower, not a student and job-oriented community service.

The community college is an ideal place for returning veterans because it is more responsive to their needs than the average four-year college or university. However, there is a great deal that the community college can do specifically to help the returning veteran.

I think it is socially wise and fiscally sound to set up a comprehensive program for returning veterans at all community colleges. I thought so when I began to set up our veterans program at Macomb. I am even more convinced of it now that the program is in operation.

ADMISSIONS AND REGISTRATION

Every community college has student veterans. Each of these is issued a Certificate of Eligibility when he applies for his educational benefits. The school must fill out this certificate, have it signed by a certifying official and send it back to the Veterans' Administration. This certificate is essentially a clerical function under the Registrar and at Macomb a clerical person does the regular certifying. Although the function is clerical, the procedure is administrative. At Macomb we worked out a satisfactory procedure with the regional office of the Veterans' Administration. Now when a payment is unduly delayed we know when we are at fault and when the Veterans' Administration is.

THE STUDENT VETERAN: ADVANCED PLACEMENT

Some veterans enter the community college with transferable college credit. These present no unusual problems for the Admissions Officer. Other veterans, however, present the community college with evidence that they have passed the regular or the college-level General Educational Development Test (GED), various College Level Examination Program tests (CLEP), or college-level correspondence courses given by the United States Air Force Institute (USAFI). The regular GED is commonly regarded as the equivalent of high school and ordinarily presents no problems. The college-level GED represents a higher level of achievement and opens the question of whether or not some college credit ought to be given for it. CLEP tests and the USAFI program are obviously legitimate and college credit ought to be awarded for them. The two questions that arise from the CLEP Tests are: what test grade should be the cut-off point for college credit, and what is the maximum amount of credit that ought to be given? At Macomb we accept both GEDs as high school equivalency, all SAFI courses and all CLEP summary scores of above 50th percentile for college credit.

Other admissions matters are worth considering. Physical Education seems like a superfluous course for veterans. They ought to be excused from it certainly and perhaps they ought to be given credit for it. At Macomb they are merely excused. Also at some schools veterans are given some college credit simply for having served in the armed forces. At Macomb we do not do this but we do try to convert training given in the armed forces to a community college credit equivalent.

VETERANS SUPPLEMENTAL EDUCATION PROGRAMS

The discussion has centered so far on ways of tailoring the functions of the Admissions Office and the Registrar to the needs of returning veterans. Now I would like to turn to the matter of setting up three specific programs for the education of veterans—PREP: the Predischarge Education Program meant to provide servicemen with pre-college training; "Section 1691": a refresher or deficiency program which serves the same purpose for veterans; Tutorial: designed for veterans who are having academic difficulties with standard college courses.

THE PREDISCHARGE EDUCATION PROGRAM (PREP)

Under Section 1696 of Public Law 91–219, every serviceman who has at least 181 days of consecutive service, and has the permission of his commanding officer, can participate in PREP, an educational program designed to prepare him for post-secondary education or training. With the permission of the commanding officer the program can be given during duty hours. Otherwise it must be given during off-duty time.

Macomb County Community College is near Selfridge Air Force Base where approximately two thousand men are stationed. At present we are running a Predischarge Education Program with about twenty men, a math teacher, a reading teacher, a writing teacher and two counselors. The program, given on base, is run four nights a week—and will continue for twenty weeks. The men are divided into two groups, the first attending class from 5:15 to 7:15, the second from 7:30 to 9:30. Monday night is devoted to writing, Tuesday to group counseling, Wednesday to reading, and Thursday to mathematics. Students can take the whole program or only part of it.

In the academic areas extensive use is made of programmed materials. These materials allow the student to start at his own level and to proceed at his own pace.

The counseling aspect of the program is as unconventional as the enrollment policy. In the group sessions counselors use human potential techniques to bring out student strengths. In the evaluations which are a recurrent aspect of the program, one student said of counseling that he liked it best of all because "I am beginning to be more aware." Another student felt that counseling "develops my mind on a 'all over' basis". In addition to the group sessions on the base, the counselors have given the men a tour of the community college and are planning to visit them on their jobs, to get to know them better.

The results of the academic side of the program will not be clear until its conclusion. However, the evidence that comes in is positive. Indeed, one of our students moved from basic arithmetrical operations through algebra in two months.

The men in the program naturally have a multiplicity of goals and this multiplicity is encouraged. Some men want high school level work; some want to improve rank or rating while in service, some want to prepare for college or advanced training. Whatever their goal, they are encouraged to reach it and apparently they respond well to such encouragement. The program has grown largely by word of mouth because, as one student puts it, PREP is a "very worthwhile program incorporating many subjects applicable to those remaining in the service or being discharged."

ESTABLISHING PREP

Before initiating a PREP program at Macomb I set down its goals, its schedule and its budget. These were approved by the college, including the Board of Trustees, and by the State Approval Agency and the Veterans Administration Regional Office. After that I went to the Education Officers of the various services stationed at Selfridge and to the various commanding officers. Everyone was uniformly cooperative and an initial roster of interested servicemen was obtained. On the basis of the roster I hired part-time faculty and counselors from the usual sources and ordered some materials. I held an initial meeting of my faculty and counselors at which I introduced them to each other and to the program. The attendance at the initial week of classes failed to live up to the enrollment roster and I cancelled classes for two weeks to allow for more recruitment time. Two weeks later we began full operations.

FINANCING PREP

PREP is fully funded by the federal government. If the program runs full time—twenty-five clock hours per week—the college can charge running expenses, including books and supplies, of up to $175 per month per serviceman. The program is a generous one and a great deal of individual attention can be given. The money for the program is paid to the students in one lump sum check which they sign over to the college.

SECTION 1691: A REFRESHER OR DEFICIENCY PROGRAM

For men no longer in the service a deficiency or refresher program, similar to PREP, is possible. The federal government provides under Section 1691 of Public Law 91–219 that all veterans who are eligible for regular educational benefits of thirty-six months are also eligible for additional months of benefits to take refresher or deficiency courses. They may take these courses whether or not they have finished high school. In fact, the level of education of the veteran is never a bar to his taking such courses. The wisdom of this is that most veterans have been away from books for a considerable time and need brushing up. At Macomb we are fortunate enough to have a Programmed Education Center well staffed by competent full-time instructors on duty day and night.

The Center is lavishly appointed and consists of individual student stations, instructor stations and seminar rooms. It is well stocked with educational programs, tapes and the latest electronic and television equipment.

The Center is an ideal place for a refresher program for veterans. At the moment we have such a program on a pilot basis with ten students paying fifty cents per hour of instruction. If they take twenty-five hours of instruction per week they get their full allotment—$175 per month for a single persons. This allotment in no way touches a veteran's regular eligibility. Veterans can start the program at any time and can take

it at almost any reasonable hour day or night. Counseling is provided by our regular counseling staff.

By next January, we hope to increase the program to one hundred veterans. At every step—ten, twenty-five, fifty students—we will have a full-scale evaluation of attitude and academic progress and we will modify the program accordingly. At our present tuition rate—50c per hour—one hundred veterans will generate about $65,000, which will make the program self-supporting—an especially good idea since Michigan provides no funds for community college programs which generate no college credit.

Many schools, of course, lack a lavish Programmed Education Center. In fact they may not have any such Center, however appointed. This need not bar to a refresher program which can be made self-supporting by charging a reasonable tuition, by making use of programmed materials, and by a deft combination of professionals and paraprofessionals.

VETERANS' TUTORIAL ASSISTANCE

The new G.I. Bill also provides, under Section 1692, that if a veteran is taking at least six credit hours and is in danger of failing a college course necessary for the completion of his program, he is entitled to tutoring help of up to nine months for up to $50 per calendar month. At Macomb we considered using both faculty and student tutors. We ruled out faculty tutoring as too expensive and undertook an investigation of student tutoring.

We reviewed every article published on student tutoring in the last seven years. The results of this investigation were both surprising and heartening. In every case reported student tutoring proved beneficial to both the tutor and the student tutored.

Still, establishing student tutoring at the college level was unprecedented, and proved to be a delicate matter which had to be explained carefully to administration and to the faculty. Essentially I wanted to formalize and extend an already existing situation where students study together and coach each other. The faculty would choose the tutors with the approval of their administrators. The tutors would meet with those they tutored at regular intervals, would receive two dollars an hour for their work, and would report regularly on the progress of those they tutored. The program began in April. It is designed to curb the drop-out and withdrawal rate of student veterans and provide students with thousands of hours of part-time employment.

VETERANS' OUTREACH AND RECRUITMENT

Before I began a comprehensive veterans program at Macomb, the large number of enrolled veterans students was not generally known. When a census was taken, we were surprised to find that we had nearly four thousand in a school of seventeen thousand, or nearly one in four. If we could attract so many veterans with no recruitment effort, certainly we could attract many more if we looked for them. After nearly a year of experimental recruitment effort I have come to the following conclusions:

a. No veteran ought to be recruited for school until he is out of service for at least three or four months. Veterans are young men, they like to blow off steam.

b. All publicity should be designed to get the veteran in touch with a person at the college. The personal touch is of big importance: a signed letter or a phone call are worth a thousand brochures. *Moreover, your best recruiters are satisfied student veterans. An active Veterans Club is your best ally.*

c. Group sessions informally arranged with coffee and doughnuts and pleasant conversation are the most inexpensive and best sort of admissions counseling.

d. Admissions counseling ought to lead to immediate and trouble-free enrollment. (In my opinion students ought to be enrolled throughout the year. There is no compelling reason why all courses must begin in September or February or June. At Macomb we have had excellent luck with mini-mesters—courses lasting only two weeks—but we have not as yet used these courses to their full potential.)

A counseling procedure based on these guidelines is now at the core of the Detroit pilot project for a nationwide educational recruitment drive just funded by the Office of Economic Opportunity.

LIAISON WITH VETERAN'S ORGANIZATIONS

Veterans are a large and vocal minority. There are nearly 28 million of them in the United States and educational benefits are only a small portion of their concerns which range through loans, pensions, rehabilitation, compensation, hospitalization, and license plates for the seriously disabled. No viable community college veterans program can ignore the Veterans' Administration, the Veterans of Foreign Wars, and AmVets, the Disabled American Veterans, the American Legion, the Jewish War Veterans or the Marine Corps League. No community college considering a PREP program can ignore the local military establishment.

I regarded it as a vital part of my job that I meet personally with representatives of each of these organizations on their home ground in an attempt to understand their problems and their point of view.

I also kept in close touch with the veterans' programs in other institutions of higher learning in southeastern Michigan. Finally I organized a conference at Macomb to help consolidate the efforts of the region in behalf of the education of veterans. This conference resulted in the sharing of valuable information and promoted the morale of the participants who no longer felt that their efforts were isolated.

PLACE OF VETERANS' PROGRAM IN COLLEGE OPERATIONS

The veterans' functions of Macomb County Community College—admissions, registration, PREP, refresher, tutoring, recruitment, liaison—obviously needed some focus. The College is in a district which now has two campuses, South and Center. It was decided that veterans' affairs would be a campus function. At Center Campus, which has about two thousand students, the veterans' operations have been pretty much absorbed into everyday campus functioning. At South Campus a Veterans' Information Center has been established to carry on all veterans' functions with the exception of regular admissions and registration, still housed in their traditional offices, and PREP, which has been placed under the direction of the Dean of Continuing Education.

Local conditions will obviously dictate different organizational patterns. Nevertheless at the center of all these patterns there must be the kind of cooperation and encouragement I have received from every administrator at Macomb from the president on down and from the faculty government.

VETERANS' EDUCATION AND BEYOND

The education of returning veterans is undoubtedly a duty of the community college, but it is also more than a duty, it is an opportunity to try, on an experimental basis, the kinds of programs that will be the challenge of the seventies: the use of students and paraprofessionals in higher education, experiments with more flexibility in scheduling and in programs, and the creation of viable educational programs for the disadvantaged.

APPENDIX 1

(Excerpt from Committee Report No. 91–1231 (S. 3657), pages 14–16)

VETERANS' WORK-STUDY PROGRAM

The proposed work-study program (new section 1687 added by section 203 of the committee substitute) would enable full-time GI bill post-secondary trainees with a financial need to perform 100 hours of services needed by the VA (on campuses or at VA regional offices or medical facilities) pursuant to agreement with the VA under which the veteran then becomes entitled to receive, in advance, a work-study educational assistance allowance of $250. The committee believes that this program will be of substantial benefit to individual veterans and their families, while at the same time contributing to the improvement of the entire GI bill program through increased efficiency and speed in certificate and claims processing and through outreach work performed by these student veterans. Work-study trainees could also perform various non-professional, badly-needed tasks in VA hospitals, especially assisting the most severely disabled patients and cleanup and general maintenance work. There seems little doubt that such services could be very effectively used in many VA medical facilities. Students would be limited to performing 100 hours of services over a semester or other enrollment period.

This program should be particularly helpful for the almost 50 percent of the GI bill post-Korean trainees with families and for the 27 percent who enroll in nonpublic schools. The rate increase recently enacted in Public Law 91–219 would provide $1,575 over a full nine-month period. Although this is sufficient to cover average tuition, room and board charges at a public institution, it is far less adequate in meeting the average costs at nonpublic institutions.

One key aspect of the work-study program would be veterans performing outreach services under subchapter IV of chapter 3 of title 38 also enacted in P.L. 91–219. Using GS–12's or 13's to "pound the pavement" in search of educationally disadvantaged veterans is highly questionable on a cost-effectiveness basis. But this provision would make it possible and very economical for the VA to improve substantially its existing program of contact and outreach.

The present outreach program has not done the necessary job to reach the large numbers of high school dropouts and other educationally disadvantaged veterans who are separated from service each year. Whereas 20 percent of those separated during fiscal year 1970 were high school dropouts, only about 8 percent of that target population have been taking advantage of their education and training entitlements. In many cases, this serious lack of participation by those who desperately need to take advantage of their GI bill benefits can be remedied through more effective dissemination of information and more personalized and intensive counseling of potential trainees about the great advantages of the benefits available to them.

As was stressed in section 241(c) of the outreach services program originally passed by the Senate on October 23, 1969 (H.R. 11959), the most effective outreach worker is one with whom the potential trainee can identify most immediately and fully. Veterans who are themselves pursuing an education should fit this description perfectly.

In carrying out this new work-study program, the VA would be expected to establish equitable guidelines for determining financial need and need for the services and for selecting and using the services of veterans. Appropriate guidance for determining financial need should be sought in the Office of Education's regulations for its work-study program under the Higher Education Act of 1965, as amended.

Veterans would perform such services under agreements with the Veterans' Administration. They would not be considered VA employees for purposes of Federal employment laws administered by the Civil Service Commission—such as those governing ap-

plication and selection for Federal employment, retirement and other length-of-service Federal employment benefits, and Federal employment fringe benefits such as group health and life insurance programs. Also, workstudy allowances, as all other GI bill allowances, would be exempt from taxation as a "payment of a benefit under any law administered by the Veterans' Administration," as provided in section 3101(a), of title 38, United States Code.

It should also be noted that several witnesses at the hearings referred to the desirability of permitting the VA to contract with colleges and universities (under its general contract authority in section 213 of title 38) to supervise veteran work-study trainees in carrying out outreach activities in a particular locale. The committee strongly endorses this idea, which would be particularly useful if applied in areas where there is no Veterans' Administration Regional Office or Veterans' Assistance Center.

This program differs somewhat in detail from that proposed in S. 3657 but retains the same basic concept which was endorsed by the VA. At the hearing, the Administrator of Veterans' Affairs, in supporting in principle the desirability of a veterans' work-study program, agreed to staff discussions to iron out program details. Those discussions produced the provisions in the committee substitute which the VA has advised is administrable for a relatively small administrative cost $250,000). It is estimated that the services of 56,000 student-veterans might be effectively utilized in the program in the first full year of its operation.

PUBLIC SUPPORT FOR THE McGOVERN-HATFIELD AMENDMENT

Mr. McGOVERN. Mr. President, one of the most heartening and encouraging aspects of the effort to bring the tragic war in Southeast Asia to a close has been the widespread support I have received for the McGovern-Hatfield amendment to end the war. Letters, petitions, telegrams, and telephone calls have reached me from every section of the country and have been eloquent testimony to the deep desire of Americans for peace now.

Yesterday, on the day the Senate voted on McGovern-Hatfield, four outstanding community leaders from New Rochelle, N.Y., flew to Washington with a suitcase full of petitions urging the Senate to pass the end the war amendment. The petitions were signed by 15,000 citizens of New Rochelle, which has a registration of 30,000 voters—a remarkable percentage. I commend Mrs. Sandy Jamieson, Mrs. Michelle Aisenberg, Mrs. Bess Hammers, and Mr. Stephen P. Horgan, who were so instrumental in securing the signatures and organizing their community in the cause of peace.

THE EDUCATION APPROPRIATIONS BILL

Mr. EAGLETON. Mr. President, because of the limitations which applied during the consideration last week of H.R. 7016, the education appropriations bill, I did not have an opportunity to comment generally on the bill. Comment is called for, I believe, by those of us who are appreciative of the generally excellent funding levels provided in the bill and grateful to the members of the Appropriations Committee whose work led to this result.

Chief among them is the distinguished senior Senator from Washington (Mr. MAGNUSON) whose deep concern for American education was made evident throughout the long and difficult process of passing H.R. 7016. Unlike many who express great concern but do little, the chairman of the Labor-HEW Appropriations Subcommittee (Mr. MAGNUSON) is one who actually, to use a colloquialism, puts his money where his mouth is.

Obviously Senator MAGNUSON was not alone in this effort. I want also to commend the other subcommittee members and members of the full Appropriations Committee who joined with him in producing a bill that we can be proud of. In particular, I want to single out the ranking minority member of the subcommittee, the distinguished senior Senator from New Hampshire (Mr. COTTON), whose close working partnership with the subcommittee chairman has contributed greatly to the excellence of this bill.

In the course of the subcommittee's hearings on this bill I had the opportunity to appear and to comment upon what I felt to be inadequacies in the funding levels provided in the House bill and the desirability of increased funding by the Senate for certain programs. In the course of my statement, I made the following suggestion:

In dealing with deficiencies in the House bill, it is impossible for your Committee to meet all the valid and urgent claims competing for the federal dollar. Therefore, it would be useful to establish criteria to apportion the limited funds. I would suggest three tests:

"First, there are on-going programs that have increased students or new functions, but there has been no new funding. In such instances existing levels deserve to be proportionally increased. Some authorized programs that have never been started should begin at once.

Second, there are programs where formulas and administrative revision have brought inequities. Adjustments are required to meet special situations.

Third, several effective quality programs have been arbitrarily cut below workable levels; here funding should be restored to the amounts of previous effectiveness.

These are austerity standards. I fear that they really fall short of realistically sustaining present levels and they do not permit room for expansion. There is no allowance for inflation, a recognized factor in other governmental calculations. But I feel that they set forth minimal guidelines when steering a compromise course between the desirable and the practicable.

In my judgment, H.R. 7016 meets these criteria in nearly every respect.

The best example of an excellent program that has been authorized but never funded is category "C" of the impacted areas aid program, which provides for assistance to school districts on the basis of children living in tax-free, federally constructed public housing. The $60 million appropriation approved by the committee and by the full Senate marks the first step toward making this program a reality and, I should add, is a major step forward in introducing a greater measure of equity to the often criticized impacted areas aid program. I ask unanimous consent that a table prepared by the U.S. Office of Education be printed in the RECORD at the conclusion of my remarks. This table shows the estimated allocation among the States of entitlements under category "C" of impact aid and the corresponding allocation of the $60 million appropriation contained in H.R. 7016, which represents approximately 20 percent of entitlements.

The bill also seeks to remedy hardships caused by administrative discrepancies. A prime example is the adult education program where, because of formula changes, 17 States will have to reduce their programs unless Congress provides $35 million more than the amount recommended by the administration and voted by the House. The Senate bill provides this additional $35 million.

Finally, an example of a program arbitrarily cut by the House is NDEA III which has been of unquestioned value to school districts all across the country. The House approved a cut of $30 million below last year's appropriation of $50 million. The Senate bill restores the House cut and adds an additional $40 million to permit further strenghtening of school curriculum in the instruction of science, languages, mathematics, and other academic subjects.

These are just several examples of the very constructive results that have been produced by this bill. There are many other programs in all areas of education which have been increased to meet proven, pressing needs.

Mr. President, I fully support the actions taken by the Appropriations Committee and approved by the full Senate. The Senate bill is an enormous improvement over the measure sent to us by the House. I know the Senate conferees will be steadfast in their insistence upon realistic appropriations—funding levels that are closer to those contained in the Senate bill than those that are in the House bill. I pledge my support of them in this effort.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION—SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, PUBLIC LAW 874, MAINTENANCE AND OPERATIONS—ESTIMATED FISCAL YEAR 1972 AUTHORIZATIONS AND PAYMENT AT 20 PERCENT FOR PUBLIC HOUSING PUPILS

State and outlying areas	Full entitlement public housing	20 percent proration of public housing
Total	$300,000,000	$60,000,000
Alabama	9,096,000	1,819,000
Alaska	354,000	71,000
Arizona	1,269,000	254,000
Arkansas	2,418,000	484,000
California	16,697,000	3,339,000
Colorado	1,780,000	356,000
Connecticut	6,438,000	1,288,000
Delaware	614,000	123,000
Florida	7,124,000	1,425,000
Georgia	11,467,000	2,293,000
Hawaii	1,238,000	248,000
Idaho	121,000	24,000
Illinois	25,843,000	5,169,000
Indiana	3,170,000	634,000
Iowa	575,000	115,000
Kansas	901,000	180,000
Kentucky	896,000	179,000
Louisiana	5,746,000	1,149,000
Maine	470,000	94,000
Maryland	5,023,000	1,005,000
Massachusetts	14,085,000	2,817,000
Michigan	6,755,000	1,351,000

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION—SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, PUBLIC LAW 874, MAINTENANCE AND OPERATIONS—ESTIMATED FISCAL YEAR 1972 AUTHORIZATIONS AND PAYMENT AT 20 PERCENT FOR PUBLIC HOUSING PUPILS—Continued

State and outlying areas	Full entitlement public housing	20 percent proration of public housing
Minnesota	$4,009,000	$802,000
Mississippi	2,000,000	400,000
Missouri	4,624,000	925,000
Montana	428,000	86,000
Nebraska	3,015,000	603,000
Nevada	675,000	135,000
New Hampshire	1,186,000	237,000
New Jersey	19,485,000	3,897,000
New Mexico	691,000	138,000
New York	48,918,000	9,783,000
North Carolina	5,751,000	1,150,000
North Dakota	277,000	55,000
Ohio	12,261,000	2,452,000
Oklahoma	1,517,000	303,000
Oregon	2,645,000	529,000
Pennsylvania	19,766,000	3,953,000
Rhode Island	3,418,000	684,000
South Carolina	2,237,000	447,000
South Dakota	411,000	82,000
Tennessee	7,954,000	1,591,000
Texas	11,365,000	2,273,000
Utah	15,000	3,000
Vermont	269,000	54,000
Virginia	5,292,000	1,058,000
Washington	3,755,000	751,000
West Virginia	900,000	180,000
Wisconsin	2,813,000	563,000
Wyoming	78,000	16,000
District of Columbia	4,057,000	811,000
Guam	71,000	14,000
Puerto Rico	7,423,000	1,485,000
Virgin Islands	614,000	123,000
Wake Island		

Note: Estimates of the authorization for public housing are the least accurate due to the lack of a firm data base regarding the number of eligible pupils. Estimates have been based primarily on the number of low-rent housing units reported as under management as of Dec. 31, 1970.

ASSISTANCE TO DEVELOPING INSTITUTIONS

Mr. HARRIS. Mr. President, on Thursday, June 10, 1971, the Senate authorized, as part of the Education Appropriation Act of 1972, an appropriation in the amount of $53,850,000 for "Strengthening Developing Institutions." This figure shows an increase of $15,000,000 over the House allowance.

It is my opinion that this appropriation falls far short of the Federal funds needed to meaningfully assist those colleges and universities with predominantly black student enrollments.

The needs of these institutions could be more adequately met by appropriating the full $91,000,000 authorized in the legislation. Regretfully, this was not done.

There are approximately 111 predominantly black public institutions at present. These institutions were originally created as a courageous response to this country's shameful lapse in social justice. Today, however, they are the victims of social progress. After a century of lonely service to black students, these institutions now face, in addition to higher education's general financial crisis, a severe drain of their best talent as many able black students and faculty are attracted to the predominantly white universities because of increased financial aid and expanded educational programs, most of which have been made possible by funds received from various Federal sources. Because most of our Federal dollars are poured into competing, predominantly white institutions, black public colleges, particularly those in the Southern States, are finding it almost impossible to expand or to integrate their schools.

The crisis that these institutions are presently faced with and its impact upon the future of black-white relations in America is clearly expressed by columnist Milton Viorst in the June 14 copy of the Evening Star. I ask unanimous consent that this article be printed in the RECORD.

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

[From the Evening Star, June 14, 1971]

BLACK COLLEGES GET A RAW DEAL

(By Milton Viorst)

Black colleges are in big financial trouble—and on their survival depends much of the hope for closing the gap between black and white in America.

For, to compete effectively against whites in business, government and the professions, it is indispensable that the black community have a cadre of well-educated leaders.

To be sure, American Negroes have produced an incredible number of outstanding leaders, given the educational handicaps they have faced.

As recently as World War I, the South—where 90 percent of all blacks then lived—had only 45 fully functioning high schools for Negroes.

According to the Census Bureau, even among blacks born in 1930, the median number of school years varies between five for former rural children and nine for city dwellers.

Right now, almost all black college students represent the family's first generation in higher education—and function completely without the benefit of a university tradition.

Recently, considerable publicity about blacks in standard universities—including black militants, black athletes, black merit scholars and the rest—has conveyed the impression that the problem was being solved by integration.

The impression is misleading. Most blacks remain in predominantly black institutions—and that situation is likely to continue for the foreseeable future.

That is why the survival of these black institutions is so important to American society.

But black higher education in America is receiving a raw deal—and the worst offender is the federal government itself.

By law, the federal government shares with the states the support of the land-grant colleges, the nation's principal system of public higher education.

The land-grant colleges are no longer segregated, as they once were, but in the South they remain "predominantly white" or "predominantly black." And color is unquestionably the chief factor in determining how much the federal government gives them.

For example, in the last year of the Johnson administration, the government gave $5.8 million to Clemson, South Carolina's "white" land-grant college. It gave South Carolina State, the black counterpart, $490,000.

Though Clemson is three times larger, it received 12 times more money than South Carolina State.

Checking the most recent figures, it turns out that the Nixon administration's contribution to Clemson in 1970 rose to $6.4 million, while its contribution to South Carolina State dropped to $442,000—changing the ratio to almost 15 to 1.

The most recent figures also show, for example, that the federal per capita contribution to Alabama's white land-grant college was $642; to the black, it was $277, a drop of 32.4 percent since 1968.

For Georgia, the figures are $920 for the white school; $262 for the black, a 33.7 percent drop.

Nationally, the federal contribution per white land-grant student last year was $710, a slight increase over 1968. For black students, it was $310, a decrease of 12 percent.

Needless to say, this pattern of federal racism is intensified at the state level. Yet the ratio of state aid is not, racially speaking, as discriminatory as federal aid.

In December, in response to complaints of insensitivity from black educators, HEW Secretary Elliot Richardson announced that he was transferring $30 million into an emergency fund for Negro colleges, both land-grant and non-land-grant. At last examination, only a fraction of that money had been spent.

Early this year, the Carnegie Commission on Higher Education reported that black colleges needed a tripling of federal support to fulfill their "opportunities for service."

In March, the congressional Black Caucus presented the issue as one of its 60 grievances.

With his usual piousness, the President answered that he "recognizes the special needs of black colleges" and that "your broad goals are largely the same as those of the administration." He has, however, proposed no programs.

Clearly, the record of the Johnson administration and of those which preceded it is inexcusable; but that of President Nixon is worse.

Unless concern replaces this indifference, the gap between white man and black is not likely to change very soon.

LET THE McNAMARA PAPERS BE PUBLIC

Mr. HART. Mr. President, authority to classify documents is intended to protect the national security, not the reputations of governments.

Documents may be classified to prevent publication of secrets which might give tactical or strategical advantage to an enemy, but documents should not be classified to prevent embarrassment.

Surely, no one likes to embarrass a friend, and a case can be made that representatives of different governments should have an opportunity to exchange confidential informaton.

But those foreign friends which may still look to us as a major defense of "the free West" realize, I am sure that the strength of our society rests on the right of and the need for the public to know what its government is about. If our friends want this Nation to remain strong and a force for freedom, then they must understand that any reluctance to embarrass a friend is overwhelmed by the public's right to know.

To argue that government documents should not be released because the public might misinterpret them is to give to government an omnipotence justified neither by history nor by our Constitution.

Those who contend that Government documents which they feel may undermine confidence in Government should not be public, err in believing that confidence in a democratic Government springs from secrecy rather than from public knowledge.

As far as I know, no one contends that

the New York Times reports on the McNamara study of U.S. involvement in Vietnam are inaccurate, deal with deliberations of the current administration, or reveal plans for future military actions.

Both the Times stories and the study, deal with the history of the Vietnam war in 1968. It is not to early for us, as a people, to learn from that history.

So that we may continue to learn from the past for the benefit of the future, I urge the administration to reconsider its decision to attempt to stop publication of reports about the McNamara study.

That plea is made with the full awareness that the study probably does not include all pertinent documents, and that testimony of the persons involved may affect the color of the meaning of some of the documents included. For that reason, I welcome and support Senator Mansfield's intention to conduct congressional hearings on the report.

But the absence of some documents or of the testimony of persons involved, singularly or together, do not outweigh the importance of publishing the McNamara report. That report represents a major step toward gaining a fuller understanding of U.S. participation in the Vietnam war.

Mr. President, I would like to make one additional point.

The fact that this document, historical in content, remains classified, brings to mind the often made complaint that many Government documents of public interest are unjustly classified.

Once again Congress has good reason to reexamine the Nation's method of classifying information, perhaps with the intent of establishing an effective avenue for public challenge to improper classification.

At this point in our history, it might be well to recall the words of Thomas Jefferson:

> The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

THE VIETNAM PAPERS

Mr. McGEE. Mr. President, in assessing the recent publication of but a small portion of the 47-volume report represented as an analytical and all-inclusive study of our Nation's involvement in Vietnam, I believe it behooves us all to reflect on that period in our history.

In conjunction with this statement, I would like to point out a column by Rowland Evans and Robert Novak which appeared in this morning's edition of The Washington Post. The column, entitled "The Vietnam Papers," strikes a valid point which should not be lost on the Nation in light of the apparent emotion surrounding the divulgence of this 2.5-million-word study.

It would be well for all of us to go back to the scene in 1963 and 1964 and take a good, hard look. At that time, Mainland China was very much on the move. With the aid of Peking, Indonesia was on the brink of being taken over by the PKI. There were predictions from Mainland China that Thailand would be taken next. It looked as if all of Southeast Asia was on the brink of falling.

Since that time, Mainland China has experienced many failures. Her influence in Africa has been considerably diminished. She was literally thrown out of Indonesia. She suffered similar setbacks all over the globe.

Now, it is a whole new ball game. With the exception of Laos, all of the other small, independent governments in East Asia have much more viable economies and, in most instances, stable governments. This is much more than we could have hoped for 8 years ago when the black clouds of uncertainty hung ominously over all of Eastern Asia.

It is, therefore, important that we not lift out of context questions which appeared to be far more serious at the time than they now might appear in hindsight.

Another impression being conveyed very strongly by the publication of the portion of the study which has so far appeared in print is that there was a firm decision made by the President before the election in the fall of 1964 to put forth an all-out effort in bringing Hanoi to her knees.

This is a sheer distortion. The record shows that such decisions remained on a contingency basis and on an assessment of available options which were under constant review until the spring of 1965. In the spring of 1965, a total collapse of the South Vietnamese government in the face of a North Vietnamese gamble of an all-out assault with her own regular troops and modern weaponry in the South was imminent. This required the tough decision on the part of the President which he was ultimately forced to make.

One may wish to fault the decisions made, and I am sure President Johnson would be the first to attest to the many factors which were present in his ultimate decision. But a President does not have the luxury of awaiting the judgment of history before he can make that decision. And every decision of the hairline type, which has always characterized Vietnam, lays the process of that determination open to severe criticism no matter which way the decision goes.

So, I must repeat what has been said many times. The assessment of these issues being exposed in a fragmentary way, not only by The New York Times but also the study itself, should in all fairness be left to the subsequent efforts of historians. We do our country serious disservice torturing and twisting these factors by lifting them out of context.

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

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

[From the Washington Post, June 17, 1971]

THE VIETNAM PAPERS

(By Rowland Evans and Robert Novak)

Even though the remarkable collection of Vietnam papers published by the New York Times by no means proves the charge that President Lyndon Johnson was playing a game of calculated deceit during the 1964 presidential campaign, its impact on the political process in this country may be devastating.

That's because many voters will take at face value the charges by antiwar politicians that the papers show Mr. Johnson had already made up his mind to bomb North Vietnam long before his peace-oriented campaign of 1964. They will not bother to read the documents themselves which clearly refute that charge and reveal a President tortured by doubt after the election.

Thus, responsible officials here warn that the political effect of The Times' publication of the documents, many of them "top secret," lies not in further damage to Mr. Johnson's reputation. Rather, the damage—and these officials regard it as extremely serious—lies in a further breakdown of confidence in the U.S. government, particularly among the youth.

As such, in the words of one key official of the Johnson administration, who long since has entered the antiwar ranks, the published documents are "a stunning blow to moderate liberalism in the United States and a tremendous gain for the Far Left."

The reason is found in the current conventional wisdom about Vietnam. With even politicians on the far right now demanding an immediate pullout of all U.S. troops from Vietnam, the rationale of deliberate war escalation that permeated the published documents written by high officials in the Johnson administration during the mid-1960s looks treasonous or insane in retrospect.

But that rationale should be judged by the mood of 1963–64. Then, even the New York Times, now so passionate a leader in demanding an immediate end to the war, was playing a different tune.

A Times editorial on Sunday, Nov. 3, 1963, just after the Saigon coup d'etat that resulted in the murder of President Ngo Dinh Diem, praised the fact that Diem's successors "are dedicated anti-Communists who reject any idea of neutralism and pledge to stand with the free world." The editorial noted with pleasure that certain key figures in the Diem government who had "tried to make a deal with the Communist North Vietnamese along lines hinted at by President de Gaulle" were purged from the government along with President Diem.

An unsigned article in the News of the Week in Review section that day asserted that South Vietnam must not be allowed to fall to the Communists because it "holds the key" to all Southeast Asia, that even India "would be outflanked," and that it "would raise doubts around the globe about the value of U.S. commitments to defend nations against Communist pressure."

The Times, obviously, had every right to change its mind, as many other Americans of both parties eventually did. But what The Times itself was advocating in late 1963 is vital to an understanding of what Lyndon Johnson eventually did.

Moreover, the published documents reveal that the Johnson war plans were still subject to debate long after the 1964 election—a fact that badly undercuts the conspiracy theory.

As late as Feb. 7, 1965, a few days after the Communist attack on the American barracks at Pleiku in the central highlands, McGeorge Bundy, Mr. Johnson's national security aide, wrote in a memorandum to the President that the Pleiku attack "(has) created an ideal opportuntiy for the prompt development and execution of sustained reprisals" against North Vietnam.

Contigency plans for just such "sustained reprisals" had been drafted months before inside the government, but Mr. Johnson had persistently and adamantly refused to give his approval.

Yet Bundy, the Pentagon, Gen. Maxwell Taylor (then the U.S. Ambassador in Saigon), and State Department officials could not have

been expected not to prepare elaborate contingency plans. Had they not done so, they would have been derelict.

What deeply concerns politicians here is that publication of the Johnson documents when the national mood is so changed will trigger a vengeful hunt for scapegoats that could undermine national confidence. As one Johnson policy-maker told us: "This is a calculated effort to make honorable men seem dishonorable."

WITHDRAWAL FROM VIETNAM

Mr. HATFIELD. Mr. President, yesterday the Senate rejected two alternatives for ending our involvement in Indochina.

Yesterday, the U.S. Conference of Mayors voted for a resolution calling for the President to withdraw all troops from Vietnam by the end of the year.

Yesterday, Gen. Matthew B. Ridgway, former commander of our forces in Korea, called for the complete withdrawal of all our troops from Vietnam, in no later than 9 months from now.

Mr. President, General Ridgway is one of this country's most distinguished soldiers. Further, he knows well the difficulties and the challenges of military engagement on the Asian mainland. His wisdom, his judgment and his previous military experience with American forces in Asia give his words an unquestionable ground of authority and forcefulness.

After yesterday's vote, I have become even more convinced that a majority of this body favors the setting of a terminal date for our involvement in Indochina.

As long as the war continues, we will continue in our efforts to assert our Constitutional duty, and to bring our involvement to a decisive, swift and complete end.

Yesterday's events have only made firmer my determination to seek a legislative end to our involvement in this war.

I ask unanimous consent that a press report on General Ridgway's comments, taken from the Boston Herald Traveler of today, June 17, 1971, be printed in the RECORD.

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

PULL OUT EVERY GI: RIDGWAY

NEW YORK.—Gen. Matthew B. Ridgway, former commander of U.S. forces in Korea, has called for the withdrawal of all U.S. troops from Vietnam by no later than nine months from now.

Ridgway, in writing in the quarterly Foreign Affairs, says complete withdrawal means "the removal of every U.S. uniform from the mainland of Vietnam, except embassy guards."

So long as U.S. armed forces remain in South Vietnam, he says, "our men will be mortared, shelled or otherwise attacked," and "so long as they are attacked they will counterattack with fire and movement and the war will drag on, not end."

Ridgway voices skepticism about the Nixon administration's plan for "winding down the war."

"How can we reconcile retention of a 'residual force,' of which the secretary of defense speaks with 'complete withdrawal' to which the President is publicly committed?" he asks.

The prisoner question, he observes, "is a torturing one" which deserves "unceasing effort on the part of our government."

But Ridgway says he doubts the "openly expressed threat of the use of force in an attempt to compel release of captive U.S. personnel" would be effective.

He says the question of whether "stepped up bombing of North Vietnam targets, including population centers," will succeed in winning release for the prisoners is open to serious question.

He argues that in another six to nine months the South Vietnamese army will have had "ample time to attain adequate training levels, if it is ever going to do so," and says "at the end of that time, regardless of developments," the United States should begin phasing down operations until complete withdrawal is achieved.

At the same time, he says, the United States should continue "by every reasonable means to bring about the release of captive personnel in hostile hands until that goal has been attained."

POPULAR SUPPORT IN MASSACHUSETTS FOR COMPREHENSIVE NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, the debate over national health insurance continues to increase in its proportions. One of the important areas of discussion is concerned with whether the Federal Government should administer the program, or whether private insurance companies should continue to retain the responsibility for the program. Too often, the needs and opinions of the people involved in the issue are not duly considered.

A recent poll, conducted by the Becker Research Corp. in Boston for the Boston Globe, indicates that 64 percent of the population in Massachusetts favor the position that the Federal Government should "take over the responsibility of providing medical care for all those who want it." Only 30 percent oppose the Federal Government's administering the program. Indeed, a majority of the people in each of the income groups sampled in the poll were in favor of the Federal Government administering a national health program.

I believe that the Massachusetts' poll is an important indication of popular support for a Federal health care program. In fact, as the poll indicates, there is broad support for a complete Federal takeover of the health system in the Nation. Thus, the people are willing to go far beyond any steps proposed in any pending legislation, and far beyond what many other Senators and I have proposed in the Health Security Act.

I believe this poll will be of interest to all of us concerned with public attitudes on the health care issue, and I ask unanimous consent that the Massachusetts poll be printed in the RECORD.

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

[From the Boston Globe, April 3, 1971]

MASSACHUSETTS POLL—BAY STATERS PREFER U.S. MEDICAL PAYMENT

People in Massachusetts, by better than 2 to 1, favor the Federal government's furnishing medical care, according to the Massachusetts Poll, conducted for The Globe by the Becker Research Corp. of Boston.

The poll shows 64 percent for and 30 percent against changing the present system of medical care so that the Federal government would take over.

Opinion tends to divide along partisan lines. Seven Democrats and independents in 10 support the idea, while Republicans are divided, with 46 percent in favor and 49 percent opposed. There also seems to be less receptivity to the proposal among the more affluent than among the lower-income groups.

A Boston carpenter said: "In most European countries it's a success."

A Boston truck driver remarked: "The British use it and have seemed to be successful."

A barber said: "The Federal government should move in on the hospitals, otherwise leave medical care alone; $110 for a hospital bed is too much."

A Chelsea businessman called it "too much socialism, too high cost."

A factory worker from Allston said: "The government shouldn't delve into those things."

A production manager from Dorchester, unemployed, said: "You start to get into socialized medicine."

The poll was taken by telephone between Feb. 5 and Feb. 12 among 1000 Massachusetts residents 18 years or older.

The poll results:

"QUESTION PEOPLE WERE ASKED"

"Some people have proposed changing the present system of medical care in this country so that the Federal government would take over the responsibility of providing medical care for all those who want it. Would you favor or oppose this change?"

[In percent]

	Favor	Oppose	No opinion	Percent base
Total Massachusetts public	64	30	6	1,000
Area of State:				
City of Boston	65	26	9	506
Boston Suburbs [1]	63	32	5	296
Rest of State	64	29	7	198
Political party:				
Democrats	70	23	7	551
Republicans	46	49	5	223
Independents	67	27	6	181
Sex:				
Men	64	31	5	499
Women	63	30	7	501
Income:				
Under $5,000	68	24	8	184
$5,000 to $7,499	71	17	12	142
$7,500 to $9,999	72	22	6	192
$10,000 to $14,999	64	32	4	227
$15,000 and over	52	45	3	148

[1] Counties of Essex, Middlesex, Norfolk, Plymouth and Suffolk, excluding Boston.

LET THEM EAT LEAD

Mr. KENNEDY. Mr. President, once again, the hazards of lead based paint poisoning have been recognized and commented upon by one of our leading journalists, Jack Newfield, an editor of the Village Voice. His article, "Let Them Eat Lead," in the June 16 edition of the Boston Globe sharply focuses attention on this critical problem—a problem recognized by my colleagues when they enacted legislation last fall that provides for Federal support of programs that find and treat children with high lead levels. The Congress has recognized the need for legislation in this area. The President, when he signed the authorization bill in January 1971, recognized the need for legislation. Unfortunately, in May, the House-Senate conference committee failed to accept the Senate recommendation of $5 million to fund vitally needed programs. Secretary of Health, Education, and Welfare Elliot Richardson has so far neglected to re-

quest funds for lead paint poisoning programs despite repeated evidence like that presented by Mr. Newfield that the lead poisoning menace must be terminated.

In his eloquent article Mr. Newfield clearly outlines how this relatively little known malady afflicts our Nation's children—most of whom are black and living in our Nation's urban ghettos. When 200 white children died of polio it was an epidemic. But, as Jack Newfield points out "only a lack of purpose sentences 200 black children to die of lead poisoning each year."

Mr. President, I find it increasingly difficult to conjure up the right combination of catalysts that will spur this Congress and the administration to move toward an effective end to this health hazard. We have made the case for this program repeatedly. When the lead poisoning hazard is stopped, then we can stop.

Mr. President, I ask unanimous consent to enter in the RECORD the very fine article from the Boston Globe by Mr. Jack Newfield.

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

LET THEM EAT LEAD

(By Jack Newfield)

Lead poisoning is a small thing, a little horror compared to the Vietnam war, or the fact that parts of Brownsville look like Laos, or the Moon.

There are no marches on Washington to protest lead poisoning, no theatrical threats of violence by its victims, no guest shots by its chic critics on Dick Cavett.

Last month, on May 20, a Senate-House conference killed the last chance to appropriate a meager $5 million this fiscal year for lead poisoning treatment and prevention. The next day the deed was not noticed by any New York newspaper or television station. It seems that nothing is real to the media until it reaches the white middle class, like heroin addiction, or unemployment. Then it is a crisis.

But the little horror of lead poisoning is the special prism through which we can see, with piercing clarity, the rainbow of larger horrors—racism, decaying cities, inadequate health care, bureaucracy and demented priorities.

Lead poisoning is an environmental disease of the urban ghettos. Children, usually between the ages of 1 and 6, get it by eating the sweet-tasting chips of peeling tenement walls, painted a generation ago with leaded paint.

According to the Department of Health, Education and Welfare, 400,000 children are poisoned each year, about 30,000 in New York City alone. About 3200 suffer permanent brain damage, 800 go blind or become so mentally retarded that they require hospitalization for the rest of their lives, and approximately 200 die.

The tragedy is that lead poisoning is totally man-made and totally preventable. It is caused by slum housing. And there are now blood tests that can detect the disease, and medicines to cure it. Only a lack of purpose sentences 200 black children to die each year.

When 200 white children died of polio it was called a national epidemic, and all our scientific resources were galvanized to find a cure. But 200 black children are invisible, and nobody wants to know their names.

On Dec. 31, 1970, Congress passed the Ryan-Kennedy Bill, which authorized $30 million in Federal grants to combat lead poisoning. On Jan. 14 of this year, President Nixon signed the Lead Paint Poisoning Prevention Act.

But then nothing happened. Although the bill authorized $10 million for fiscal 1970–71, and $20 million next year, HEW Secretary Richardson refused to ask Congress to appropriate the money. The President did not mention lead poisoning in his annual health message to Congress; Secretary Richardson did not mention it in his budget testimony before various committees.

Last month the Administration submitted its second supplemental appropriation bill, a $6.8-billion package of extra money requests for this fiscal year, which ends on June 30.

The bill included funds for every special interest; $3.5 million for dairy and beekeeper indemnity; $166 million for defense; $80 million for maritime subsidies; $15 million for highway beautification; and $275 million for the highway trust fund.

But not one cent for lead poisoning, even though Congress had already authorized $10 million. Rep. Bill Ryan and Sen. Ted Kennedy tried to break tradition and add $5 million for lead poisoning, even though the Administration and the committee barons didn't want it. It was on May 20, in the clubby secrecy of the Senate-House conference, that this $5 million was eliminated from the budget.

Rene Jules Dubos won a Pulitzer Prize for his book, "So Human An Animal." Last year, at Rockefeller University, he concluded a speech on lead poisoning with these words: "This problem is so well defined that it may provide an occasion to introduce a kind of social accounting . . . if we do not act on this limited problem, then I believe that our society is intellectually and morally dishonest in talking about improving social conditions. If we, with all our technological means, are not willing to make the effort to eliminate lead poisoning, then our society deserves all the disasters that have been forecast for it."

Government policy is not an abstraction. It has specific human consequences. Bureaucrats and politicians may conduct cordial meetings in comfortable offices in Washington, and decide not to spend any money on lead poisoning.

But those crisp, impersonal decisions kill other people. Clerks can be held accountable for genocide just as well as generals.

Lead poisoning is a preventable disease. Congress has made a law, but Secretary Richardson won't implement it.

And so small, black children, in Watts, in Buttermilk Bottom, in Bed Stuy, will eat paint chips, vomit, tremble with convulsions, slip into a coma, and die.

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate, at the conclusion of the period for the transaction of routine morning business, the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on amendment No. 149 of the Senator from New York (Mr. BUCKLEY), on which there will be 1 hour of debate, the time to be equally divided between the Senator from New York (Mr. BUCKLEY) and the Senator from Mississippi (Mr. STENNIS).

The Chair now recognizes the Senator from New York.

Mr. BUCKLEY. Mr. President, amendment No. 149 would reduce the proposed extension of the induction authority from 24 months to 20 months.

I am pleased to say that it is an amendment which is cosponsored by the Senator from Colorado (Mr. DOMINICK) who, as a member of the Armed Services Committee, has heard and considered the testimony which supports the feasibility of phasing out the draft by March of 1973.

I am deeply conscious of the fact, Mr. President, that this body has already rejected amendments calling for a 1 year and for an 18-month extension of the draft, and that it may well be asked why the Senator from Colorado and I should ask our colleagues to consider still another amendment, and one at that which would reduce the proposed extension by only 4 months.

I submit that the amendment now being debated involves much more than a reduction by a third of a year in the proposed draft authority. It involves the opportunity for the Senate to make a tangible commitment to the concept of an all-volunteer military.

Forty-three Senators voted for a 1-year extension, and seven more voted for an 18-month extension of the draft. Thus, 50 Senators are on record for terminating the draft in less than 2 years. This suggests that there is a clear majority sentiment in favor of the earliest feasible conversion of our armed services to all-volunteer forces, especially as some Senators who voted against these other amendments questioned the prudence of having an extension of the draft terminate in the middle of an election year, or at a time when a lame duck Congress would be sitting. Thus, it is quite possible that the postponement of the termination date until March of 1973, well after 93d Congress is seated, may well be all that is required to cause the Senate to assert in an unmistakable manner, its determination to see the draft phased out at as soon as this can be prudently accomplished.

Also, since the voting on the 1-year and on the 18-month extensions took place, there has been another most significant development which bears on the prudence of the amendment now under debate. I speak of the adoption of the Allott amendment which incorporated the increases in compensation recommended by the Gates Commission as a precondition to an all-volunteer military. As the amount of these increases is comparable to those already approved by the House, it is a foregone conclusion that we will begin the next fiscal year with levels of compensation, especially for the lower grades, which ought to assure the successful phasing out of the draft within the 20-month period provided for by amendment No. 149.

I will not detail the wealth of evidence which supports this conclusion. The facts and figures contained in the Gates Commission report and in testimony presented before the Armed Services Committee have been reviewed on this floor on a number of occasions since debate on H.R. 6531 began. I am sure that my colleagues are fully familiar with this evidence as well as with the arguments ad-

vanced by those who believe that such data notwithstanding, it would be imprudent to extend the Induction Authority for a period of less than 2 years. I submit, however, that little meaningful risk would be incurred in relying on the Gates Commission report and on the testimony supporting the feasibility of moving into an all-volunteer military for the reason that should the manpower projections fall short of expected goals, the next Congress will have the time within which to consider an additional extension in the light of actual experience prior to the expiration of the proposed extension—that is to say, prior to March of 1973.

On the other hand, a failure on the part of the Congress clearly to demonstrate its determination to move swiftly to all-volunteer forces, could in itself result in unnecessary delays in achieving what I and others consider to be an essential goal. Although the military are making commendable efforts to implement the changes in recruitment policies and the reforms which, together with the increases in compensation now scheduled for the coming fiscal year, are required in order to achieve appropriate levels of volunteer enlistments, the added incentive of a clear congressional mandate would insure that every possible effort is made to achieve this goal.

There is another, most important reason, Mr. President, for Congress to indicate at this time its commitment to the concept of all-volunteer forces through the enactment of this amendment: Ours is a war-weary country, a country in which the continuing existence of the draft has become a symbol of social dislocation and of the alienation of too many of our young men. It is important that the Congress underline its intention to do away with the draft just as soon as this can be accomplished without injury to our Nation's security and its confidence that this goal can be achieved in less than 2 years. This will not be achieved through a 2-year extension, even though this is a departure from the past practice of the 4-year extension. It will not be achieved by a 3-year extension because the debate thus far has made it clear that a number of the Senators who will vote for the 2-year extension do not favor an all-volunteer military in the foreseeable future. These Senators either are not convinced of the feasibility under present circumstances of returning to our traditional reliances on all-volunteer forces, or they believe it is somehow inequitable not to have some draftees in our armed services so long as there is a chance that some of our forces will be engaged from time to time in actual combat.

I am deeply conscious, Mr. President, of the fact that we are beginning to run a serious risk to our national security because of the relatively static state of our military power, quantitatively and qualitatively, in contrast to the rapidly increasing strength of the Soviet forces and Soviet armaments in just about every category of weaponry. The deterioration of our position vis-a-vis the Soviet Union is graphically described in an article appearing in Life magazine this week which is entitled, "Our Four-Star Military Mess—the Blunt Fact Is We Are About To Become No. 2." Yet we continue to feel pressures for still further cuts in an already inadequate defense budget. I suggest, Mr. President, that we will not find ourselves in a position to refocus an appropriate amount of our resources on this first of all national priorities; namely, our national survival, until and unless we somehow defuse the antimilitarism which has infected so many of our citizens.

I submit that the most effective single measure which we can take to reduce this antimilitarism and to restore the conditions where a sensible national debate can take place as to our true defense needs, is to eliminate that massive irritant of compulsory military service. Let us not forget that each year over 2 million young men come under the shadow of the draft, and that each of these young men has brothers and sisters and parents whose attitudes are inevitably colored by the prospect that one of their own may be forced into involuntary service. This growing antipathy to service is a natural one, a human one, an understandable one. And more than that it is a political reality which will not be dissolved by reminders as to the sacrifices which free men are called upon to pay in every generation in defense of their liberties.

Yes, it is possible that the estimates and the projections offered in support of all-volunteer forces may be wrong. It is possible that we may find that the inducements now enacted, plus the antimilitarism now with us, will cause true volunteers to fall significantly short of expectations. It is possible that we will need to redebate this great issue in January and February of 1973 if actual experience and the imperatives of national defense make it clear that selective service must be extended for still another period of time. I recognize that we may run some element of risk in paring back the period of the proposed extension by 4 months, just as I recognize that the increases in compensation incorporated in the Allott amendment—for which I voted—might result in still further reductions in equally essential investments in military research and hardware. I feel, however, that we run a far greater risk if we fail to tell the country unequivocally at this time that the Congress of the United States has determined to move away from the draft, and to that system of all-volunteer forces which has supported us throughout most of our history.

Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I ask unanimous consent that we may have a very short quorum call, the time to be charged to my side.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I yield myself 10 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I want to say a general word at this time. Yesterday completed the sixth week of debate on this bill. I think that it has been a very wholesome debate. Especially I have no complaint about the debate on the bill. I welcome it. It is part of the legislative process. However, I really think that now, with all due deference to everyone, all the major points have been covered and all Senators interested in those major points have certainly had their day in court.

We have had arguments pro and con and back and forth. We have had rollcall votes with plenty of notice given in advance as to when the vote would be taken, so that every Senator who was physically able has had a chance to be here and to record his will. With all deference to each Senator and his rights as such, there just comes a time in the legislative branch of the Government when we have to close ranks and move forward and work together to pass what we think is responsible legislation. It is not like the executive branch where, if the executive is within the law and has the power, he can say it should be this way, or we should do this or do that. The legislative department cannot take that attitude and say, "It is our way or no way." As a part of the legislative branch, things have to finally come to a vote and be controlled by the rules.

I think we have reached the point now where we have an obligation to the Senate as a whole to close ranks, move forward, and bring this bill to a final vote. Those who oppose the bill can vote no, of course, and those who think we should have it can vote yes; but we will have discharged our obligation to the Senate and the people.

We are now going into the seventh week of debate on this bill. I hope from now on that the overwhelming majority of the membership will be willing to close ranks and take the attitude that even though there may be some merit in amendment X, it already has been passed upon in amendment B, and we will be able to avoid going over the same subject matter again and again.

With great deference to the author of this amendment and those who may support him, I point out the subject of the extent of the duration of this law, if it passes, and I think it is certain to pass, has already been subject to extensive debate. We have had debate on the proposition of no extension at all, that is, not having any Selective Service Act. We debated that at length. That was the Hatfield proposal which was voted on May 26. That proposal was rejected by a vote of 67 to 23, an overwhelming defeat of almost 3 to 1.

Later, we passed on the proposition of 18 months, which had been proposed by the very able Senator from Colorado, who is a very valuable member of our Committee on Armed Services. He proposed that we renew the act but that we let it run for only 18 months. Debate was had and that amendment was rejected by a vote of 67 to 8.

Then, we had the amendment that had been pending the longest in connection with this matter and that amendment was somewhat the father of these time amendments. I refer to the Schweiker amendment. After 9 days from the votes, on the amendments I have already mentioned, that matter came to a head and after spirited debate and the most searching kind of decision on whether we would have an extension for 12 months, that 12-month proposal was rejected by a vote of 49 to 43. That was the key vote. The Hatfield proposal was defeated by a vote of 67 to 23. That was an overwhelming decision. The 18-month amendment was passed on and that was highly unsatisfactory. So it is clearly established that the Senate thinks the real issue here is whether the extension should be for 1 year or for 2 years. The extension provided in the committee bill is for 2 years, and the 1-year proposal was in the Schweiker amendment.

The pending amendment would extend the law for 20 months. I do not know of any other amendment that is going to be offered on this subject, but we may have more amendments. We do need the law renewed and we must have the act. If we were to let it run for only 20 months it would expire on March 1, 1973.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself such additional time as I may use.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. A President will be inaugurated on January 20, 1973. It will be either President Nixon, if he is a candidate for reelection, or someone else chosen in the regular way. There will be a new Congress, a new House, coming into office on January 3, 1973, and, of course, one-third of the Senate could consist of new Members in 1973.

Everyone knows that from the time we assemble until the time of inauguration not much legislation is enacted. I cannot picture that the House would organize, have hearings on a bill like this bill, and make much headway before January 20. I cannot picture that the Senate would make much headway. So a President would be inaugurated on January 20. If it were a new man he would have a total of some 40 days to make up his mind as to what recommendation to make regarding the extension of the draft, and within that same 40 days the House of Representatives would have to hold hearings, make up its mind, bring the bill to the floor, and pass it; and the Senate would have to hold hearings, and based on whatever they decide they would bring a bill to the floor of the Senate, it would be debated and, I assume, passed, it would go to a conference with the House, come back to the floor of the Senate and be passed.

Mr. President, all of that would be done, I assume, with very determined but honest opposition. All of that would be done within 40 days, and we have been involved in debate on this bill already for 42 days under comparatively calm and settled circumstances.

Therefore, Mr. President, with all deference, this measure is unrealistic; it is impractical, it is unworkable, and I do not think there is any legislative way to get around the idea that it will be impossible, along with the new House of Representatives and Senate, to have the matter settled by the time of inauguration and then to make a determination here and have anything that is a semblance of debate.

This decision has already been made. The 18-month proposal has been rejected and the 12-month proposal has been rejected, so that is a determination that more than 12 months is needed and that more than 18 months is needed. If more than 18 months is needed—and that was an overwhelming vote—the only reasonable time to extend it would be for 24 months, which is the provision in the bill before us. That period of time would at least give Congress some time with reference to getting a bill before Congress and getting it passed in a deliberate way.

I trust the overwhelming result of this vote will be to respectfully reject the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, will the Senator from New York yield to me for 10 minutes?

Mr. BUCKLEY. I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I have listened to my distinguished colleague from New York and I have joined with him as a cosponsor of this amendment. I have also listened with great interest to my friend and highly respected colleague, the Senator from Mississippi, who has spoken in opposition to the amendment.

This represents the fourth attempt during this debate to limit extension of the draft to less than 2 years and I think a recap of the major amendments we have considered thus far will be useful to us all and will more clearly develop the rationale for this amendment.

The debate on the various proposals began when my amendment to extend the draft for 18 months was considered as a substitute to the Schweiker 1-year amendment. In retrospect, we did not get too many votes because we were caught at a point between those and those who did not want more than 1 year. Those in favor of the zero and 1-year amendments were committed to their positions, just as those in favor of the 2 year extension felt they had enough votes to defeat all lesser proposals. However, I felt a 2-year extension was unnecessary but that adoption of the 1-year proposal did not leave us the realistic option of extending the draft in an election year, if that should be required. I also suggested we still had a long way to go toward implementing those incentives necessary for the volunteer force. That is why I offered my amendment at that time.

The question was raised during the debate on the possibility that the time period of my amendment could cause the Congress to consider further extension during a lame duck session. I pointed out that I expected the final extension period would be resolved at about 20 months in conference, thus enabling any further extension to be considered by the 93d Congress. It is rather ironic that we have completed the full circle and today we are considering a 20-month extension.

Next, the distinguished Senator from Iowa, in concert with the distinguished Senator from Pennsylvania, offered an amendment that would have substituted the House pay proposal for the administration's pay request.

I might add that Senator HUGHES is a distinguished member of the Armed Services Committee, of which I also am a member, and I know of his genuine interest in the members of the Armed Forces. He is concerned, as I am concerned, for their well being and that they receive adequate compensation for the unselfish and valuable service they provide to our country. In particular, he expressed concern in the presentation of his amendment, and I agree, for the ridiculously low wages our recruits receive.

So my colleague from Iowa was well intentioned in trying to make this bill the very best possible, and I commend him for that. But I suggest the pay amendment was rejected, in part, because it did not quite hit the bull's-eye. If we accept the premise that the majority of this body want to see the draft ended and want to leave the manning of the Armed Forces to volunteers, then we need to ask ourselves what will it take in terms of salary to attract and retain these volunteers?

Let me digress for a moment and examine the requirement for new yearly enlisted assessions. The Assistant Secretary of Defense for Manpower and Reserve Affairs, Roger Kelley, stated in hearings before the Armed Services Committee that 528,000 new enlisted assessions are required in fiscal year 1972 to maintain a budgeted strength of approximately 2.5 million. Of this number, Mr. Kelley estimates about 315,000 would be volunteers in any case, even in the absence of the draft and new volunteer incentives.

In other words, without the pressure of the draft, with an Armed Forces strength of about 2.5 million men, another 213,000 acceptable volunteers would be needed. I say acceptable because not all who volunteered would meet the service entrance requirements. However, the Armed Services Committee effectively reduced the fiscal year 1972 end strength to 2.4 million and if this is upheld in conference, the new enlisted as-

sessions requirement will be reduced by about 100,000. This means a shortfall of about 113,000 additional volunteers would have to be recruited to maintain the yearly enlisted assessions requirement if no volunteer incentives existed. With volunteer incentives implemented, the shortfall is estimated at between 10,000 and 30,000.

Who would these volunteers be? Most would probably be high school graduates along with others with greater or lesser educational attainments who, hopefully, would see the Armed Forces as an opportunity that offers a rewarding career with reasonable starting salary and reasonable salary progression. This is where I feel the House proposal missed the bull's-eye. If we accept the premise that the primary purpose of any raise at this time is to assure to the maximum extent possible that we can make the transition to the volunteer force, then I submit the House proposal does not provide adequate salaries to guarantee the new assessions that will be required. I think that is the primary reason the amendment was rejected.

Next, the Senate considered the amendment offered by the senior Senator from Oregon. His amendment would have allowed the draft to expire on June 30 of this year with the Armed Forces thus having to rely on volunteers to maintain strength at the required levels. This amendment was rejected 23 to 67. I was opposed to terminating the draft that soon, not because I am for the draft because I am not, but because much still needs to be done before we can move to the volunteer force. There was no way that I could see that we could rely solely on volunteers after June 30. At this time we still have no experience that will tell us the volunteer concept will work. Volunteer incentives need to be implemented first and we need to crawl before we walk. The draft must continue as we gain experience with the volunteer requirements, much like we gain experience in an R. & D. program through the use of prototypes.

If we had had at least a year's experience with all the necessary volunteer incentives in being and if those incentives had proven effective, then all of us, except maybe those who do not want a volunteer force under any circumstances, would probably have supported that amendment. As it turned out, most of us thought we were at least a year or more away from being able to rely on a volunteer force.

The Senate then debated the 1-year amendment offered by Senator SCHWEIKER, my distinguished colleague from Pennsylvania. I think there were two things that caused the rejection of this proposal. First, there was no guarantee that after July 1972 the required strength of the Armed Forces could be maintained with volunteers. At the time, it looked as though the final pay package would be a compromise between the administration proposal and the House proposal. I do not believe the majority of my colleagues thought that would have provided an adequate pay incentive for the volunteer force. Second, although my 18-month amendment was defeated, I feel that many who did not vote for my amendment did have some reservations that the Congress would extend the draft in an election year, if that should be required. And, as my distinguished chairman, Senator STENNIS, pointed out with the 1-year extension we could have ended up compromising at 18 months with the House, and then, for sure, further extension would be considered by a lame duck session.

Now the vote on Senator SCHWEIKER's amendment was close, 49 to 43, so 43 Senators, I assume, felt we could move to a volunteer force in July 1972, even with a compromise pay package, and 43 Senators, I assume felt the Congress would vote to extend the draft again in an election year or in a lameduck session, if that should be required.

The final amendment I will mention was the proposal of my most distinguished colleague and senior Senator from Colorado, Senator ALLOTT, to substitute the pay proposal of the Gates Commission in lieu of that offered by the administration. To me, the passage of this amendment meant overwhelming support for the volunteer force, because this is a pay proposal that really hits the bull's-eye. It is specifically tailored to attract the new man into the service and provides starting wages that really compete. The yearly cost of this proposal and the one offered by the House are both about $2.7 billion. Only the pay distribution schedules are different. Primarily, the Senate version provides all of the money for increases to those with under 4 years service, whereas the House version provides lesser raises to those with under 4 years service but also provides quarters allowance raises to all ranks.

Mr. President, I believe it would be useful for my colleagues to see these two proposals side by side so that they may be able to compare and understand the exact differences. Mr. President, I ask unanimous consent that both the Senate and House pay proposals be printed at the end of my remarks.

Without objection, it is so ordered. (See exhibit 1.)

The PRESIDING OFFICER. Mr. President, let me quickly summarize where we now stand. The zero draft, 1 year extension and the 18-month-extension have been rejected. The house pay proposal has been rejected. But the Gates Commission pay proposal has been passed.

Armed with this pay proposal we are now in a strong position to move to the volunteer force. So I ask Mr. President, why do we need to extend the draft for 2 years?

The 20-month proposal offers something that the majority of this body can accept.

For those who wanted no draft extension or a 1 year extension or even an 18 month extension it offers an alternative of less than 2 years. They can accept this amendment as one that will end the draft as soon as practicable, will allow time to verify that the pay package is adequate and will allow adequate time for the Department of Defense to implement those other necessary volunteer incentives. They can accept this amendment as one that will allow us to make a responsible and safe transition to the volunteer force.

Those who are in favor of a 2-year extension, if they are not against the volunteer force, can accept this amendment for the same reasons. They can also accept it because it provides the reasonable and realistic option of being able to extend the draft, if that should be required. Any further request to extend the draft would be considered by the 93d Congress, free from election pressures and the Department of Defense will have had 20 months to get on with the volunteer program and to gather data on the effectiveness of its incentives.

Mr. President, it might well be asked, does it make sense to extend the draft for just four months less than the administration requested? After all, why bother over such a short period of time? The answer, Mr. President, is straight forward. The American people want to end the draft as soon as it can be done safely. During that extra 4 months many young men could needlessly be drafted. I say needlessly because in 20 months we will know whether we can rely completely on the volunteer force. Therefore, why subject anyone to the draft beyond the point that the volunteer force can be safely implemented? That would be the case if the draft were extended for 2 years.

The passage of this amendment will prove to the American people we are adopting a realistic solution to this problem and that we do not want to see the draft continued any longer than absolutely necessary.

One final point, Mr. President. Should this amendment be accepted I would hope we could hold to 20 months in conference with the House. We will have shown them the way to move to the volunteer force a little sooner. But even a compromise at 22 months is preferable to 2 years and I suggest the American people would also prefer that.

And what of the desire of the administration. Surely they can live with this proposal. Surely they can have no objection to ending the draft in 20 months if it is proved the volunteer concept will work. Or they should have no objection to requesting extension at that time if it does not. The point is, the judgment on the feasibility of the volunteer force can be made just as well with a 20-month-test period as with 2 years.

Mr. President, everyone has something to gain by supporting this proposal because it is a realistic and workable alternative to the 2-year proposal. It puts us on safe ground all the way and at the same time shows the American people we want to end the draft at the earliest practicable date.

I urge my colleagues to give this amendment their support.

EXHIBIT 1

SENATE PROPOSAL

COMMISSIONED OFFICERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,001.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.10
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
O-5	941.40	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
O-4	844.20	886.80	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30
O-3	758.10	791.70	809.10	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2	693.30	726.00	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1	612.30	648.90	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60

[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 Naval of this title.

COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-3	0	0	0	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	0	0	0	773.10	798.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40
O-1	0	0	0	672.60	698.40	722.10	743.70	766.50	790.50	790.50	790.50	790.50	790.50	790.50

WARRANT OFFICERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90
W-3	605.70	656.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W-2	544.20	576.60	576.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W-1	484.80	517.20	517.20	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20

ENLISTED MEMBERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9 [1]	0	0	0	0	0	0	$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00
E-8	0	0	0	0	0	$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	$445.80	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	411.30	431.70	448.80	463.20	480.30	497.40	514.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	378.90	397.80	413.10	429.00	446.10	462.90	479.70	496.80	505.50	505.50	505.50	505.50	505.50	505.50
E-4	352.80	370.50	387.90	405.30	421.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20
E-3	336.90	353.40	367.80	384.00	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40
E-2	320.70	336.60	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70
E-1	310.80	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40
E-1 (under 4 months)	301.50	0	0	0	0	0	0	0	0	0	0	0	0	0

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185 regardless of cumulative years of service computed under section 205 of this title.

HOUSE PROPOSAL

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,260.50	2,443.50	2,443.50	2,618.40	2,618.41
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463 10	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
O-5	834.60	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.10	1,471.20	1,471.20
O-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-3 [2]	654.30	731.10	781.20	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2 [2]	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1 [2]	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80

[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 of this title.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

HOUSE PROPOSAL—Continued

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay grade	Years of service computed under section 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40	914.40
O-1	622.80	665.10	690.00	714.60	739.80	773.10	773.10	773.10	773.10	773.10	773.10	773.10

WARRANT OFFICERS

Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 3
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	746.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20	748.20

ENLISTED MEMBERS

Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]							$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00	$975.00
E-8						$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90	870.90
E-7	$443.40	$478.50	$496.20	$513.60	$531.60	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50	574.50
E-5	336.30	366.00	383.70	400.50	462.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	341.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185, regardless of cumulative years of service computed under section 205 of this title.

HOUSE PROPOSAL

Basic allowance for subsistence:	
Officers	$48.00 a month.
Enlisted members authorized to mess separately	$48.00 a month.
Enlisted members when rations in kind are not available	$3.45 a day.

BASIC ALLOWANCE FOR QUARTERS

Pay grade	Without dependents	With dependents
O-10	$271.20	$339.00
O-9	271.20	339.00
O-8	271.20	339.10
O-7	271.20	339.00
O-6	249.30	303.90
O-5	233.40	281.10
O-4	210.30	253.50
O-3	186.30	230.10
O-2	163.20	206.70
O-1	128.10	166.50
W-4	202.80	244.50
W-3	182.70	225.60
W-2	161.40	204.30
W-1	145.80	189.30
E-9	153.90	216.90
E-8	143.70	202.50
E-7	123.30	189.90
E-6	112.80	176.40
E-5	109.20	163.20
E-4 (over 4 years' service)	96.00	143.10
E-4 (4 years' or less service)	96.00	143.10
E-3	85.20	120.00
E-2	75.60	105.00
E-1	70.20	105.00

Mr. BUCKLEY. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. BUCKLEY. I yield myself 5 minutes for a short closing statement. After that I shall be prepared to yield back the balance of my time.

I am very glad the Senator from Colorado pointed out the very significant situation we face today in contrast to the situation faced by the Senate during the consideration of earlier amendments calling for various extensions of time.

I would also point out that in voting on two of those extensions; namely, the 18-month extension and the 1-year extension, before the Allott pay boost amendment had been adopted, a total of 50 Senators, one-half of this body, registered their belief in the feasibility of the all-voluntary system. For one reason or another, however, they did not see fit to register a flat success on one or the other of the amendments.

In any event, the new situation we face at this time is that the whole pay package recommended by the Gates Commission has been adopted, and that makes it clear that, within the time period we are talking about, the achievement of the great goal of an all-volunteer force is in fact a feasible and achievable objective.

As I indicated in my earlier remarks, I think that we have another consideration beyond that of the feasibility of the all-voluntary concept which ought to guide our action at this time, and this may be perhaps symbolic in importance. Yet symbolism is of vital importance in life, and I believe in fact the antimilitarism that has grown up in this country is due in large part to the continuation of the draft; that this antimilitarism as a symbolism is as great an obstacle to taking appropriate measures to assure our national security as is the debate on this floor.

I therefore urge my colleagues to consider seriously the favorable impact on the country if Congress were at this time to come out in an unmistakable way, an unequivocal way, and express its confidence in the achievability of all volunteer forces, the feasibility of phasing out our draft within this 20-month period, and the ability of our Nation to move to this goal without unduly weakening our military forces or jeopardizing our national security.

I yield back the remainder of my time.

Mr. THURMOND. Mr. President, the pending amendment, offered by the distinguished Senator from New York (Mr. BUCKLEY) would extend the draft 20 months rather than the 24 months requested by the administration and approved by the Armed Services Committee.

The Senator from New York indicates that the intent of his amendment is to demonstrate that the Senate supports an all-volunteer armed force at the earliest possible time.

Mr. President, I am opposed to this amendment because there is no evidence to support the belief that this Nation can maintain minimum manpower levels without the draft for the next 2 years.

There is serious doubt in my mind as to whether the Nation can maintain the necessary levels after July 1, 1973, should a future Congress fail to extend the Selective Service Act.

Also, it is my view that administrative problems would ensue if the draft were ended in the middle of a fiscal year as this amendment would provide.

In May the Senate rejected by a vote of 67 to 8 an amendment which would extend the draft 18 months. This amendment would extend it 20 months. There is only 2 months difference between dates set by these two amendments.

Mr. President, I recognize the good intentions of the Senator from New York but I feel his amendment would place upon the country an unnecessary risk in maintaining minimum military manpower levels.

For this and other reasons I have cited, it is my hope the Senate will reject this amendment.

The PRESIDING OFFICER. Does the Senator from Mississippi yield back his time?

Mr. STENNIS. Yes.

The PRESIDING OFFICER. All remaining time has been yielded back.

Mr. BYRD of West Virginia. Mr. President, how much time remained to the Senator from Mississippi (Mr. STENNIS), which was yielded back?

The PRESIDING OFFICER. Thirteen minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that that time be restored to me momentarily.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

All time on the amendment has been yielded back.

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN) and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Tennessee (Mr. BAKER). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Tennessee would vote "nay".

The result was announced—yeas 35, nays 48, as follows:

[No. 98 Leg.]

YEAS—35

Aiken	Hart	Pearson
Bayh	Hartke	Pell
Beall	Humphrey	Proxmire
Buckley	Inouye	Randolph
Case	Jordan, N.C.	Ribicoff
Cook	Magnuson	Roth
Cooper	Mansfield	Stevens
Dole	Miller	Stevenson
Dominick	Mondale	Symington
Gravel	Muskie	Taft
Griffin	Packwood	Williams
Harris	Pastore	

NAYS—48

Allen	Eastland	McGee
Allott	Ellender	McIntyre
Anderson	Ervin	Metcalf
Bellmon	Fannin	Montoya
Bennett	Fong	Moss
Bentsen	Gambrell	Percy
Bible	Goldwater	Saxbe
Boggs	Gurney	Schweiker
Burdick	Hansen	Smith
Byrd, Va.	Hatfield	Sparkman
Byrd, W. Va.	Hollings	Stennis
Cannon	Hruska	Talmadge
Cotton	Jordan, Idaho	Thurmond
Cranston	Kennedy	Tower
Curtis	Long	Weicker
Eagleton	McClellan	Young

NOT VOTING—17

Baker	Hughes	Nelson
Brock	Jackson	Prouty
Brooke	Javits	Scott
Chiles	Mathias	Spong
Church	McGovern	Tunney
Fulbright	Mundt	

So Mr. BUCKLEY's amendment (No. 149) was rejected.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

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

PROPOSED SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–131)

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Government Operations:

To the Congress of the United States:

In New York City more people between the ages of fifteen and thirty-five years die as a result of narcotics than from any other single cause.

In 1960, less than 200 narcotic deaths were recorded in New York City. In 1970, the figure had risen to over 1,000. These statistics do not reflect a problem indigenous to New York City. Although New York is the one major city in the Nation which has kept good statistics on drug addiction, the problem is national and international. We are moving to deal with it on both levels.

As part of this administration's ongoing efforts to stem the tide of drug abuse which has swept America in the last decade, we submitted legislation in July of 1969 for a comprehensive reform of Federal drug enforcement laws. Fifteen months later, in October 1970, the Congress passed this vitally-needed legislation, and it is now producing excellent results. Nevertheless, in the fifteen months between the submission of that legislation and its passage, much valuable time was lost.

We must now candidly recognize that the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency. I intend to take every step necessary to deal with this emergency, including asking the Congress for an amendment to my 1972 budget to provide an additional $155 million to carry out these steps. This will provide a total of $371 million for programs to control drug abuse in America.

A NEW APPROACH TO REHABILITATION

While experience thus far indicates that the enforcement provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 are effective, they are not sufficient in themselves to eliminate drug abuse. Enforcement must be coupled with a rational approach to the reclamation of the drug user himself. The laws of supply and demand function in the illegal drug business as in any other. We are taking steps under the Comprehensive Drug Act to deal with the supply side of the equation and I am recommending additional steps to be taken now. But we must also deal with demand. We must rehabilitate the drug user if we are to eliminate drug abuse and all the anti-social activities that flow from drug abuse.

Narcotic addiction is a major contributor to crime. The cost of supplying a narcotic habit can run from $30 a day to $100 a day. This is $210 to $700 a week, or $10,000 a year to over $36,000 a year. Untreated narcotic addicts do not ordinarily hold jobs. Instead, they often turn to shoplifting, mugging, burglary, armed robbery, and so on. They also support themselves by starting other people—young people—on drugs. The financial costs of addiction are more than $2 billion every year, but these costs can at least be measured. The human costs cannot. American society should not be required to bear either cost.

Despite the fact that drug addiction destroys lives, destroys families, and destroys communities, we are still not moving fast enough to meet the problem in an effective way. Our efforts are strained through the Federal bureaucracy. Of those we can reach at all under the present Federal system—and the number is relatively small—of those we try to help and who want help, we cure only a tragically small percentage.

Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies

involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us. I am not prepared to accept this alternative.

Therefore, I am transmitting legislation to the Congress to consolidate at the highest level a full-scale attack on the problem of drug abuse in America. I am proposing the appropriation of additional funds to meet the cost of rehabilitating drug users, and I will ask for additional funds to increase our enforcement efforts to further tighten the noose around the necks of drug peddlers, and thereby loosen the noose around the necks of drug users.

At the same time I am proposing additional steps to strike at the "supply" side of the drug equation—to halt the drug traffic by striking at the illegal producers of drugs, the growing of those plants from which drugs are derived, and trafficking in these drugs beyond our borders.

America has the largest number of heroin addicts of any nation in the world. And yet, America does not grow opium—of which heroin is a derivative—nor does it manufacture heroin, which is a laboratory process carried out abroad. This deadly poison in the American lifestream is, in other words, a foreign import. In the last year, heroin seizures by Federal agencies surpassed the total seized in the previous ten years. Nevertheless, it is estimated that we are stopping less than 20 percent of the drugs aimed at this Nation. No serious attack on our national drug problem can ignore the international implications of such an effort, nor can the domestic effort suceed without attacking the problem on an international plane. I intend to do that.

A COORDINATED FEDERAL RESPONSE

Not very long ago, it was possible for Americans to persuade themselves, with some justification, that narcotic addiction was a class problem. Whether or not this was an accurate picture is irrelevant today, because now the problem is universal. But despite the increasing dimensions of the problem, and despite increasing consciousness of the problem, we have made little headway in understanding what is involved in drug abuse or how to deal with it.

The very nature of the drug abuse problem has meant that its extent and seriousness have been shrouded in secrecy, not only by the criminal elements who profit from drug use, but by the drug users themselves—the people whom society is attempting to reach and help. This fact has added immeasurably to the difficulties of medical assistance, rehabilitation, and government action to counter drug abuse, and to find basic and permanent methods to stop it. Even now, there are no precise national statistics as to the number of drug-dependent citizens in the United States, the rate at which drug abuse is increasing, or where and how this increase is taking place. Most of what we think we know is extrapolated from those few States and cities where the dimensions of the problem have forced closer attention, including the maintenance of statistics.

A large number of Federal Government agencies are involved in efforts to fight the drug problem either with new programs or by expanding existing programs. Many of these programs are still experimental in nature. This is appropriate. The problems of drug abuse must be faced on many fronts at the same time, and we do not yet know which efforts will be most successful. But we must recognize that piecemeal efforts, even where individually successful, cannot have a major impact on the drug abuse problem unless and until they are forged together into a broader and more integrated program involving all levels of government and private effort. We need a coordinated effort if we are to move effectively against drug abuse.

The magnitude of the problem, the national and international implications of the problem, and the limited capacities of States and cities to deal with the problem all reinforce the conclusion that coordination of this effort must take place at the highest levels of the Federal Government.

Therefore, I propose the establishment of a central authority with overall responsibility for all major Federal drug abuse prevention, education, treatment, rehabilitation, training, and research programs in all Federal agencies. This authority would be known as the Special Action Office of Drug Abuse Prevention. It would be located within the Executive Office of the President and would be headed by a Director accountable to the President. Because this is an emergency response to a national problem which we intend to bring under control, the Office would be established to operate only for a period of three years from its date of enactment, and the President would have the option of extending its life for an additional two years if desirable.

This Office would provide strengthened Federal leadership in finding solutions to drug abuse problems. It would establish priorities and instill a sense of urgency in Federal and federally-supported drug abuse programs, and it would increase coordination between Federal, State, and local rehabilitation efforts.

More specifically, the Special Action Office would develop overall Federal strategy for drug abuse prevention programs, set program goals, objectives and priorities, carry out programs through other Federal agencies, develop guidance and standards for operating agencies, and evaluate performance of all programs to determine where success is being achieved. It would extend its efforts into research, prevention, training, education, treatment, rehabilitation, and the development of necessary reports, statistics, and social indicators for use by all public and private groups. It would not be directly concerned with the problems of reducing drug supply, or with the law enforcement aspects of drug abuse control.

It would concentrate on the "demand" side of the drug equation—the use and the user of drugs.

The program authority of the Director would be exercised through working agreements with other Federal agencies. In this fashion, full advantage would be taken of the skills and resources these agencies can bring to bear on solving drug abuse problems by linking them with a highly goal-oriented authority capable of functioning across departmental lines. By eliminating bureaucratic red tape, and jurisdictional disputes between agencies, the Special Action Office would do what cannot be done presently: it would mount a wholly coordinated national attack on a national problem. It would use all available resources of the Federal Government to identify the problems precisely, and it would allocate resources to attack those problems. In practice, implementing departments and agencies would be bound to meet specific terms and standards for performance. These terms and standards would be set forth under inter-agency agreement through a Program Plan defining objectives, costs, schedule, performance requirements, technical limits, and other factors essential to program success.

With the authority of the Program Plan, the Director of the Special Action Office could demand performance instead of hoping for it. Agencies would receive money based on performance and their retention of funding and program authority would depend upon periodic appraisal of their performance.

In order to meet the need for realistic central program appraisal, the Office would develop special program monitoring and evaluation capabilities so that it could realistically determine which activities and techniques were producing results. This evaluation would be tied to the planning process so that knowledge about success/failure results could guide the selection of future plans and priorities.

In addition to the inter-agency agreement and Program Plan approach described above, the Office would have direct authority to let grants or make contracts with industrial, commercial, or non-profit organizations. This authority would be used in specific instances where there is no appropriate Federal agency prepared to undertake a program, or where for some other reason it would be faster, cheaper, or more effective to grant or contract directly.

Within the broad mission of the Special Action Office, the Director would set specific objectives for accomplishment during the first three years of Office activity. These objectives would target such areas as reduction in the overall national rate of drug addiction, reduction in drug-related deaths, reduction of drug use in schools, impact on the number of men rejected for military duty because of drug abuse, and so forth. A primary objective of the Office would

be the development of a reliable set of social indicators which accurately show the nature, extent, and trends in the drug abuse problem.

These specific targets for accomplishment would act to focus the efforts of the drug abuse prevention program, not on intermediate achievements such as numbers of treatments given or educational programs conducted, but rather on ultimate "payoff" accomplishments in the reduction of the human and social costs of drug abuse. Our programs cannot be judged on the fulfillment of quotas and other bureaucratic indexes of accomplishment. They must be judged by the number of human beings who are brought out of the hell of addiction, and by the number of human beings who are dissuaded from entering that hell.

I urge the Congress to give this proposal the highest priority, and I trust it will do so. Nevertheless, due to the need for immediate action, I am issuing today, June 17, an Executive Order establishing within the Executive Office of the President a Special Action Office for Drug Abuse Prevention. Until the Congress passes the legislation giving full authority to this Office, a Special Consultant to the President for Narcotics and Dangerous Drugs will institute to the extent legally possible the functions of the Special Action Office.

REHABILITATION: A NEW PRIORITY

When traffic in narcotics is no longer profitable, then that traffic will cease. Increased enforcement and vigorous application of the fullest penalties provided by law are two of the steps in rendering narcotics trade unprofitable. But as long as there is a demand, there will be those willing to take the risks of meeting the demand. So we must also act to destroy the market for drugs, and this means the prevention of new addicts, and the rehabilitation of those who are addicted.

To do this, I am asking the Congress for a total of $105 million in addition to funds already contained in my 1972 budget to be used solely for the treatment and rehabilitation of drug-addicted individuals.

I will also ask the Congress to provide an additional $10 million in funds to increase and improve education and training in the field of dangerous drugs. This will increase the money available for education and training to more than $24 million. It has become fashionable to suppose that no drugs are as dangerous as they are commonly thought to be, and that the use of some drugs entails no risk at all. These are misconceptions, and every day we reap the tragic results of these misconceptions when young people are "turned on" to drugs believing that narcotics addiction is something that happens to other people. We need an expanded effort to show that addiction is all too often a one-way street beginning with "innocent" experimentation and ending in death. Between these extremes is the degradation that addiction inflicts on those who believed that it could not happen to them.

While by no means a major part of the American narcotics problem, an especially disheartening aspect of that problem involves those of our men in Vietnam who have used drugs. Peer pressures combine with easy availability to foster drug use. We are taking steps to end the availability of drugs in South Vietnam but, in addition, the nature of drug addiction, and the peculiar aspects of the present problem as it involves veterans, make it imperative that rehabilitation procedures be undertaken immediately. In Vietnam, for example, heroin is cheap and 95 percent pure, and its effects are commonly achieved through smoking or "snorting" the drug. In the United States, the drug is impure, consisting of only about 5 percent heroin, and it must be "mainlined" or injected into the bloodstream to achieve an effect comparable to that which may have been experienced in Vietnam. Further, a habit which costs $5 a day to maintain in Vietnam can cost $100 a day to maintain in the United States, and those who continue to use heroin slip into the twilight world of crime, bad drugs, and all too often a premature death.

In order to expedite the rehabilitation process of Vietnam veterans, I have ordered the immediate establishment of testing procedures and initial rehabilitation efforts to be taken in Vietnam. This procedure is under way and testing will commence in a matter of days. The Department of Defense will provide rehabilitation programs to all servicemen being returnd for discharge who want this help, and we will be requesting legislation to permit the military services to retain for treatment any individual due for discharge who is a narcotics addict. All of our servicemen must be accorded the right to rehabilitation.

Rehabilitation procedures, which are required subsequent to discharge, will be effected under the aegis of the Director of the Special Action Office who will have the authority to refer patients to private hospitals as well as VA hospitals as circumstances require.

The Veterans Administration medical facilities are a great national resource which can be of immeasurable assistance in the effort against this grave national problem. Restrictive and exclusionary use of these facilities under present statutes means that we are wasting a critically needed national resource. We are commonly closing the doors to those who need help the most. This is a luxury we cannot afford. Authority will be sought by the new Office to make the facilities of the Veterans Administration available to all former servicemen in need of drug rehabilitation, regardless of the nature of their discharge from the service.

I am asking the Congress to increase the present budget of the Veterans Administration by $14 million to permit the immediate initiation of this program. This money would be used to assist in the immediate development and emplacement of VA rehabilitation centers which will permit both inpatient and outpatient care of addicts in a community setting.

I am also asking that the Congress amend the Narcotic Addict Rehabilitation Act of 1966 to broaden the authority under this act for the use of methadone maintenance programs. These programs would be carried out under the most rigid standards and would be subjected to constant and painstaking reevaluation of their effectiveness. At this time, the evidence indicates that methadone is a useful tool in the work of rehabilitating heroin addicts, and that tool ought to be available to those who must do this work.

Finally, I will instruct the Special Consultant for Narcotics and Dangerous Drugs to review immediately all Federal laws pertaining to rehabilitation and I will submit any legislation needed to expedite the Federal rehabilitative role, and to correct overlapping authorities and other shortcomings.

ADDITIONAL ENFORCEMENT NEEDS

The Comprehensive Drug Abuse Prevention and Control Act of 1970 provides a sound base for the attack on the problem of the availability of narcotics in America. In addition to tighter and more enforceable regulatory controls, the measure provides law enforcement with stronger and better tools. Equally important, the act contains credible and proper penalties against violators of the drug law. Severe punishments are invoked against the drug pushers and peddlers while more lenient and flexible sanctions are provided for the users. A seller can receive fifteen years for a first offense involving hard narcotics, thirty years if the sale is to a minor, and up to life in prison if the transaction is part of a continuing criminal enterprise.

These new penalties allow judges more discretion, which we feel will restore credibility to the drug control laws and eliminate some of the difficulties prosecutors and judges have had in the past arising out of minimum mandatory penalties for all violators.

The penalty structure in the 1970 Drug Act became effective on May 1 of this year. While it is too soon to assess its effect, I expect it to help enable us to deter or remove from our midst those who traffic in narcotics and other dangerous drugs.

To complement the new Federal drug law, a uniform State drug control law has been drafted and recommended to the States. Nineteen States have already adopted it and others have it under active consideration. Adoption of this uniform law will facilitate joint and effective action by all levels of government.

Although I do not presently anticipate a necessity for alteration of the purposes or principles of existing enforcement statutes, there is a clear need for some additional enforcement legislation.

To help expedite the prosecution of narcotic trafficking cases, we are asking the Congress to provide legislation which would permit the United States Government to utilize information obtained by foreign police, provided that such information was obtained in compliance with the laws of that country.

We are also asking that the Congress provide legislation which would permit a chemist to submit written findings of his analysis in drug cases. This would speed the process of criminal justice.

The problems of addict identification are equalled and surpassed by the problem of drug identification. To expedite work in this area of narcotics enforcement, I am asking the Congress to pro-

vide $2 million to be allotted to the research and development of equipment and techniques for the detection of illegal drugs and drug traffic.

I am asking the Congress to provide $2 million to the Department of Agriculture for research and development of herbicides which can be used to destroy growths of narcotics-producing plants without adverse ecological effects.

I am asking the Congress to authorize and fund 325 additional positions within the Bureau of Narcotics and Dangerous Drugs to increase their capacity for apprehending those engaged in narcotics trafficking here and abroad and to investigate domestic industrial producers of drugs.

Finally, I am asking the Congress to provide a supplemental appropriation of $25.6 million for the Treasury Department. This will increase funds available to this Department for drug abuse control to nearly $45 million. Of this sum, $18.1 million would be used to enable the Bureau of Customs to develop the technical capacity to deal with smuggling by air and sea, to increase the investigative staff charged with pursuit and apprehension of smugglers, and to increase inspection personnel who search persons, baggage, and cargo entering the country. The remaining $7.5 million would permit the Internal Revenue Service to intensify investigation of persons involved in large-scale narcotics trafficking.

These steps would strengthen our efforts to root out the cancerous growth of narcotics addiction in America. It is impossible to say that the enforcement legislation I have asked for here will be conclusive—that we will not need further legislation. We cannot fully know at this time what further steps will be necessary. As those steps define themselves, we will be prepared to seek further legislation to take any action and every action necessary to wipe out the menace of drug addiction in America. But domestic enforcement alone cannot do the job. If we are to stop the flow of narcotics into the lifeblood of this country, I believe we must stop it at the source.

INTERNATIONAL

There are several broad categories of drugs: those of the cannabis family—such as marihuana and hashish; those which are used as sedatives, such as the barbiturates and certain tranquilizers; those which elevate mood and suppress appetite, such as the amphetamines; and, drugs such as LSD and mescaline, which are commonly called hallucinogens. Finally, there are the narcotic analgesics, including opium and its derivatives—morphine and codeine. Heroin is made from morphine.

Heroin addiction is the most difficult to control and the most socially destructive form of addiction in America today. Heroin is a fact of life and a cause of death among an increasing number of citizens in America, and it is heroin addiction that must command priority in the struggle against drugs.

To wage an effective war against heroin addiction, we must have international cooperation. In order to secure such cooperation, I am initiating a worldwide escalation in our existing programs for the control of narcotics traffic, and I am proposing a number of new steps for this purpose.

First, on Monday, June 14, I recalled the United States Ambassadors to Turkey, France, Mexico, Luxembourg, Thailand, the Republic of Vietnam, and the United Nations for consultations on how we can better cooperate with other nations in the effort to regulate the present substantial world opium output and narcotics trafficking. I sought to make it equally clear that I consider the heroin addiction of American citizens an international problem of grave concern to this Nation, and I instructed our Ambassadors to make this clear to their host governments. We want good relations with other countries, but we cannot buy good relations at the expense of temporizing on this problem.

Second, United States Ambassadors to all East Asian governments will meet in Bangkok, Thailand, tomorrow, June 18, to review the increasing problem in that area, with particular concern for the effects of this problem on American servicemen in Southeast Asia.

Third, it is clear that the only really effective way to end heroin production is to end opium production and the growing of poppies. I will propose that as an international goal. It is essential to recognize that opium is, at present, a legitimate source of income to many of those nations which produce it. Morphine and codeine both have legitimate medical applications.

It is the production of morphine and codeine for medical purposes which justifies the maintenance of opium production, and it is this production which in turn contributes to the world's heroin supply. The development of effective substitutes for these derivatives would eliminate any valid reason for opium production. While modern medicine has developed effective and broadly-used substitutes for morphine, it has yet to provide a fully acceptable substitute for codeine. Therefore, I am directing that Federal research efforts in the United States be intensified with the aim of developing at the earliest possible date synthetic substitutes for all opium derivatives. At the same time I am requesting the Director General of the World Health Organization to appoint a study panel of experts to make periodic technical assessments of any synthetics which might replace opiates with the aim of effecting substitutions as soon as possible.

Fourth, I am requesting $1 million to be used by the Bureau of Narcotics and Dangerous Drugs for training of foreign narcotics enforcement officers. Additional personnel within the Bureau of Narcotics and Dangerous Drugs would permit the strengthening of the investigative capacities of BNDD offices in the U.S., as well as their ability to assist host governments in the hiring, training, and deployment of personnel and the procurement of necessary equipment for drug abuse control.

Fifth, I am asking the Congress to amend and approve the International Security Assistance Act of 1971 and the International Development and Humanitarian Assistance Act of 1971 to permit assistance to presently proscribed nations in their efforts to end drug trafficking. The drug problem crosses ideological boundaries and surmounts national differences. If we are barred in any way in our effort to deal with this matter, our efforts will be crippled, and our will subject to question. I intend to leave no room for other nations to question our commitment to this matter.

Sixth, we must recognize that cooperation in control of dangerous drugs works both ways. While the sources of our chief narcotics problem are foreign, the United States is a source of illegal psychotropic drugs which afflict other nations. If we expect other governments to help stop the flow of heroin to our shores, we must act with equal vigor to prevent equally dangerous substances from going into their nations from our own. Accordingly, I am submitting to the Senate for its advice and consent the Convention on Psychotropic Substances which was recently signed by the United States and 22 other nations. In addition, I will submit to the Congress any legislation made necessary by the Convention including the complete licensing, inspection, and control of the manufacture, distribution, and trade in dangerous synthetic drugs.

Seventh, the United States has already pledged $2 million to a Special Fund created on April 1 of this year by the Secretary General of the United Nations and aimed at planning and executing a concerted UN effort against the world drug problem. We will continue our strong backing of UN drug-control efforts by encouraging other countries to contribute and by requesting the Congress to make additional contributions to this fund as their need is demonstrated.

Finally, we have proposed, and we are strongly urging multilateral support for, amendments to the Single Convention on Narcotics which would enable the International Narcotics Control Board to:

—require from signatories details about opium poppy cultivation and opium production—thus permitting the Board access to essential information about narcotics raw materials from which illicit diversion occurs;

—base its decisions about the various nations' activities with narcotic drugs not only as at present on information officially submitted by the governments, but also on information which the Board obtains through public or private sources—thus enhancing data available to the Board in regard to illicit traffic;

—carry out, with the consent of the nation concerned, on-the-spot inquiries on drug related activities;

—modify signatories' annual estimates of intended poppy acreage and opium production with a view to reducing acreage or production; and

—in extreme cases, require signatories to embargo the export and/or import of drugs to or from a particular country that has failed to meet its obligations under the Convention.

I believe the foregoing proposals establish a new and needed dimension in the international effort to halt drug produc-

tion, drug traffic, and drug abuse. These proposals put the problems and the search for solutions in proper perspective, and will give this Nation its best opportunity to end the flow of drugs, and most particularly heroin, into America, by literally cutting it off root and branch at the source.

CONCLUSION

Narcotics addiction is a problem which afflicts both the body and the soul of America. It is a problem which baffles many Americans. In our history we have faced great difficulties again and again, wars and depressions and divisions among our people have tested our will as a people—and we have prevailed.

We have fought together in war, we have worked together in hard times, and we have reached out to each other in division—to close the gaps between our people and keep America whole.

The threat of narcotics among our people is one which properly frightens many Americans. It comes quietly into homes and destroys children, it moves into neighborhoods and breaks the fiber of community which makes neighbors. It is a problem which demands compassion, and not simply condemnation, for those who become the victims of narcotics and dangerous drugs. We must try to better understand the confusion and disillusion and despair that bring people, particularly young people, to the use of narcotics and dangerous drugs.

We are not without some understanding in this matter, however. And we are not without the will to deal with this matter. We have the moral resources to do the job. Now we need the authority and the funds to match our moral resources. I am confident that we will prevail in this struggle as we have in many others. But time is critical. Every day we lose compounds the tragedy which drugs inflict on individual Americans. The final issue is not whether we will conquer drug abuse, but how soon. Part of this answer lies with the Congress now and the speed with which it moves to support the struggle against drug abuse.

RICHARD NIXON.

THE WHITE HOUSE, *June 17, 1971.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. HOLLINGS) laid before the Senate a message from the President of the United States submitting the nomination of Aldon J. Anderson, of Utah, to be a U.S. District Judge for the District of Utah, which was referred to the Committee on the Judiciary.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 120

Mr. KENNEDY. Mr. President, I call up my amendment No. 120 and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The legislative clerk read as follows:

On page 32, between lines 20 and 21, insert the following:

"(30) Section 13(b) is amended by adding at the end thereof the following: 'Notwithstanding the foregoing sentence, no regulation issued under this Act shall become effective until the expiration of thirty days following the date on which such regulation has been published in the Federal Register. After the publication of any regulation and prior to the date on which such regulation becomes effective, any person shall be given an opportunity to submit his views to the Director on such regulation, but no formal hearing shall be required on any such regulation. The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.' "

Renumber paragraphs (30), (31), and (32) of section 101(a) of the bill as paragraphs (31), (32), and (33), respectively.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, for the information of the Senate, I do not think we are going to need the full amount of time allocated under the unanimous-consent agreement. For the purpose of notification I think we can dispose of this matter in approximately one-half hour, or perhaps less, depending upon the attitude of the chairman of the Committee on Armed Services.

Mr. STENNIS. Mr. President, may we have order so that we may hear the full explanation with the legislative background.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, the amendment which I have called up is rather simple but I feel it is an important amendment.

The amendment provides that selective service regulations be published in the Federal Register and that there be a 30-day period afforded interested parties to file written comments with the director.

It should be clearly understood at the outset, that this amendment in no way mandates hearings or other administrative proceedings that might be unduly burdensome for the Selective Service System. Although most other Federal agencies are liable under the Administrative Practices Act to publication, comment, hearing and other procedural requirements, the Selective Service System has been exempt from all but the public information section of that act.

What this amendment proposes is that all regulations issued for the Selective Service System be published in the Federal Register 30 days before their effective date. During that time, the Director would have the benefit of the comments of legal and academic scholars in the field of Selective Service affairs.

Prepublication would allow a variety of significant new inputs into the system of prime concern would be legal analysis that might help the system to operate more effectively than it currently does.

First, there exists the possibility that a regulation is unauthorized by the act and thus legally unenforceable. A competent opinion to this effect submitted to the Director might result in either the alteration or retraction of the proposed regulation.

Perhaps the foremost example is the delinquency, regulation No. 1642. I ask unanimous consent to have this regulation printed in the RECORD.

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

PART 1642—DELINQUENTS

GENERAL

1642.1 Regulations Governing Delinquents.—Delinquents, as defined in section 1602.4 of this chapter shall be governed by the provisions of this part and such other provisions of the Selective Service Regulations as are not in conflict therewith.

1642.2 Continuing Duty.—When it becomes the duty of a registrant or other person to perform an act or furnish information to a local board or other office or agency of the Selective Service System, the duty or obligation shall be a continuing duty or obligation from day to day and the failure to properly perform the act or the supplying of incorrect or false information shall in no way operate as a waiver of that continuing duty.

1642.3. Compliance With Procedures of This Part Not Condition Precedent to Prosecution.—Compliance by a local board or any other agency of the Selective Service System with any or all of the procedures prescribed by the regulations in this part is not a condition precedent to the prosecution of any person under the provisions of section 12 of the Military Selective Service Act of 1967.

1642.4 Declaration of Delinquency Status and Removal Therefrom.—(a) Whenever a registrant has failed to perform any duty or duties required of him under the selective service law other than the duty to comply with an Order to Report for Induction (SSS Form 252) or the duty to comply with an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), the local board may declare him to be a delinquent.

(b) When the local board declares a registrant to be a delinquent, it shall enter a record of such action and the date thereof on the registrant's Classification Questionnaire (SSS Form 100) and shall complete a Delinquency Notice (SSS Form 304), in duplicate, setting forth the duty or duties which the registrant has failed to perform. The local board shall mail the original to the registrant at his last known address and file the copy in his Cover Sheet (SSS Form 101).

(c) A registrant who has been declared to be a delinquent may be removed from that status by the local board at any time. When the local board removes a registrant from delinquency status, it shall enter a record of such action and the date thereof on the registrant's Classification Questionnaire (SSS Form 100) and shall advise the registrant of such removal by letter a copy of which shall be filed in his Cover Sheet (SSS Form 101).

CLASSIFICATION AND INDUCTION OF DELINQUENTS

1642.10 Restriction on Classification and Induction of Delinquents.—No delinquent registrant shall be placed in Class I-A, Class I-A-O, or Class I-O under the provisions of section 1642.12 or shall be ordered to report for induction under the provisions of section 1642.13 or section 1631.7 of this chapter, or, in the case of a conscientious objector opposed to noncombatant training and service, ordered to report for civilian work in lieu of induction, unless the local

board has declared him to be a delinquent in accordance with the provisions of section 1642.4 and thereafter has not removed him from such delinquency status.

1642.11 Registration and Classification of Unregistered Delinquent registrant between the ages of 18 years and 6 months not registered reports or is brought before a local board, he shall be registered in the normal manner, except that if the local board with which he registers determines that because of his delay in registering he should be declared to be a delinquent under the provisions of section 1642.4 and processed for induction as a delinquent, the local board may enter in item 2 of the Registration Card (SSS Form 1) an address within its jurisdiction. If the local board makes such determination and retains jurisdiction of the registrant, it shall, as soon as possible after his registration, declare the registrant to be a delinquent and classify him as provided in section 1642.12.

1642.12 Classification of Delinquent Registrant.—Any delinquent registrant between the ages of 18 years and 6 months and 26 years and any delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and any delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provision of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, may be classified in or reclassified into Class I–A, Class I–A–O or Class I–O, whichever is applicable, regardless of other circumstances: *Provided*. That a delinquent registrant who by reason of his service in the Armed Forces is eligible for classification into Class IV–A may not be classified or reclassified into Class I–A, Class I–A–O or Class I–O under this section unless such action is specifically authorized by the Director of Selective Service.

1642.13 Certain Delinquents to Be Ordered to Report for Induction.—The local board shall order each delinquent registrant between the ages of 18 years and 6 months and 26 years and each delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and each delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provisions of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, who is classified in or reclassified into Class I–A or Class I–A–O to report for induction in the manner provided in section 1631.7 of this chapter, or in the case of a delinquent registrant classified or reclassified into Class I–O, the local board shall determine the type of civilian work it is appropriate for him to perform and shall order him to perform such civilian work in lieu of induction in accordance with the provisions of Part 1660 of this chapter, unless in either case (a) it has already issued such order, or (b) pursuant to a written request of the United States Attorney, the local board determines not to order such registrant to report for induction or civilian work.

1642.14 Personal Appearance, Reopening, and Appeal.—(a) When a delinquent registrant is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part, a personal appearance may be requested and shall be granted under the same circumstances as in any other case.

(b) The classification of a delinquent registrant who is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part may be reopened at any time before induction or before the date he is to report for civilian work in the discretion of the local board without regard to the restrictions against reopening prescribed in section 1625.2 of this chapter.

(c) When a delinquent registrant is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part, an appeal may be taken under the same circumstances and by the same persons as in any other case.

1642.15 Continuous Duty of Certain Registrants to Report for Induction.—Regardless of the time when or the circumstances under which a registrant fails or has failed to report for induction pursuant to an Order to Report for Induction (SSS Form 252) or pursuant to an Order for Transferred Man to Report for Induction (SSS Form 253), or fails or has failed to report for civilian work in lieu of induction pursuant to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), it shall thereafter be his continuing duty from day to day to report for induction or for civilian work in lieu of induction to his own local board, and to each local board, whose area he enters or in whose area he remains.

DELIVERY OF DELINQUENT REGISTRANTS

1642.21 Procedure.—(a) If a delinquent registrant reports to or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board and that he will be inducted if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

(b) If the registrant's own local board advises or if it is ascertained from the United States Department of Justice that the registrant is delinquent because he has failed to respond to an Order to Report for Induction (SSS Form 252) or an Order for Transferred Man to Report for Induction (SSS Form 253), the delinquent shall be delivered for induction and the local board to which the registrant has reported or before which he has been brought shall prepare such papers as may be necessary in order to effect such induction and forward copies thereof to the registrant's own local board. The induction of such a registrant shall be reported to the registrant's own local board in the same manner as if the registrant had been transferred for delivery to the local board from which such registrant was inducted.

(c) If a delinquent registrant who is in Class I–O reports to or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board, and that he will be ordered under the provisions of Part 1660 to perform civilian work deemed appropriate by such local board for the registrant to perform in lieu of induction, if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

(d) If the registrant's own local board advises that the registrant is delinquent because he has failed to respond to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), the local board at which the registrant appeared or was brought shall issue to him written instructions regarding the date and place he is to report for work and the type of work he is to perform. Whenever necessary, travel, meals and lodging may be furnished the registrant under the provisions of section 1660.21(b) of this chapter.

(e) If the registrant's own local board advises that no Order to Report for Induction (SSS Form 252) or Order for Transferred Man to Report for Induction (SSS Form 253) or Order to Report for Civilian Work and Statement of Employer (SSS Form 153) has been issued to such registrant or that the registrant is no longer a delinquent, it shall advise the local board before which the registrant has appeared or has been brought of the action to be taken with reference to such registrant.

MEN IN CUSTODY

1642.31 Completing Records of Man Liable for Training and Service.—(a) Provided they are required and have not already been accomplished, the following steps shall be taken in connection with every man who has registered or who is required to register under the provisions of the Military Selective Service Act of 1967 immediately upon his reporting to or being brought before a local board or immediately upon his being taken into custody or his being placed in confinement:

(1) He shall be registered; provided, that any law enforcement official or any other authorized person may act as registrar.

(2) He shall complete his Classification Questionnaire (SSS Form 100).

(3) He shall complete his Special Form for Conscientious Objector (SSS Form 150), when applicable.

(4) He shall complete all other necessary forms.

(5) He may be physically examined.

(b) If such a man is unable or refuses to fill out any form in the manner required by paragraph (a) of this section, such form shall be filled out by a member or clerk of a local board or the superintendent, warden, or other law enforcement official from information gained by interviewing the delinquent and from other sources.

(c) If the signature of such man is required upon any form after it is filled out and he is unable or refuses to sign his name or make his mark upon any such form, a member or clerk of a local board or the superintendent, warden, or other law enforcement official shall sign such man's name and indicate that he has done so by signing his own name beneath the name of such man. The act of a member or clerk of a local board, or of the superintendent, warden, or other law enforcement official in so doing shall have the same force and effect as if such man had signed his name to such form.

1642.32 Obligation of Man in Custody, Confinement, or Imprisonment.—No man is relieved from complying with the selective service law during the time he is in custody, confinement, or imprisonment. He shall perform the duties and shall be accorded the rights and privileges of all registrants.

1642.33 Obligation of Man After Release From Custody, Confinement, or Imprisonment.—When a man is released from custody, confinement, or imprisonment, he shall immediately advise his local board of that fact and shall perform the duties and be accorded the rights and privileges of all registrants. This applies equally to a man taken into custody, confined, or imprisoned for a violation of the selective service law and to a man taken into custody, confined, or imprisoned for any other cause.

RECORDS AND REPORTS OF DELINQUENTS

1642.41 Report of Delinquent to United States Attorney.—(a) Every registrant who fails to comply with an Order to Report for Induction (SSS Form 252) or an Order for Transferred Man to Report for Induction (SSS Form 253) shall be reported promptly to the United States Attorney on Delinquent Registrant Report (SSS Form 301); provided that if the local board believes by reasonable effort it may be able to locate the registrant and secure his compliance, it may delay the mailing of such Delinquent Registrant Report (SSS Form 301) for a period not in excess of 30 days. A copy of such Delinquent Registrant Report (SSS Form 301) shall be placed in the delinquent's Cover Sheet (SSS

Form 101). The local board may report any other delinquent registrant to the United States Attorney by letter stating all the circumstances. A copy of such letter shall be placed in the delinquent's Cover Sheet (SSS Form 101).

(b) In endeavoring to locate and to secure the compliance of a delinquent prior to reporting him to the United States Attorney, the local board should contact the delinquent and the "employer" or "person who will always know" the delinquent's address, as shown on the Registration Card (SSS Form 1), or any other person likely to know his whereabouts. The local board may enlist the aid of local and State police officials or any other public or private agencies it deems advisable. In no event shall the local board order or participate in the arrest of a delinquent.

(c) Whenever the local board suspects a person, other than one of its own registrants, of being a delinquent, it shall, upon its own motion or upon request of the United States Attorney, advise such person by letter that he is suspected of being a delinquent and directing him to submit to the local board evidence concerning his selective service status. It shall be the duty of the person to whom such a letter is mailed to present such evidence to the local board and, if directed to do so, to appear personally before the local board. Unless the local board is convinced that such person is not delinquent, it shall report the facts to the United States Attorney by letter.

1642.42 Local Board Action Subsequent to Reporting a Delinquent to United States Attorney.—(a) After a delinquent has been reported to the United States Attorney, it is the responsibility of the United States Attorney to determine, subject to the supervision and direction of the Attorney General, whether the delinquent shall be prosecuted. Before permitting a delinquent who has been reported to the United States Attorney on Delinquent Registrant Report (SSS Form 301) to be inducted, the local board should obtain the views of the United States Attorney concerning such action.

(b) After a delinquent has been reported to the United States Attorney on Delinquent Registrant Report (SSS Form 301) the local board shall promptly advise the United States Attorney by letter when:

(1) The local board receives any additional information which (i) may be of assistance in locating the delinquent,

(ii) has been requested by the United States Attorney, or

(iii) may assist the United States Attorney in determining whether prosecution is warranted; or

(2) The local board has taken any action with reference to the classification or status of the registrant.

1642.43 United States Attorney to Advise Final Disposition.—The State Director of Selective Service shall request the United States Attorney to advise the local board concerned promptly by letter when he finally disposes of a case which has been reported to him on Delinquent Registrant Report (SSS Form 301).

1642.44 Local Board Record of Delinquents.—(a) The local board shall open and maintain a Record of Delinquent's (SSS Form 302), listing thereon all currently delinquent registrants including both those who have been reported and those who have not been reported to the United States Attorney on Delinquent Registrant Report (SSS Form 301). A person suspected of being an unregistered delinquent shall not be entered upon such report unless and until his registration has been accomplished. On the last day of March, June, September, and December the local board shall forward one copy of the Record of Delinquents (SSS Form 302) to the State Director of Selective Service having jurisdiction over the area in which such local board is located.

(b) On the last day of March, June, September, and December the local board shall post a copy of the current Record of Delinquents (SSS Form 302) on its bulletin board. The aid of the press and radio should be solicited to give the widest possible publicity to delinquencies.

1642.46. State Record of Delinquents.—The State Director of Selective Service shall prepare a Summary of Delinquencies (SSS Form 303) on or before the 15th day of January, April, July, and October and forward one copy to the Director of Selective Service, Washington, D.C.

Mr. KENNEDY. Mr. President, this regulation explicitly provides for the punitive induction of registrants who are remiss in their duties.

These regulations were declared invalid by the Supreme Court in 1970 in *Gutkneckt* v. *U.S.* (396 U.S. 295). There the Court stated:

Nothing in the 1948 Act or in any prior Act makes reference to delinquency or delinquents. The regulations purport to issue under the authority of § 10 of the 1948 Act. Section 10, however, relates neither to selection (§ 5) nor to deferments and exemptions (§ 6), but simply to the administration of the act as delegated to the President. . . .

Again, however, there is nothing to indicate that Congress authorized the Selective Service System to reclassify exempt or deferred registrants for punitive purposes and to provide for accelerated induction of delinquents. Rather, the Congress reaffirmed its intention under § 12 (50 U.S.C. App. § 462 (1964 ed., Supp. IV)), to punish delinquents through the criminal law. . . .

The power under the regulations to declare a registrant "delinquent" has no statutory standard or even guidelines. The power is exercised entirely at the discretion of the local board. It is a broad, roving authority, a type of administrative absolutism not congenial to our law-making traditions. . . .

Where the liberties of the citizen are involved, we said that "we will construe narrowly all delegated powers that curtail or dilute them . . .

The director of selective service described the "delinquency" regulations as designed "to prevent, wherever possible, prosecutions for minor infractions of rules" during the selective service processing . . .

We search the act in vain for any clues that congress desired the act to have punitive sanctions apart from the criminal prosecutions specifically authorized. Nor do we read it as granting personal privileges that may be forfeited for transgressions that affront the local board. If federal or state laws are violated by registrants, they can be prosecuted . . .

If induction is to be substituted for these prosecutions, a vast rewriting of the act is needed . . .

Standards would be needed by which the legality of a declaration of "delinquency" could be judged.

And the regulations, when written, would be subject to the customary inquiries as to infirmities on their face or in their application, including the question whether they were used to penalize or punish the free exercise of constitutional rights.

This decision affected over 100 cases and resulted in numerous convictions under the act being invalidated. In addition, disruptions resulted in the military itself since several men had to be released from the Army on these grounds.

This is a classic example of the closed nature of the selective service regulatory system working against itself. In an attempt to avoid delays, the Selective Service System has opened itself to litigation and controversy through the issuance of illegal and unauthorized regulations.

Thus, in *Breen* v. *Selective Service Board* (396 U.S. 460), the Court held again that the regulations which had been issued were unauthorized and the "order for induction involved a 'clear departure by the Board from its statutory mandate.' "

A similar example of a regulation being issued which is not called for by the act involves R1622.15, which bars the I–S(C) deferment to all young men who previously held a II–S. The statute applies such a bar in the case of undergraduate II–S cases only. Yet the regulations specifically extend the prohibition to anyone who held graduate II–S deferments.

In *Marsano* v. *Laird* (412 F.2D65 (1969)), the Court found that "no statutory provision authorizes the restriction of deferments by administrative regulation explicitly granted" in regulation 1622.26.

While this matter remained unsettled, more than 50 cases surfaced around the Nation, many of which involved preinduction judicial review.

What is also particularly distressing is that we have no way to determine how many registrants had their rights denied by these regulations. Because it is supremely clear that only after most circuits had ruled the regulation invalid and enjoined the induction of any registrants entitled to the protection of the I–S(C) classification, that the Selective Service System responded. The Selective Service System acquiesced in those instances by issuing a local board memorandum which reinterpreted its regulation to with the act.

It is urgent for the Senate to understand that these are not isolated examples. The delinquency regulations were vigorously enforced prior to being ruled invalid. Similarly the case of graduate I–S(C) also involved extensive injustice to individuals.

I call the attention of my colleagues to the regulation R1622.30, which produced an identical controversy prompting a series of legal cases. Under this provision the fatherhood deferment classification was denied to all former holders of a II–S. Only after court action, only after lengthy delays and only after substantial injustices—were these regulations reversed.

Let me caution my colleagues that each of these situations might have been avoided had the regulations been open to comment prior to their becoming effective. If the director had access to outside legal comments, the regulations might have been withdrawn or suitably modified, resulting in a tremendous saving of time, effort, and legal fees.

There is a second category of regulation which could be affected by prepublication and comment to help the system operate more effectively. Regulations have been issued which, while not being illegal in the sense of being unauthorized, are so ambiguous as to compel resolution by means of litigation.

The Subcommittee on Administrative Practices of the Senate Judiciary Committee held hearings on the operation of the Selective Service System in 1969. At that time, numerous witnesses, including Thomas P. Alder, director and president of the Public Law Education Institute, testified to the "ambiguities and outright errors which are not caught in the rulemaking process—by failing to take comments on proposed regulations, the system has given registrants not only good reason to seek a day in court, but often good grounds as well."

The committee also heard evidence of the impact of the ambiguous regulations on increasing the burden of the local boards. Marshall Commission members and consultants cited the 2,265 State directives issued in the first 9 months of 1966 as an example of the difficult situation forced on local boards.

The ambiguity of national regulations prompted the need for additional directives on the State level, directives which not only are frequently denied the public but which add to the frustrations of local board members.

The lack of clarity in national regulations and the difficulties presented to both the registrant and to the system itself, prompted the subcommittee to recommend in its report:

> One method of insuring more effective national standards is to require selective service to solicit comments on its regulations before they are issued permanently . . . if selective service adopted this procedure, it might obviate the need for constant flow of memoranda and advice from national headquarters which often confuse more than clarify. The subcommittee recommends, therefore, that all selective service regulations be issued in proposed form, and that comments be solicited before the regulations are permanently issued.

The kind of ambiguous regulations which we are discussing are those like R1625.2, which prohibits postinduction order reopening of a classification unless the registrant demonstrates a "change of circumstances beyond his control" the lack of certainty in this language produced nearly 200 cases in a 5 year period, with circuit courts divided on the subject.

Many registrants refused induction in good faith to test how courts would interpret this ambiguous regulation. Under a recent Supreme Court ruling, most of them are bound for jail. But the disturbing aspect of this situation is that the lack of clarity in this regulation prompts an individual to question its validity.

The practice of issuing selective service regulations unilaterally is neither common in other Federal agencies nor is it conducive to efficient and just results.

It seems strange that the Internal Revenue Service is able not only to provide for comments on its proposed regulations but is also able to satisfy the demands of administrative fairness in its hearing process. Other agencies such as the Atomic Energy Commission, the Environmental Protection Agency, the Department of Transportation, the Department of Health, Education, and Welfare, the Food and Drug Administration and a host of others find that the end product is more likely to be in the public interest if the public is involved in the rulemaking process.

If the Internal Revenue Service feels compelled to permit the involvment of interested parties because of the possible impact on a person's property of IRS rulings, surely the Selective Service System should show an equal concern for the possible impact on persons' lives.

I believe that prepublication and an opportunity for written comment would be in the interest of the registrants, in the interests of the Selective Service System, and in the interests of the Nation.

Mr. President, the theme of the legislation before us is to try to make the system more fair and more equitable. This is a technical amendment but I think it has importance in providing a better sense of equity and fairness to the young people who will be affected by the Selective Service System.

Mr. STENNIS. Mr. President, will the Senator yield to me for a few questions?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. STENNIS. The Senator's amendment is addressed, as I understand it, to regulations that the Director of Selective Service is authorized under this law to issue, and, of course, that means they must be issued with the approval of the President of the United States or his direct representative. The Senator's amendment in its present form merely requires the publication of those regulations 30 days in advance of their effectice date. Is that correct?

Mr. KENNEDY. That is correct.

Mr. STENNIS The Senator has done much work in this field, I know, and in a constructive way. The Senator from Massachusetts had an amendment on this subject matter before our committee. In the form before our committee, his amendment required certain hearings and related matters with reference to the regulations. As I understand it, the modified form of the amendment as the Senator presents it now does not require hearings. Is that correct?

Mr. KENNEDY. That is correct. I would personally feel that hearings would be more effective in assuring the fairness of the procedures. I would have liked to have seen that, although I think there is sufficient awareness in the country at this time so that by soliciting public comment from interested parties we could assure uniform and clear regulations. We do not now require public hearings. The Senator is correct.

Mr. STENNIS. There is no implication in the Senator's amendment that public hearings would be required. Is that correct?

Mr. KENNEDY. That is correct.

Mr. STENNIS I might observe that the Senator from New Hampshire (Mr. McINTYRE), a member of our committee, had an amendment before the committee on this same subject. His amendment also required hearings, as I recall. The troublesome requirement of the hearings was the reason why the committee rejected the amendment. I know that was the main reason why I did not favor it. I think that was the tone of the entire membership of the committee.

May we now, for the record, have something stated as to what the Senator means when we talk about regulations? In the form of a question, let me illustrate the provision in the law, and which is still in the law the same way, when the Supreme Court passes on the question of conscientious objectors. The Senator recalls that the Court broadened that definition somewhat. When that new decision by the Supreme Court came out, it called for the issuance of regulations by the Director of Selective Service, at least as to guidelines as to how the Director would apply and interpret that Supreme Court decision. Is that correct?

Mr. KENNEDY. Yes; that is correct. As the chairman of the committee knows, regulations on the question of conscientious objectors have not yet been issued in full.

Mr. STENNIS. That is an illustration of one type of regulation as to which the Senator's amendment would require 30 days' prepublication notice?

Mr. KENNEDY. That is correct.

Mr. STENNIS. Another illustration, if I may continue this: Even though we have the lottery system, a chance drawing by numbers, nevertheless the national director issues regulations as to how they are going to break groups up as to age levels, those that are turning 19 and those that are turning 20, and so forth. That comes out in the form of the regulations, does it not, and that is a major regulation? The Senator's amendment would require that regulation to be published if it should be changed, or a new one issued, at least 30 days before the effective date. Is that correct?

Mr. KENNEDY. The Senator is correct. The Senator has stated one of the most important and fundamental regulations. As one who supported random selection, the Senator is probably aware of some of the initial concerns the first time they had the random selection system. There was a question whether there was an appropriate scrambling of the numbers and whether the procedures that were followed really carried through the purpose of the Congress to produce a truly random system of selection. There was a good deal of comment after the fact on this question. I think if some of those matters had been brought to the attention of the Director prior to that time, he would have benefited from those comments.

Mr. STENNIS. Another question: Included in the regulations from time to time are announcements about taking married men and announcements that no one married after a certain date will be deferred for that reason. That is a regulation, but it is a little different. Would a regulation that no one would be deferred for the reason of getting married after a certain date require 30 days' prepublication notice before it could be effective?

Mr. KENNEDY. That would, as well. I think any regulations that are going to affect those who will be selected and those who will not be selected, the eligibility for being taken and the ineligibility for not being included, ought to solicit some kind of public comment. I would think that would fall as well into that requirement.

Mr. STENNIS. This was not a trick question, the Senator understands, but a regulation like this, in order to be effective, has to become effective at once.

I see where the Senator was anticipating some conditions in line 3 of page 2 of the amendment, which reads:

> The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.

At least there is some authority there for the President to have discretionary power. Would the Senator think that sentence would meet the situation I have outlined?

Mr. KENNEDY. I think it would. As one who has tried, as the Senator knows, to remove some of the discretionary powers of the President in terms of calling up men, I think we have moved into the area of greatest importance with the amendment that was accepted and supported by the chairman of the Armed Services Committee.

The amendment would permit the President to waive those provisions in times of national emergency.

This amendment is an attempt to provide a better sense of equity and fairness, notification, information, and legality in terms of the gray period of time such as we have at the present time when a number of young people are being drawn into the service, and when there is no national emergency. But the Senator is quite correct, that this does provide the President the opportunity for waiving these provisions of the regulation when it would materially impair the vital interests of the United States, upon public notice to the effect that this is the reason for it.

Mr. STENNIS. Mr. President, to keep things on an even keel here, I yield myself 15 minutes, or such part thereof as I may require. I wish to continue the questioning of the Senator from Massachusetts, if I may.

In view of the questions here, I am thinking about legislative history now, because this is an important matter, and I shall indicate in a few minutes that I think the Senator's amendment has considerable merit, particularly in its modified form.

Is there anything else the Senator would like to say on legislative history about it now?

Mr. STENNIS. Mr. President, as our colloquy here has indicated, we considered this amendment in the committee, and it had considerable appeal to the members, as it did to me.

At the time, though, there was a provision in the amendment that required hearings before a regulation could be made effective, and that involved the great question of how long the hearings might continue, and it involved just too much of a burden procedurally, we thought, with reference to making effective these regulations that have become so necessary.

Under the present practice, the regulations are gotten up by the Director of Selective Service. We have an excellent man now as Director, Dr. Tarr. Then they go to the President, or his representative, the Bureau of the Budget or whomever, and sometimes it takes them some time to clear it. But then, if they are cleared, in whatever form they are in when they are cleared, they are published in the Federal Register, and they become effective immediately.

Some of these regulations are very far-reaching. As the Senator pointed out, sometimes the quick interpretations that are given vary across the country.

It has great appeal to me, when we give such great power to the executive branch to issue regulations that have the force of law, that such a delegation of power we ought to zealously guard and safeguard. I like the idea that there should be a time lapse after the regulations are made public before they become effective.

There is nothing here that puts any undue handicap on the National Director of Selective Service. His office opposes the amendment, but it is mainly, I believe, on the grounds that it would create some delay and make the procedure a little more cumbersome in that way.

But I think in its present form the amendment sustains the fundamental principle that, where it is possible, of course, the people are entitled to notice about the effect of a regulation, some time to digest it, and the opportunity to take a position if they want to. I objected to all of them being encumbered with hearings, but it is now a different amendment.

The amendment contains a proviso, reading from line 3 on page 2 of the amendment in its printed form, as follows:

> The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.

As I understand, that means that if a matter comes up that the President thinks necessitates a waiver of this requirement that 30 days must elapse after the date of publication before the regulation is effective, he can just give public notice that he thinks compliance with it would materially impair the national defense, and then the regulation becomes effective without the lapse of 30 days' time intervening.

I think this language could be scrutinized a little more closely, if the amendment is passed and goes to conference, as to that clause; but I believe the clause is a safeguard for the executive branch of the Government to have. With it, it would not be mandatory that this delay must occur, and, that being the case, I favor the amendment and support it, and I believe that I reflect the sentiments of the members of the committee itself, or most of them, anyway, as we considered this matter and passed on it at the time.

Mr. President, I have been handed a memorandum stating that I referred to the Senator from New Hampshire as being an author of an amendment before the committee, which reminds me that he did not actually write out the requirement for hearings, but the inference was that his amendment would require hearings. I notice that the Senator from New Hampshire is shown as a coauthor of the amendment the Senator from Massachusetts now offers, which shows that this reflects his present thinking on the subject.

So, Mr. President, with the amendment modified as now before us, and with this legislative history, I feel that this is sound legislation, that it is timely, and that it should become a part of the bill, and I hope the Senate will support it.

Mr. McINTYRE. Mr. President, I am proud to join the distinguished senior Senator from Massachusetts (Mr. KENNEDY) in cosponsoring his amendment to require Selective Service regulations to be published in the Federal Register 30 days prior to their effective date.

These Selective Service regulations affect the lives of thousands upon thousands of our citizens and it seems to me that they should have the right to be fully aware of the regulations and whenever possible should have the right to suggest consideration for changes in these regulations before they become final. I do not feel that this proposal would hinder the System since I have by my votes supported its continuation for a period into the future. I do, however, feel because of the enormous effect that it has on our young people and their mothers, fathers and loved ones that there should be the greatest possible citizen participation in making sure that the System's regulations are understood and protected.

Presently the Selective Service System issues the bulk of its regulations in the form of executive orders. The remainder are issued by the Director. Although all these regulations are published in the Federal Register, they are effective on the date they are issued. This has posed a problem because it gives no lead time for persons who are affected by the regulations to become aware of them. They may inadvertently break the rule without even knowing it; or they may be entitled to some new procedure but are unable to take advantage of it because they are unaware of it. The amendment under consideration would correct the possibility of this kind of occurrence.

Another area which has troubled me is that after Selective Service regulations are issued, within a short period of time, the Selective Service System's National Headquarters issues a local board memorandum which further explains the regulation and fills in some of the gaps. This is an important procedure to assure that the local boards are completely familiar with and understand how to implement these regulations. But the local board directives are not published in the Federal Register so that the people they affect are not aware of them except through their local board. Mr. President, if the regulations are published prior to their effective date, questions can be cleared up before the regulations are finalized so that the final form of the regulation may fill in some of the gaps and thereby pre-

clude the need for such lengthy local board memorandums.

THE ADMINISTRATIVE PROCEDURE ACT

The Selective Service System is one of the few agencies which is not subject to the Administrative Procedure Act of 1946 which requires most Government agencies and departments to publish their regulations prior to their effective date in order to give interested persons a chance to submit their views thereon.

Since 1948, our draft law has provided that—

13(b) All functions performed under this title shall be excluded from the operation of the Administrative Procedure Act except as to requirements of section 3 of such act.

That is the section dealing with public information requirements of administrative agencies. Under this section, the Selective Service is required to publish their regulations in the Federal Register, but this section does not require prior publication.

The evident purpose of this exemption was to make it clear that the Administrative Procedure Act did not require local boards to conduct quasi-judicial proceedings every time they made a decision affecting a registrant's classification. The Selective Service System has, however, given this language a more sweeping construction, taking it to mean also that Congress has barred any formal procedure under which the President or the Director would solicit public comment on proposed regulations before they are issued in final form.

One of the results of this practice is that ambiguities or errors which are not caught in the rulemaking process are likely to be raised later in a multiplicity of court cases. By failing to take comments on proposed regulations, the System has given registrants not only good reason to seek a day in court but often good grounds as well. During the last fiscal year, 3,700 processed selective service cases went through our courts. This is the highest number of cases of any of the specific Federal statutory offenses.

Mr. President, I would like to see this number greatly diminished as I am sure every one of my colleagues would and as I know the Selective Service System would.

I believe this amendment would cut down considerably on litigation because many of the questions which are now raised in the courts around our country could then be raised and cleared up with the Selective Service System prior to finalization of regulations. Moreover, this kind of public airing would result in a greater acceptance by the people who are affected by these regulations.

It is not proposed that the Selective Service System be subjected to all the rules and procedures of the Administrative Procedure Act; only that their regulations be published before they become effective so that views can be taken. With the current system, citizens never get a chance to question these regulations unless they do so as a criminal assertion.

ESCAPE CLAUSE

Under this proposal, the Director of the Selective Service System would have the discretion to decide whether formal hearings would be held or whether comments would be taken by letter. The amendment does suggest a time period of 30 days for views to be taken. I feel it is a good idea for a specific time frame to be spelled out in order to avoid any litigation on that point.

The language of the amendment also gives the Director the option of not publishing regulations prior to their effective date if it is not practicable or consistent with the national security. This would also give him authority to change the time period under these circumstances.

SIMULTANEOUS PUBLICATION AND INTERNAL REVIEW

I am aware of the lengthy administrative review the Selective Service regulations are already subjected to within the executive branch. I understand that sometimes this review can take as long as 7 months. If the regulations could be submitted to the public via the Federal Register simultaneously with their final month of internal review, then there would be no added time delay. The Council on Environmental Quality uses this technique and I understand it has been quite successful for them.

I commend the distinguished senior Senator from Massachusetts (Mr. KENNEDY) for this fine proposal and I urge my colleagues to join with us in supporting this amendment. I believe it will make the system more efficient and relieve Selective Service of much of its burden of litigation.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HOLLINGS). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 99 Leg.]

YEAS—78

Aiken	Eastland	Miller
Allen	Ellender	Mondale
Allott	Ervin	Montoya
Anderson	Fannin	Moss
Baker	Fong	Muskie
Bayh	Goldwater	Nelson
Beall	Gravel	Packwood
Bellmon	Griffin	Pastore
Bennett	Gurney	Pearson
Bentsen	Hansen	Pell
Bible	Hart	Percy
Boggs	Hartke	Proxmire
Buckley	Hatfield	Randolph
Burdick	Hollings	Ribicoff
Byrd, Va.	Hruska	Roth
Byrd, W. Va.	Humphrey	Saxbe
Cannon	Inouye	Schweiker
Case	Jordan, N.C.	Smith
Cook	Jordan, Idaho	Stennis
Cooper	Kennedy	Symington
Cotton	Long	Taft
Cranston	Magnuson	Talmadge
Curtis	Mansfield	Thurmond
Dole	McGee	Weicker
Dominick	McIntyre	Williams
Eagleton	Metcalf	Young

NAYS—0

NOT VOTING—22

Brock	Jackson	Sparkman
Brooke	Javits	Spong
Chiles	Mathias	Stevens
Church	McClellan	Stevenson
Fulbright	McGovern	Tower
Gambrell	Mundt	Tunney
Harris	Prouty	
Hughes	Scott	

So Mr. KENNEDY's amendment (No. 120) was agreed to.

Mr. MCCLELLAN subsequently said: Mr. President, I wish to announce that I was absent on the last vote because I was in a conference at the White House at the time and was not able to get here before the vote closed. Had I been present, I would have voted for the amendment.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. GRIFFIN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

AMENDMENT NO. 156

The PRESIDING OFFICER (Mr. BYRD of Virginia). Under the previous order, the Chair now lays before the Senate amendment No. 156 of the Senator from Iowa (Mr. MILLER).

Mr. MILLER. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MILLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

(e) In the case of any State in which the provisions of this section apply because of the failure of the Governor to give notice as provided by subsection (b), the State shall, under regulations issued by the President, notify all persons reaching the age requiring registration with the Selective Service System but who, because of sex, are not required to register, of their right to be registered for voting in all Federal elections held in the State; and shall provide for their registration for voting, if they elect to register for voting under this section, in accordance with such procedures as may be prescribed by the President if such persons are otherwise qualified to register for voting in Federal elections in the State. Any such registration for voting shall be deemed to have met all the requirements for voting in Federal elections held in such State and shall continue in effect for the same period of time it would have been in effect had such persons registered under the applicable State law.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, the Senate agreed to the Eagleton amendment No. 113 the other day. If I understood the explanation of the distinguished Senator from Missouri (Mr. EAGLETON) correctly, the rationale behind that amendment was that those who are old enough to fight for their country are old enough to vote, and that they should have all means made available to them so that they can exercise that right.

The PRESIDING OFFICER. Will the Senator suspend until the Senate is in order?

The Senator from Iowa may proceed.

Mr. MILLER. Mr. President, the Senate by agreeing to the Eagleton amendment has gone on record in support of that rationale.

I suggest that the Eagleton amendment did not go far enough and that it is defective in that it overlooks the fact that there is discrimination, if we want to call it that, in the Selective Service Act in that only male citizens or residents are required to register for the Selective Service Act. That being the case, the question naturally arises, what about the 18-year-old girls? Do they not have any right to be notified? Should they not be notified with the same intensity as those who are required to register for the draft?

Hundreds of thousands of our young men will be registering for the draft. Only a fraction of those will actually be called up. We hope and pray that none of those who will be called up will have, in fact, to fight for their country.

There are going to be hundreds of thousands of young women who will be reaching age 18 and will be wondering why the Senate, in providing for procedures for the registration of 18-year-old men, did not think about them also.

What my amendment has attempted to do has been to parallel the Eagleton amendment as much as is feasible to provide that a State which has, under the Eagleton amendment approach, decided to come under the Eagleton amendment notify these young women of their right to be registered to vote, and then, paralleling the Eagleton amendment, provide that if they elect to register to vote under this section, they shall be so registered in accordance with the procedures as may be prescribed by the President.

I would like to make it very clear that, whereas the Eagleton amendment uses the selective service system as a vehicle for registration, my amendment does not do so. Rather, it requires the State to set up the procedure. The purpose of the Eagleton amendment and my amendment is identical in that we want the 18-year-olds to be notified and to have a right to be registered as efficiently as possible.

Some will say that the States will take care of that matter. Maybe some States will, and maybe some States will not. I do not recall that in my State any 18-year-olds will be automatically notified of their right to be registered. They leave that up to the individuals concerned. I think that if we are going to notify the young men, we ought to notify the young women.

That is the essence of my amendment. I will be happy to yield for questions. I notice that my friend, the Senator from Missouri, is on his feet. I will be happy to yield for a question.

Mr. EAGLETON. Mr. President, I take it that the Senator from Iowa believes in the basic wisdom, fairness, and convenience of allowing young men to register to vote at the same time they register for the draft as provided for in the so-called Eagleton amendment.

Mr. MILLER. Mr. President, may I say to my friend, the Senator from Missouri, that I voted against the Eagleton amendment because I believe it is not necessary in the first place and, in the second place, I think there is a little defect with the philosophy that states that because one is 18, 19, or 20, one is old enough to vote. We covered that in our constitutional amendment. In fact, I think all of us in the Senate voted for that constitutional amendment. However, if we go further and say that since they are old enough to fight, we will make it easier for them to register, then we will find that we are going to register not only those who will be called up and who may have to fight, but we will also be registering hundreds and thousands of others who will never be called up.

I do not think it would be fair to say that only those who are called up would be registered under that amendment. I think the Senator was consistent in saying that since one is registered under the draft, he will be eligible to register for voting.

What about the 18-year-old girls? Why leave them out?

My point is that if we are going to be consistent, I think a similar amendment ought to be agreed to.

While I may have opposed the Eagleton amendment originally, the majority of the Senators supported the amendment. That is the ball game. I am trying to improve that provision.

Mr. EAGLETON. Mr. President, I must say that I fear the Senator is loving my amendment to death. To be perfectly consistent, I think the Senate should reject the Miller amendment. The theory and rationale behind the Eagleton amendment was that since the young man who is 18 is obliged under Federal law to walk into the draft board and register for the draft, we should make it convenient for that 18-year-old to register to vote at the same time if he so desires. After all, an 18-year-old registering for the draft with the potential exposure to the draft and the other risks involved in the draft, including death—could conveniently at the same time he is obliged to walk into the draft board to sign a registration form also sign a registration form to be eligible to vote.

It is entirely inconsistent to bring in 18-year-old girls. They are not required to register at draft board for possible service to their country. The 18-year-old girl who is desirous of voting—and we hope that they all do—can go down to the county board of commissioners or the county courthouse, or wherever registration is provided for. She can do that now and will be able to next year, too.

The use of draft boards for registering men to vote at the same time they register for the draft is one thing. It is superfluous to tie this to function the registration of women. It is not superfluous in the case of young men since they must come into the draft board in the first place.

I suggest that rather than adding to the thrust of the Eagleton amendment, the Senator—perhaps unwittingly—is subverting the purpose of the amendment. There is no intention to require the registration of young women. Young women are not responsible for registering for the draft; they are not required to serve in the defense of their country; they are not subject to the loss of life and limb in the service of their country.

Mr. MILLER. Mr. President, the Senator is not responsive, since he says that registration for the draft has nothing to do with my amendment. That is quite obvious. That is why my amendment exists. I do not understand why the Senator seems to make the point that there is no tie-in between registering for the draft and the registration of young women. To me, it is beside the point. If there were some relevance, my amendment would not be required. However, because there is no tie-in, my amendment is essential. That is the reason for my amendment.

The Senator suggests that only 18-year-old men are required to be drafted. This is one thing that bothers me about his amendment. They can go to the draft

board down the street and register for voting in accordance with the present procedures of the various States. The Senator said that is a little more difficult, make it easy for them and let them register at the time they go to the Selective Service office, and the Senate said that is fine.

As long as that is done, why not fulfill a similar purpose with respect to those not required to register for the draft. It is the will of Congress that they are not required to register for the draft. Some persons might call that discrimination but it is the will of Congress that 18-year-old women do not have to go to the draft board to register, so it seems to me, Congress has the obligation to treat them in the same way or nearly the same as possible.

Mr. EAGLETON. I think there is a first blush, highly superficial appeal to the Senator's amendment. But I repeat to him that under the draft law, and we trust it will be extended, young men are obliged to come in and register; and there is set up already a system whereby books are kept on 18-year-old men at the local level, and the national record is kept by Selective Service in Washington.

If the Senate were to agree to the amendment proposed by the Senator from Iowa (Mr. MILLER) it might require a whole new system for hundreds of thousands of persons who are not obligated under the draft and, therefore, there is no record kept on them. If eventually draft boards were used there would be no way to check the authenticity of their registration because there would be no way the selective service board could verify that Mary Brown was 18 years old and could vote, but with respect to Tom Brown, her twin brother, they do have a record.

Mr. MILLER. If the Senator wants to dispute my amendment on its merits, that is fine, but let us not drag in side issues not in accord with my amendment.

He said my amendment would require all kinds of new machinery.

Mr. EAGLETON. I believe it would.

Mr. MILLER. All we would have to do is go through the regular machinery now existing. What is difficult about that? Where are they going to go, anyway?

Mr. EAGLETON. Do you want the Selective Service to keep records?

Mr. MILLER. Not at all.

Mr. EAGLETON. Do you want them to keep records of birth certificates and other records of women?

Mr. MILLER. Not at all. Show me anywhere that I say anything about the Selective Service doing that.

Mr. EAGLETON. That is the effect of the amendment, because it would be required.

Mr. MILLER. It will not be required and I have already stated it will not. So I ask the Senator, to go into the merits of this amendment and not into something that is not here.

Mr. EAGLETON. The State will have to get into recordkeeping for thousands and ultimately millions of women.

Mr. MILLER. Not at all. It requires the State to notify these 18-year-old girls of their right to be registered for voting and to provide for their registration for voting if they elect to register.

Mr. EAGLETON. They will have to get up a list of the 2 million 18-year-old girls.

Mr. MILLER. Who will do that?

Mr. EAGLETON. Selective service?

Mr. MILLER. Not at all. They have nothing to do with keeping a list of 18-year-old women.

Mr. EAGLETON. The Senator might put them in that business with that amendment.

Mr. MILLER. Not at all. You should know better, having served in the Missouri Legislature. You should know the way the State will do this will be to take a list of those who apply for automobile registration.

Mr. EAGLETON. So, every 18-year-old girl will not be notified—only every 18-year-old car-owning female. That would be the way you would register? If you are not a car-owning 18-year-old female you cannot be notified?

Mr. MILLER. What kind of record do they now keep on 18-year-olds who apply for automobile registration?

Mr. EAGLETON. I am sorry to say that in most Western States they are shoddy records.

Mr. MILLER. They keep a list of 18-year-olds.

I think it is sorry that you put in red herrings and nonsequiturs. It is unfair. You should support my amendment instead of bringing up false issues.

Mr. BYRD of West Virginia. Mr. President, I respectfully ask that Senators not refer to one another in the second person, but that the rule be enforced and that they refer to colleagues in the third person.

The PRESIDING OFFICER. The Chair requests that Senators comply with the rules.

Mr. MILLER. I am happy to yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes or such time as I may require.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, in spite of my very high regard for the Senator from Iowa, the author of this amendment, who once was a member of our Committee on Armed Services and a valuable one, and a hardworking member, too, I feel compelled to vigorously oppose this amendment. There are several reasons.

I was opposed to the Eagleton amendment, but it was presented thoroughly by both sides and the Senate by a decisive vote voted in favor of the Eagleton amendment. I accept it now as part of the bill and we will vigorously espouse its cause in conference.

At the time I said it had the effect of the Federal Government reaching over and taking jurisdiction of a young 18-year-old man and requiring him under penalty of law to register and to get on the books, and probably be drafted. The idea has already been established that if a person is going to fight he should be allowed to vote. The Eagleton amendment said, "When you register to fight your registration to fight will count as registration to vote."

That is putting it a little briefly but that is the substance of it, as I saw it. Now, we do not discriminate against 18-year-old girls but neither does the Federal Government say to them, "We are going to take jurisdiction of you and make you take your chances about going to fight." We have not gotten to that yet. Until we do the processes of the Eagleton amendment or any other process of the kind with reference to voting does not apply. Certainly, it does not apply to this bill. This is not a voting bill. This is not a registration primarily for voting.

I call attention to the language of the amendment. Line 3 states, and I hope I am not too critical of it:

> the state shall, under regulations issued by the President,

and here is a State in a matter in which it has sole jurisdiction,

> notify all persons reaching the age requiring registration with the Selective Service System but who, because of sex, are not required to register, of their right to be registered for voting in all Federal elections held in the state;

Mr. President, why go out of bounds so far and so much and mandate the States under regulations here of a Federal Chief Executive on a matter of this kind? That is not necessary.

Turning now to page 2:

> In accordance with such procedures as may be prescribed by the President. . . .

Here are the procedures for registering in a State. It all has to be in accordance with Federal procedures that may be prescribed by the President "if such persons are otherwise qualified to register for voting in Federal elections in the State."

The language is silent with respect to what we are talking about—Selective Service or elected officials of the State. According to the colloquy, that has been cleared up. The Senator from Iowa said he had no such intention.

But I really think it ought to be spelled out and made clear which registration and where we are talking about.

My objection is that here is a matter wholly foreign to the bill. It is wholly foreign to the subject matter of the bill. It is wholly foreign to our power in any kind of bill to be mandating a State or the regulations of the President of the United States to go out and look for people when we have no jurisdiction in that field. I do not think we have gotten that far where we have to legislate on those matters—not yet. We ought to leave to the Governor some identity and to the States some identity and some function.

Therefore, I hope this amendment will not be adopted. I frankly think it detracts from the Eagleton amendment. If it were an amendment fitting hand and glove with the Eagleton amendment, which would strengthen it somewhat, or which at least did not detract from it, I would not object to anything in that form, but I think the Senate's will on the Eagleton amendment must be espoused in conference. If we now go off

in an additional field and tie in this additional amendment, I think we detract from the amendment already passed and weaken its chances in conference.

But basically and fundamentally, we just do not have to get into the field of elections in this bill at all with respect to people who are not connected with selective service, over whom we have no purpose or jurisdiction. It is a foreign subject matter, and I respectfully think it ought to be defeated.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa has 1 minute remaining.

Mr. STENNIS. Mr. President, I yield the Senator 2 or 3 minutes in addition.

Mr. MILLER. I thank the Senator.

Mr. President, the Senator from Mississippi knows I have a great amount of respect for him as a person and also for his legislative ability. I do regret, however, that he seems to feel, while the intention behind my amendment has been made clear, there remains something in there that does not make clear that the Selective Service System is not going to be involved in this legislation.

Mr. STENNIS. Mr. President, I merely make the point that the courts do not always accept the legislative history.

Mr. MILLER. What I am going on is the plain reading of the measure, because it simply says the States shall provide for their registration. I do not know how a State can provide for their registration by requiring the Selective Service System to do anything. It just does not have anything to do with the Selective Service System on a plain reading of the amendment.

I understand the Senator's concern about tying in with the States, which was emphasized in the Eagleton amendment, but the Eagleton amendment has a paragraph which provides that if the Governor of each State notifies the Director in writing that the State does not desire to get into the picture, they are not going to get into the picture.

Finally, I would suggest this to my friend from Missouri: If he wants his amendment to stand up in conference, I think he ought to support the Miller amendment, which merely complements and makes clear that we are not going to discriminate as between 18-year-old young women who, under mandate of Congress, do not have to register for the draft, and 18-year-old men who do.

Mr. STENNIS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STENNIS. I yield back my time.

Mr. MILLER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back and the yeas and nays having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from California (Mr. TUNNEY), are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from California (Mr. TUNNEY) would each vote "yea".

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote nay.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea".

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Dakota would vote "nay".

The result was announced—yeas 28, nays 56, as follows:

[No. 100 Leg.]

YEAS—28

Bayh	Hughes	Pell
Bellmon	Humphrey	Prouty
Burdick	Magnuson	Proxmire
Byrd, W. Va.	Mansfield	Randolph
Case	McIntyre	Ribicoff
Cook	Miller	Schweiker
Cranston	Montoya	Stevens
Curtis	Muskie	Williams
Griffin	Nelson	
Harris	Pearson	

NAYS—56

Aiken	Ellender	Mondale
Allen	Ervin	Moss
Allott	Fannin	Packwood
Anderson	Fong	Pastore
Baker	Gambrell	Percy
Beall	Gravel	Roth
Bennett	Gurney	Saxbe
Bentsen	Hansen	Smith
Bible	Hartke	Sparkman
Boggs	Hatfield	Stennis
Buckley	Hollings	Stevenson
Byrd, Va.	Hruska	Symington
Cannon	Inouye	Taft
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Dole	Kennedy	Tower
Dominick	Long	Weicker
Eagleton	McClellan	Young
Eastland	McGee	

NOT VOTING—16

Brock	Hart	Mundt
Brooke	Jackson	Scott
Chiles	Javits	Spong
Church	Mathias	Tunney
Fulbright	McGovern	
Goldwater	Metcalf	

So Mr. MILLER's amendment was rejected.

AMENDMENT NO. 135

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate amendment No. 135, offered by the Senator from Oregon (Mr. HATFIELD), which will be stated.

The assistant legislative clerk read as follows:

TITLE IV—CONGRESSIONAL DIRECTIVES RELATING TO THE IMPROVEMENT OF THE ARMED FORCES

SEC. 401. (a) The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the Nation through a voluntary program of enlistments. In the exercise of such authority the Secretaries of the military departments shall, not later than three months after the date of enactment of this Act, under the direction and supervision of the Secretary of Defense, specifically provide for—

(1) the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers;

(2) the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service;

(3) the improvement and expansion of programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance;

(4) the improvement and expansion of officer training programs, particularly programs to facilitate the qualifying and training of enlisted members who wish to become officers;

(5) the improvement and expansion of military recruiting programs;

(6) a more effective incentive program for recruiting personnel under which (A) successful recruiting personnel would be afforded the opportunity to earn extra pay on bonuses as well as accelerated promotions, and (B) quota systems would no longer be in effect;

(7) the improvement and expansion of education opportunities, including associate degree programs and off-duty courses;

(8) ways to alleviate or prevent the problem of family separation for married members of the military services;

(9) the improvement and expansion of housing opportunities; and

(10) the institution of any other appropriate actions designed to upgrade the conditions of military service and the status of military personnel generally.

(b) In implementing subsection (a)(2) of this section, relating to increased utilization of civilian personnel, the Secretary of Defense shall, as soon as practicable, (1) conduct a position-by-position analysis of all military jobs within the Department of Defense with a view to determining which jobs shall be performed by military personnel and which should be performed by civilian personnel, and (2) develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel. The position-by-position analysis and the development of data required under this subsection shall be completed not later than three months after the date of enactment of this Act.

(c) Not later than eighteen months after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of the voluntary system of meeting the military manpower needs of the Nation and for the improvement of the Armed Forces, and shall include in such report such recommendations for legislation to improve such system as he deems appropriate.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. I yield myself 10 minutes.

Mr. President, we have had a number of days of discussion on the floor as to when and under what circumstances this Nation would be ready to move to an all-volunteer military. Today I have an amendment which I think will be acceptable to even those who perhaps do not support the idea of an all-volunteer military as well as those who do support the proposition of an all-volunteer military.

We have heard it said frequently that we do not have sufficient data upon which to base a decision at this time on the question of an all-volunteer army. In this amendment, we are again attempting to put into action one of the recommendations of the Gates Commission which would direct the Secretary of Defense to provide for military manpower needs of our country through voluntary enlistments, to the greatest possible extent.

This amendment would direct him to do this within 3 months after enactment of the act, by initiating the following measures:

It would provide the inducements necessary to take the fullest advantage of career selection motivations in attracting persons to military careers.

It would provide for the improvement and expansion of programs utilizing civilian personnel in lieu of military personnel for noncombatant services.

Within this context, the Secretary is directed to provide a position-by-position analysis of all military jobs within the Defense Department, with a view to determining which jobs shall be performed by military personnel and which shall be performed by civilian personnel.

It would also provide him with the opportunity to develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel.

This analysis would also be required to be completed within 3 months after enactment of this act.

This amendment further directs the Secretary of Defense to provide for an improvement and expansion of programs under which the education of specialists is paid for by the Armed Forces in return for an obligated period of military service by the individual receiving the educational assistance.

The amendment would provide for the improvement and expansion of officer training programs and the improvement and expansion of military recruiting programs.

It would require a more effective incentive program for recruiting personnel, under which successful recruiting personnel would be afforded the opportunity to earn extra pay on bonuses as well as accelerated promotion, and quota systems would no longer be in effect.

The amendment would require the improvement and expansion of educational opportunities, including associate degree programs and off-duty courses.

The Secretary would also determine ways to alleviate or prevent the problem of family separation for married members of the Armed Forces; and to improve and expand housing opportunities. Finally, this amendment would require the Secretary of Defense to submit to Congress no later than 18 months after enactment of the act a detailed report regarding the progress toward total reliance on a voluntary system for maintaining military manpower needs and making recommendations for the system's improvement.

Mr. President, this amendment would help move us one step closer to a volunteer military and help the Congress decide what the best method of maintaining our military manpower needs would be.

The passage of this amendment would possibly accelerate programs already contemplated by the Defense Department as well as provisions already encompassed in other parts of this act.

Perhaps one of the most important aspects of this amendment is the position-by-position analysis of military jobs with an eye to civilian replacement if it is deemed economic.

This would obviously relate only to noncombatant jobs so there would be no need to have this material classified for fear of jeopardizing our national security.

The position-by-position analysis would give us an accurate picture of the requirements of the Defense Department so that the Congress could much more easily make decisions relative to its constitutional role of providing for our Nation's military manpower needs;

This amendment would not cost any additional money, but in the long run may well be a vehicle for savings;

The provisions within this amendment are consonant with the goals set by the administration and the Defense Department;

And whether or not one favors a volunteer military, voting for this amendment would only make the Armed Forces more efficient and provide Congress with greater knowledge for more wisely exercising its constitutional responsibilities.

Mr. President, I believe this is a thorough and extensive description of the amendment which I am offering. I think it embodies here a number of existing parts of the bill. The specifics are also found elsewhere as, for instance, in the Scott amendment which was passed earlier by the Senate calling for a report on progress toward a volunteer military. It gives more meaning to the Scott amendment. It details the basic concept in the Scott amendment which has already been approved and, therefore, I believe that the pending amendment should be agreed to.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. On this amendment, what is the agreed upon time?

The PRESIDING OFFICER. One hour, one-half hour to each side.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, this is an amendment that the committee did not have an opportunity to consider. Some of the matters relate to those in the Gates Commission report and are outlined here as things which must be done; that is, the President, the Secretary of Defense, and so forth, shall provide for the military manpower needs of the Nation through a volunteer program of enlistment. That is just window dressing. That is what the program is, and it has been implemented here and really says, in the exercise of such authority, the Secretary of the military department shall, not later than 3 months after the date of the enactment of this act, under the direction and supervision of the Secretary of Defense, specifically provide for, one, inducements necessary to take fullest advantage of career selection, motivation, in attracting persons to military careers.

Mr. President, enumerated in the amendment are 10 different items that must be done within the 90-day period.

It is easy to go back and take things out of the report and write them into language and put mandatory "shalls" on them and bring them in here as an amendment from the floor when there is not much chance for the membership to know what is in them or to know the meaning, much less when they are engaged in other matters as they are today, as evidence the number of vacant chairs in the Chamber at this moment.

If the President or any of the Services—the Department of Defense—wanted these items to be put in the bill, we would have heard from them in January or February. They are not supporting this amendment. There are some things here which I expect them to do, or try to do, but it is wholly beyond the realm of reason just to mandate here on the floor of the Senate that they "shall" do these things and must have their plans in operation and on the move within 90 days.

Mr. President, it will take longer than that for this "baby" to be born. This is a totally new concept. We already are pouring billions of dollars into the program. Congress will have plenty of opportunity to push the program along in its essential matters—money, for instance, and other things that go to make up the so-called voluntary services—a volunteer army.

Mr. HATFIELD. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. Just a moment—those that actually are for this matter, I believe, it is thought to pass the amendment when the Senators come back into the Chamber and they are told, "This is for the voluntary army plan and if you are for the voluntary army then vote for this amendment."

I think those that are for a volunteer army and really want it to move had better be still a little while and give the President and the military an opportunity to move that way rather than just to jump the gun here telling them what they must do.

I am glad now to yield to the Senator from Oregon.

Mr. HATFIELD. Did I understand the Senator to imply that the provisions in this amendment indicate new programs?

Mr. STENNIS. Well, not altogether, but they are in the idea stage, a good number of them that the Senator has listed here.

Mr. HATFIELD. I would beg to differ with the Senator, in all due respect, that there are no new programs provided in this amendment. The Senator, I am sure, is well aware in his careful study that the programs are underway now in the military and we are not mandating any new programs. We merely ask in the amendment to get the files so that they can be presented to Congress for our information.

Is the Senator against receiving information?

Mr. STENNIS. The last part of the Senator's question is off—is not relevant, I do not think.

Let me ask the Senator a question, if I may—return a question to him—what is the hurry? Why the lack of trust here? Why the lack of trust in the President, for instance, and those who are supporting him? What is the hurry? Is not the Senator satisfied to get the plan, and get the money for it and then trust these men to do the best they can?

Mr. HATFIELD. I do not think there is any wording in the amendment which implies a lack of trust, although there might be evidence here in the past few weeks that might cause us to have some question about trust. But I do not think there is any wording in the amendment to indicate a lack of trust. There is no question of trust in here. I am sorry the Senator has seen fit to divert our attention to a peripheral point. This is a harmless matter, purely a matter of getting information. The question is whether we want to be informed. If the Senator does not want to be informed on these matters, that is quite all right. I, for one, feel that when we have had this debate, up to this point, the Senator from Mississippi has rejected outright the Gates Commission. He has said the Gates Commission is not the basis upon which to make a decision.

This is merely asking for information from the military. Does the Senator not accept the information from the military? We are not asking for this to be given to us by some nonmilitary organization or nongovernmental organization. We are merely asking for a report on various programs. No new mandates and no new programs are being undertaken. We are merely asking for a report from the Pentagon to Congress. I cannot imagine what the logic would be in rejecting a request for information.

Mr. STENNIS. Mr. President, if the Department of Defense, which is supporting a volunteer army, wanted this enacted into law, why did they not say so? To the contrary, they say they do not want it enacted into law.

Mr. HATFIELD. Mr. President, I would be very happy to answer that question. When they proposed the legislation pending before the Senate, that was not part of the scope of that legislation.

Mr. STENNIS. They say they are against the Senator's amendment. We can argue all day about these improvement and expansion programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance.

That is the whole field of medical attention to the military, their dependents, and the retirees.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Mr. President, I will yield in a moment. There are plenty of requests coming in for those things.

Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, does the chairman of the Senate Armed Services Committee imply that there are no existing problems in recruiting for these forces under present conditions? Does the chairman of the Senate Armed Services Committee imply that there are no problems in the military as it relates to the educational provisions and housing? The committee itself has brought in provisions relating to this.

The PRESIDING OFFICER (Mr. MONTOYA). The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 5 additional minutes.

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. I have the floor. I would be glad to yield to the Senator from Oregon for a question.

Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 additional minutes.

Mr. HATFIELD. There are already embodied in the bill which the Senator brought from his committee provisions for some of these specific programs. The committee has already recommended action on some programs. All we are asking is that a report be made to Congress. Why should we reject a request for a report on the very thing the Senator from Mississippi had included in the bill?

Mr. STENNIS. Mr. President, I am pointing out here that this goes far beyond the rule of reason or commonsense. For instance, there is a mandate here that 3 months after this act passes, we must specifically provide for a more effective incentive program for recruiting personnel under which successful recruiting personnel would be afforded the opportunity to earn extra pay on bonuses as well as accelerated promotions.

Here we are dipping down into the proposition of accelerated promotions for one particular group of the vast military. I know a little about this. I have been dealing in a way with this personnel matter for a number of years. When we go to set up special provisions for accelerated promotions for a special group, we ought to know what we are doing. The matter ought to be delved into. Here we propose to throw in a blanket provision and say that we must do this.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. In just a moment. The amendment also reads: "quota systems will no longer be in effect."

What are quota systems? We are outlawing them. What does it mean? I do not know what it means. I never heard of that term in connection with recruiting, although it may be used. Here we are, and we do not know. We do not know what all these things mean. I am not finding fault with the Senator from Oregon. Someone sold him a bill of goods and he wants these provisions passed.

I am saying as a chairman of the committee and as a longtime member of the committee, that it is impracticable and unreasonable to go into these things. They must be involved. Is the Senator referring to the ROTC in this amendment?

Mr. HATFIELD. That is in a separate amendment.

Mr. STENNIS. That is something that I have experience with. I have someone working on it especially for me. I expect to try to make a few speeches in three or four places around the country to encourage young men to go into the ROTC. We do not need the money. We can always get the money. We have to persuade them to go into it and persuade the institutions to permit them to operate on the campus. That is where the trouble is.

Something has to be done in this country to get junior officers in all the services. I think the ROTC is the best way to do it. However, we cannot put a provision in a bill and say that it shall be done. We have to create the climate and the desire. That is the process of evolution.

Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I would just like to keep on the subject here. We are going to go into the ROTC in the next amendment. I would like to say that I am utterly confused at this point by the statement made by the chairman of the Armed Services Committee who indicates that we are proposing a new program on recruitment and quotas.

I am sure the chairman of the committee realizes that these are already in the Armed Forces on an experimental basis. The bonus system is already included on an experimental basis.

There is nothing new contained in this amendment that is not already underway in the Armed Forces. We are not mandating some new program. I want the Senator to point out one thing in the amendment that is a new program. There is not a single new program in this. We are asking for a progress report on the experimental programs. They are already going on. The military knows they have trouble in recruiting. They have experimental programs. We are trying to improve their programs.

Point out one new program that is not already employed at least on an experimental basis by the military services.

Mr. STENNIS. Mr. President, they have been making some efforts along the lines we have been talking about. They

have been making some efforts. Any time we ask them, "Are you doing this to improve the service," they always say "Yes." I have never heard them say anything but yes. I have never heard a witness who has come before the committee and said he did not know. There is always an answer.

My point is that they have been trying to see what they could do about some of these items at least, and they are finding a lot of insurmountable difficulties. They are having to back up and start over again. That is why they are opposed to the Senator's amendment. The Senator is trying to freeze something in concrete before there is time for them to find out where they are. I think they are trying to do this in good faith.

The Senator is taking a lot of things out of the Gates report that the President of the United States refused to accept and would not recommend. He would not recommend it in the bill. In the proposal for the volunteer army, the Senator is proposing to kill the draft. I am not talking about the Senator personally. However, there is a sentiment created here to kill the draft. The volunteer army is another thing.

Mr. HATFIELD. Will the Senator yield?

Mr. STENNIS. I will yield in a minute. Everyone from the President of the United States on down has come in and said, "Give us 2 years and we think we can make this thing work. We have already done some planning." The idea proposed here was not to give them a single day's extension of the draft. I believe the Senator voted for that. That was his amendment. He did not want to extend the draft at all. He certainly has a right to offer such an amendment to turn the President down on this matter in his official capacity. I admire the Senator's honesty all the way through on this matter.

The President asked for extra dollars and they said to give him this amount and they did, and I am not complaining. But now that they have been turned down on all those things, they say, "Make him take this." I am opposed to it and I hope there will be a majority opposed to it.

I yield to the Senator from Oregon.

Mr. HATFIELD. I would like to ask the Senator if there is anything in this amendment inconsistent with what is now going on in the military on at least an experimental basis.

Does the Senator find anything in this amendment inconsistent with what is already being considered and studied and programed by the military?

Mr. STENNIS. I note the Senator includes language here that they must, within 90 days, specifically provide for the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers, whatever that means, which is already going on.

Mr. HATFIELD. Does the Senator——

Mr. STENNIS. Let me answer the question. The Senator asked me a question.

If we were to ask the military if they are doing something along that line, the answer would be that they are. My point is that the Senator would freeze this in concrete and try to anticipate an overrun; and they will come in with a lot of words that do not mean any more than the Senator's words in this amendment. But they will confuse and jam the brakes, if they are given the leeway.

The amendment also states:

> Not later than 18 months after the enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of a voluntary system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, there will be plenty of reports. I do not object to that. There would be reams and reams of testimony coming in and wanting this and that and more money. This is a billion-dollar program. I warn the Senate in that respect again. If we want it to work, there has to be trust in those who have the responsibility.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield for a question.

Mr. HATFIELD. Does the Senator imply there is a cost factor involved?

Mr. STENNIS. Yes. These items will cost a tremendous amount of money. It depends on how far the Senator wants to go. I know if we mandate this by implication we are promising to support whatever is brought here, and the military is very resourceful on ways to get money.

I am not in favor of any amendment that would cook up all of that and have them coming back to get billions of dollars. I credit good faith to the effort.

Mr. HATFIELD. Does the Senator imply he accepts other reports without careful scrutiny of the report, or merely upon a recommendation? I see nothing here requiring the Senate to accept the report.

Mr. STENNIS. I said I did not want to be bound to espouse the cause for the money by requiring them to do all that the Senator would require them to do.

I am not being personal, but I do not believe the Senator made a full study of the subjects he wants to write in concrete. I do not think the Senator has made a sufficient study to have a clear-cut idea of the requirements.

This language is general and it covers the waterfront. It cannot be carried out. It would take years to carry out some of the provisions.

We now are calling for a report, a plan, within 90 days. It is just impossible.

For instance, item 9 calls for the improvement and expansion of housing opportunities. We have been voting hundreds and hundreds of millions of dollars for years and years for family housing. It is a good investment and we have millions and millions of dollars invested in family housing all over the country and overseas, too. There will be bills this year with specific recommendations.

The second item provides for "the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service." Item 3 calls for "the improvement and expansion of programs under which the education of specialists is made." Item 4 calls for "the improvement and expansion of officer training programs."

Mr. HATFIELD. Is the Senator against improvement?

Mr. STENNIS. Of course not. I would like to improve this bill a little by getting it finished and getting it on to the White House. We have had enough of these amendments, I think, for a sound bill.

Mr. President, I will yield for a question, if the Senator wishes, or I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, I find myself on the horns of a real dilemma. The Senator has criticized the amendment as being too specific, and in the same breath he criticizes the amendment as being too general. I am puzzled as to the real point.

The Senator said this is a recommendation against the commission; that the President rejected the recommendation of the Gates Commission. That is not the record. We have enacted already certain parts of the Gates Commission recommendation. The President did not reject it outright. He rejected the timing of a volunteer army but not the idea of an increased pay scale. We have already increased the pay scale.

To say that the Gates Commission represents some sinister form of study is nothing but rhetoric; it is forensic flounting of the issue. We have to keep our focus on exactly what the amendment would do and would not do.

If one would carefully read the amendment he would find that it merely asks for information on ongoing programs. It asks for this information merely in order to establish some sort of viable basis on which this Congress or some future Congress could act on the question of a volunteer military.

Let us not misunderstand the situation. If Congress votes for a 2-year extension on the induction power of the President, this does not mean we would not have to face up to these matters for another 2 years. We will still have to consider some of these matters during that time. We will have to consider these points in the amendment.

The Senator has rejected the Gates Commission and scorned it in every comment on the floor of the Senate. We have tried in this amendment to develop some data and statistical evidence upon which Congress can make judgments and upon which there will be agreements on the validity and authenticity of information, reports, statistics, and data.

Regardless of one's point of view on the volunteer military, and that is not the question here, this is merely an information-requesting amendment. If a Senator votes against this amendment he is saying, in effect, he does not want information or data.

As will be recalled, we agreed to the

Scott amendment. The Scott amendment called for a report. All this amendment would do would be to fill in and state specifically the things we want the report to include. The Senate is already on record asking for a report. We are not asking for a new report or any new programs. We are merely asking for a more definitive report that is not included in the Scott amendment. That is all this amendment would do and nothing more. It asks for it in a reasonable period of time and if it is only the time factor that is involved, I am open for change to make it more acceptable; but it does not mandate any new programs or any new requirements for the military because we have already passed the Scott amendment.

All this does is to give in detail the specifics that the Scott amendment language does not provide.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, amendment No. 135, offered by the distinguished Senator from Oregon (Mr. HATFIELD) would provide for a series of directives by Congress designed to implement an all-volunteer armed forces program.

It amounts to the Congress telling the Defense Department to do what it is already trying to do in moving toward an all-volunteer armed force.

These proposals are to be implemented within 3 months after passage of the selective service bill. This time limitation would certainly give the executive branch problems if this amendment should pass. Further, this time limitation would prevent the provisions of this amendment from being implemented in an effective way.

The amendment requires that the Secretary of Defense provide for the following actions:

First, inducements for attracting persons to civilian careers; second, utilization of civilians in lieu of military personnel; third, increased use of subsidized education; fourth, improvement and expansion of officer training programs; fifth, improvement and expansion of recruiting programs; sixth, improvement and expansion of educational opportunities; seventh, alleviating or preventing problems of family separation; eighth, improvement and expansion of housing opportunities; and ninth, other actions to upgrade conditions of military service and the status of military personnel generally.

Mr. President, I see no need for this amendment as many of these steps and others not provided for in this proposal are being carried out by the Defense Department.

The Nixon administration is on record in favor of an all-volunteer armed force, and drastic steps are being taken to achieve that goal by July 1, 1973.

I seriously question this mad rush to relieve our young people from the legal obligation to serve in the uniform of their country. These and other actions indicate to the people of America that someone can be paid to defend us. People should serve in uniform out of obligation and dedication to their country and not for money alone.

One aspect of this amendment deserves special attention. With respect to a program for the increased utilization of civilian manpower, a program for civilian-military substitution was initiated in 1966 to replace by the end of 1968 some 114,000 military with 95,000 civilians. The establishment of hiring limitations on civilian personnel in Public Law 90–364, July 1, 1965, limited the actual substitutions to about 90,000 civilian personnel, but the military positions had already been eliminated.

The Defense Department agrees that when the military forces have reached their post-Vietnam level, a civilian substitution program should be underway and carried out over a 3- to 4-year period. Plans to do this have already been initiated.

It appears, however, that a civilianization program would not be a major factor in achieving an all-volunteer force since, according to the estimates appearing in the Gates Commission report, about 70 percent of the potentially suitable positions for civilianization are located in the continental United States support elements of the Air Force and less than 6 percent in the Army, whereas the greatest problem in attaining an all-volunteer force is likely to be in the Army.

Mr. President, for the reasons cited I am opposed to this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. How much time remains to each side?

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes. The Senator from Oregon has 20 minutes.

Who yields time?

Mr. STENNIS. Mr. President, I have only 2 minutes. I do not care to yield or surrender it.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER. On whose time?

Mr. STENNIS. I do not have any time. I have only 2 minutes.

Mr. HATFIELD. On my time, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

I cannot help but wondering if raising the argument of a volunteer army as an argument against the amendment is anything but camouflage, because there is certainly nothing that commits a person to a volunteer army in this amendment. The amendment merely asks for a filling in of the general request in which the Senate has already asked the military, under the Scott amendment, for certain information.

I think that at a time when we see the question of trust being raised, through the New York Times publication of certain activities by the previous administration, this is a proposal which the Congress, and particularly the Senate, should welcome, and opponents should welcome the kind of information requested in the amendment.

To try to frustrate the adoption of this amendment and to try to influence Senators to vote against the amendment certainly, in my opinion, gives further credence to those who feel that the Congress, or the Senate, is under some kind of unnatural influence of the military.

If we want to argue a voluntary military, I am willing to argue it over again, but that is not the reason why I am offering this amendment. When we are told that we should study the effects of this amendment, I think those who oppose it have as much responsibility to know what they are talking about as those who propose it. I do not propose this amendment lightly. I do not propose any amendment without study. I do not propose any amendment without the ability to undergird it with facts and statistics. A lot of flailing of words, raising obstacles in people's thinking, is done because the evidence is so little and they raise emotional arguments.

This is not a question of a volunteer military. I defy anyone on the floor or anyone else to say that this is a volunteer military proposal under some sort of camouflage or disguise. People who raise these questions do not have enough evidence to argue the merits of the case. I think it also indicates the intransigent position that the opposition may have. I do not know of anything that will invite a filibuster more on the floor of the Senate and cause many to join in it than the specious arguments raised against this amendment.

The military is not going to live or die on this amendment. I am not going to live or die on the amendment. But it exposes this afternoon the kind of attitude that has been expressed here—that anyone who comes in who has been an advocate of a volunteer military or who has referred to the Gates Commission report immediately is under suspicion. I personally resent that kind of attitude as it has been expressed today.

I say also to my colleagues that when the day comes that we start making our judgments—and I fear we are already there—on our idea of individual sponsors, rather than the merits of the proposals, that is not the way to make a decision.

The implications here today are that we are mandating some new programs. I prefer to think that is forensics, debate tactics, rather than lack of understanding of what is going on in the military.

The implication has been made that somehow this is a guise for a volunteer military. The implication has been made that this is somehow a new idea.

The Senate is already on record as having asked for this basic kind of information, without the specifics. What this amendment would do is fill in the Scott amendment that we have already passed. Therefore, I challenge anyone who wants to take opposition to show me in evidence rather than in generalities where this is either a volunteer military amendment, or contrary to the wishes of the President of the United States, as if we all have to bow in some sort of kow-tow because the President says it.

Let us decide it on its merits. There has not been one bit of argument here today to knock down the amendment, other than that somehow it is associated with the Gates Commission, or that, because I have proposed it, it is somehow associated with a volunteer military.

This amendment does not do that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. I yield myself 3 more minutes. I think it may shock some people that my next amendment seeks more funds for ROTC scholarships. I am sure some sinister implication will be made that that is leading us toward an all-volunteer army, or toward an early end to Vietnam.

All I ask is that Senators read the amendment and argue on its merits, rather than getting into all these peripheral tangents we have been on this morning.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I have only 2 minutes remaining, but I shall use it to doubly assure the Senator from Oregon that I make no attack on him. He and I have been working on this matter for 6 weeks on this floor, and there is no effort on my part to refer to the Senator except in laudatory terms. I repeat, I have the greater respect for him.

Going back, Mr. President, this is a serious matter. These items were urged as a part of the background for a volunteer army, and I have accepted the verdicts that have been made here along that line. My argument now is largely on this basis: Let us abide by the request of the President of the United States, who is the father of the plan, for just a little more time to get these matters going and get them worked out, before they are placed, as I have stated, in concrete.

The Senator certainly missed the mark in talking about someone under the influence of the military. It is so easy to charge that. And it does not sound good to someone who happens to be in my position. I simply say the Senator could not be worse mistaken, and no one knows that any better than the military itself, and all its branches. I do not owe them anything, and they do not owe me anything. The Senator and I are both working for the country.

Mr. President, I think it would be a great mistake to set up here, in hard law, the requirements and demands that are set forth in this amendment. If it is going to be done that way, there are other matters that should be included.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. I am glad to yield time to the Senator.

Mr. STENNIS. How much time?

Mr. HATFIELD. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. HATFIELD. I yield 5 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator very much.

As I say, if we are going at it this way, there are many other things that ought to be included here on an equal par, but I do not think any of them ought to be included until the real facts are developed and the proper basis can be laid to justify them, and also to justify the appropriation of money to carry these matters out.

That is the substance of what the Department of Defense is saying. They are asking now for time. They are asking for time, and it would be a great mistake, for the success of the so-called volunteer army, for us to jump the gun now, and crowd this thing too much. That is one reason why I have worked so hard here, trying to get a bill that carries at least 24 months, for at least a 24-month background, because I know that is necessary if the volunteer army concept is to be worked out successfully, and that 24 months is the minimum time necessary to give it a chance.

Four different times we have voted here on the duration of this extension. It is not unfair to the Senator from Oregon to point out that his position was that he did not want it extended at all. It was judged, though, that it is necessary, and with the same firmness and logic, I believe, I say now, that some time is necessary to get the basic plans in operation for a successful trial of a volunteer army. So those who are favorable to it, I think, should get in step, now, and say, "Well, we are going to give the President time to work this thing out."

We can reexamine it, then, during the course of achievement, one might say. Six months or a year from now, of course, we will be examining it. I know they are going to work hard on these matters, but I think they are entitled to a chance.

I thank the Senator again, and I yield back whatever time I did not use.

Mr. HATFIELD. Mr. President, I yield myself 2 minutes.

I would only say in response to the Senator's comments that we have had the draft for more than 20 years. I cannot understand why he implies that there is some way this amendment is going to rush us into anything. We have had the draft for more than 20 years, and during that period of time, the military has been very alert in understanding its problems of recruitment. I say that because I happen to have been a military adviser on a college campus for a number of years, and made arrangements for recruiting officers of all branches of the military to visit the campus and talk with our students. I have visited other campuses, and know they have been programing many, many experimental methods in recruitment, inducing reenlistments, and all other ways of recruitment of personnel.

The military is not being asked to undertake any new program by this amendment. The military is not being asked to do anything it is not already doing. I have yet to hear anyone address himself in opposition to the amendment itself. We have heard many speeches today on other subjects, but not on the amendment. We have heard speeches on the volunteer military, but this amendment has nothing to do with that. It merely is asking for information. All it does is to undergird the decision that we made previously when we passed the Scott amendment. That is all the amendment does.

I think if one looks at the following amendments, one will see that this is a part of a series. I ask, in the next amendment, for an increase in ROTC scholarships. One cannot call that an antimilitary establishment amendment. Neither is this amendment. This amendment merely asks that we be provided with information on experimental programs that are going on now in the military.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. I yield myself 2 more minutes.

I really feel, Mr. President, that if I were to reduce the point here in debate to its most simplistic terms, it would be, "If you do not want to know, vote nay. If you want some information, and want some basis on which we can take the judgments that we are going to be called upon to make in Congress, vote yea." Because that is all this amendment proposes to do, is to ask for information.

Mr. TOWER. Mr. President, I regret that I cannot give my support to the amendments presented by the distinguished Senator from Oregon (Mr. HATFIELD) to H.R. 6531 concerning recommendations by the Gates Commission.

I am a strong supporter of the volunteer army concept and am fully hopeful that the President will be able to achieve this objective by July 1973. Furthermore, I believe there is an excellent chance that a zero draft can be achieved before that date.

There is no doubt in my mind that President Nixon, Secretary Laird, and other Government officials involved in military manpower matters are firmly committed to the volunteer army objective. The President's recommendations for military pay increases certainly confirmed his support for the concept. Furthermore, the action taken by the Congress in adding to the President's recommendations have confirmed the legislative branch's support for changing the emphasis away from the Selective Service System.

The amendments presented today by Senator HATFIELD are intended to carry out a number of recommendations emanating from the President's Commission on an All-Volunteer Force.

While I have great respect for the members of that Commission and for the excellent work they produced, I do not

feel that their recommendations represent the only path to take in order to meet our objective. As the chairman of the Senate Armed Services Committee stated earlier today, these amendments were not presented to the committee when it was considering this bill. If the President thought that the substance of these amendments were necessary to achieve the objectives of a zero draft and the volunteer army, the administration would have followed through appropriately by presenting them to the Armed Services Committee during the period of hearings and deliberations on this bill.

Mr. President, the administration has presented us with a formidable plan to phase out the draft and substitute it with a professional volunteer force. If this were not the case, these amendments would be most appropriate. I believe, therefore, it is better to allow the executive branch to carry out its plan which I am convinced will result in success. It is for this reason that I urge the Senate to defeat these amendments.

The PRESIDING OFFICER (Mr. MONTOYA). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 135) of the Senator from Oregon (Mr. HATFIELD). On this amendment, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from California (Mr. TUNNEY) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Delaware (Mr. BOGGS) is necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 42, nays 45, as follows:

[No. 101 Leg.]

YEAS—42

Aiken	Hart	Packwood
Baker	Hartke	Pastore
Bayh	Hatfield	Pearson
Beall	Hughes	Pell
Burdick	Humphrey	Percy
Case	Inouye	Prouty
Cook	Javits	Proxmire
Cooper	Jordan, Idaho	Ribicoff
Cotton	Kennedy	Roth
Cranston	Mansfield	Schweiker
Dole	Mathias	Stevens
Gambrell	Miller	Stevenson
Gravel	Montoya	Taft
Griffin	Moss	Williams

NAYS—45

Allen	Ellender	McIntyre
Allott	Ervin	Metcalf
Anderson	Fannin	Mondale
Bellmon	Fong	Muskie
Bennett	Goldwater	Randolph
Bentsen	Gurney	Saxbe
Bible	Hansen	Smith
Buckley	Harris	Sparkman
Byrd, Va.	Hollings	Stennis
Byrd, W. Va.	Hruska	Symington
Cannon	Jordan, N.C.	Talmadge
Curtis	Long	Thurmond
Dominick	Magnuson	Tower
Eagleton	McClellan	Weicker
Eastland	McGee	Young

NOT VOTING—13

Boggs	Fulbright	Scott
Brock	Jackson	Spong
Brooke	McGovern	Tunney
Chiles	Mundt	
Church	Nelson	

So Mr. HATFIELD's amendment (No. 135) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today he presented to the President of the United States the following enrolled bill:

S. 575. An act to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 136

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous unanimous-consent agreement, the Chair now lays before the Senate amendment No. 136, which will be stated.

The assistant legislative clerk read as follows:

On page 35, between lines 4 and 5, insert the following:

SEC. 107. Section 2107(h) of title 10, United States Code, is amended to read as follows:

"(h) Not more than the following number of cadets and midshipmen may be in the financial assistance programs under this section at any one time:

"Army program: 10,000,

"Navy program: 10,000,

"Air Force program: 10,000."

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HATFIELD. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on amendment No. 123 by the Senator from Alaska (Mr. GRAVEL).

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

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on amendment No. 123.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, will the Chair announce to the Senators present the time available for each side?

The PRESIDING OFFICER. There are 30 minutes available to each side.

How much time does the Senator from Oregon yield himself?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

Mr. President, this amendment would increase the ROTC scholarships to 10,000 per branch of the armed services a year.

Each branch of the Armed Forces has 4,500 ROTC scholarships annually to distribute among the Nation's colleges.

As we know, nearly 90 percent of our officers come from college graduates.

Approximately 65 percent of our officer corps were college graduates in 1965.

Twenty-six percent were ROTC graduates.

While about 3 percent of our officers entering the Army come from West Point and approximately 6 percent entering the Navy come from Annapolis, their retention rate is very high and there is no foreseeable need to increase the size of the academies.

There would be a tremendous cost factor involved in increasing the size of the academies. I will not go into the estimates because there are variations. However, I think the thing to bear in mind is that even though some of the ROTC programs have lost their attractiveness to some young men on the college campuses, we are still dependent upon the ROTC to produce a high percentage of our officers.

It is my understanding that a number of colleges and universities that originally prohibited or withdrew from ROTC programs now want them to return to their campuses. I am very hopeful that we are going through only a short phase of hysteria and irrationality in relation to the incidents we have read about where ROTC billets have been stoned or burned or some other violence has occurred around ROTC buildings. I do not think our judgment should be based upon these incidents. We must still look to the college campuses for our officers.

Those who are concerned about militarism in this country should be the strong-

est advocates and supporters of our ROTC programs because it is within the civilian environment on the campus that the officers can be recruited and maintain the so-called balanced viewpoints that come from the training of civilians for the military.

Mr. President, I have always been impressed by the outstanding performance of the ROTC programs whereby I have had the chance to review and to become personally involved in understanding what they are doing and knowing the caliber of men they produce. I am of the opinion that we have produced some of the finest officers in all branches of the service from the ROTC activities.

It is also well known that we have to attract more men into officer programs. The Gates Commission—and I am a little reluctant to refer to that Commission's report—did provide us with a good deal of study and statistical material. It indicates that we have a good retention rate within the officer corps, the highest coming from West Point and Annapolis and the Air Force Academy. The next highest comes from the ROTC programs. The next comes from the officer candidate school programs.

If anyone wishes to ask questions concerning the numbers involved, we have the statistics available. I will not go into each of them.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 3 additional minutes.

Mr. HATFIELD. Mr. President, we have a good retention rate within our ROTC.

I firmly believe that if we could increase our ROTC scholarships from 4,500 for each service at the present time to the 10,000, as proposed in my amendment and as recommended by the Gates Commission, we would have a stable supply and a more equitable supply of officers coming into our military services.

Mr. President, again let me just merely add as a reference here to the military branches themselves that they are fully appreciative of the need to attract more young men into the ROTC programs. They are fully appreciative of the fact that we have more applicants for the ROTC scholarships than we have scholarships. Instead of a matter of trying to lure young men necessarily into the service for a career, the amendment provides greater ability for the services to accommodate the requests and the applications they presently have.

I think also it will give rise to the expansion of ROTC programs. It will encourage expansion of them as well as increasing the number of personnel in these ROTC programs who have scholarships.

Some of us perhaps have a secondary interest in the pending amendment because it will help in a number of cases where young men could not perhaps otherwise obtain an education. It would provide for economic assistance to needy students who would qualify through their mental and other examinations for an ROTC appointment and who otherwise might not have that opportunity.

I was reading the other day a story of why Dwight D. Eisenhower chose West Point over the objections of his parents who belonged to a historic peace church and who were pacifists. He did this because he knew he did not have the opportunity to obtain an education in the general education market based upon the economic conditions of his family.

I am sure that today we have many young men who would qualify for ROTC scholarships and would have the opportunity therefore not only for an education but also an opportunity to serve their country as officers in one of the branches of the military service.

Again, let me emphasize the point that this is something the services could use.

I suppose one of the first questions we should consider is the price tag involved. That is estimated to be about $25 million according to the Defense Department for this scholarship increase. But I think it is well worth it, and I urge Senators to consider the fact that we can vote for weapons systems and they will only be as good as the personnel who handle them and manage them. We should be that much concerned with the personnel who are given the responsibility in our service for handling those weapons systems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. HATFIELD. Mr. President, therefore, looking at the overall needs of the military today and projecting them into the future, I hope we might undertake this additional ROTC scholarship program by moving it from 4,500 per year to 10,000 per year.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I am glad we have even this much attendance as we go into some of these amendments. I shall be as brief as I can.

The ROTC expansion program is something in which I am vitally interested, along with many other Senators. It is something to which I have decided to give some extra time. I plan to go out, if I possibly can, and make a few speeches encouraging the idea of students going into the ROTC.

One of the most immediate considerations is that there must be a better climate and atmosphere created on the campus to encourage young people to go into the ROTC. Another thing I have in mind is to get this program expanded so as to include the junior college students. That is where some of our finest talent in the country is to be found. They are capable of making the finest officers, and I do want to expand the program to include them. We must have more junior officers. I think the ROTC is the best way and the cheapest way to get them.

With all deference to the Senator's amendment, which provides there shall be an increase in the number in the three services and on the same basis, a need has developed that is different from that. The Senator from Maine and I have a bill which we have introduced. I have the bill before me. It is the administration bill. We have not held hearings on it and I would not vote for it myself without hearings. I think the Senator from Maine and all members of our committee would have to know more about what we are doing and how it is going to be apportioned.

A new system is proposed here that, in short, authorizes ROTC students in each service to the extent of 10 percent of the authorized active duty strength for officers in that military department.

Right now, incidentally, the bill about which I am talking is the subject of hearings in the House. They are working on these formulations and this change.

As I understand further the selections are already in the process of being made for the next scholastic session. I do not think any bill we could pass this summer would be passed in time. These students have to be selected. I know the process. It would be the end of June before this bill would become law and so near the end of the session that I do not think any bill is going to affect very much the students for the session beginning in September, although I would not say it is impossible.

I do want hearings to be held on this matter and I hope we have an expanded ROTC program so as to include the 2-year junior college students. I believe it can be done. I believe it must be done. If they get the bill they want the amount would be higher for the Navy than they would need. For the Army the Hatfield amendment would not be quite high enough, that is, by fiscal year 1975.

These variations show how this will vary and gradually climb according to the new plan. I am not opposed to the idea of the increase; I favor it. But I favor a better system and a better plan of apportionment.

There is another bill which has not been introduced yet. It would provide subsistence for ROTC students. I do not know how far they propose to go, but that is part of the plan.

The scholarship program and the subsistence program, if they go into effect for fiscal year 1972, will bring about an increase of $6 million under present plans. That would be a start on this plan that I think could be called a greatly improved plan.

I hope we might see fit to wait and at least adopt some version of that proposed plan. I think we can almost be certain to get that plan before the Senate some time during this calendar year. As I said, I think it does not make much difference which one is agreed to. It is not going to affect very substantially the forthcoming year for ROTC students.

I wish to mention one matter in connection with the wording of the amendment. The amendment applies only to ROTC students; is that correct? The wording actually speaks of midshipmen and cadets, and it is misleading to a degree, but it applies only to ROTC students; is that correct?

Mr. HATFIELD. Only ROTC students.

Mr. STENNIS. Yes.

Mr. HATFIELD. Of course, there is the Navy ROTC. They have special titles.

Mr. STENNIS. Yes. But it is odd language. I know it is already in the law and the Senator followed the law and the terms used. I thank the Senator.

Mr. President, I have a letter from Roger T. Kelley, Assistant Secretary of Defense, Manpower and Reserve Affairs. He outlines the substance of what I have said. I ask unanimous consent that his letter dated June 4, 1971, may be printed in the RECORD.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 4, 1971.

Hon. JOHN C. STENNIS,
Chairman, Armed Services Committee,
United States Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I was asked to explain why the number of ROTC scholarships in S. 1226 was established at 10% of the authorized active duty strengths in the Military Departments.

We believe that the number of ROTC scholarships authorized by S. 1226 will provide sufficient junior officers to supplement the officer production we anticipate from non-scholarship ROTC and related college officer procurement programs such as the Marine Corps PLC program. In order to maintain the output of the non-scholarship programs at an adequate level, the Department of Defense sponsored legislation to increase subsistence allowances for senior ROTC and provide subsistence allowances for the Marine Corps PLC program. We expect to forward shortly a legislative proposal to provide subsistence allowances for the Navy's ROC and AVROC program. The combined effect of these legislative proposals should provide an adequate supply of junior officers. If the number of ROTC scholarships in S. 1226 were raised to 20% or 30% of active duty officer strength, we would be spending more money than necessary to meet our ROTC production needs.

At the present time the Army, Navy and Air Force are each authorized 5,500 ROTC scholarships for a total of 16,500. There were 15,400 enrollments in FY 1971. On the basis of the 10% formula we would gradually increase ROTC scholarship enrollments to about 33,400 by FY 1976, which would more than double current enrollments.

Assuming S. 1226 and S. 1225 are enacted, we estimate that commissions from ROTC during FY 1972–1976 will be as follows:

Fiscal year	Scholarship	Non-scholarship	Total	Percent scholarship
Current 1971	4,207	14,451	18,668	22
1972	4,428	10,259	14,687	30
1973	5,837	8,500	14,337	41
1974	6,981	8,500	15,481	45
1975	7,328	8,500	16,927	46
1976	8,427	8,500	16,927	50

As shown in the above table, under the 10% formula in S. 1226, 50% of the ROTC commissionings will be from the scholarship program by FY 1976. The bill provides that the maximum number of scholarships may not be more than 10% of the authorized active duty officer strengths of the Military Departments. If sufficient production of ROTC graduates can be maintained using less than the maximum number of grants, we will use the lower amount. Since the program would gradually increase to the maximum, we will be able to judge if a number less than 10% will meet our objectives.

Some experience with enrollments under the increased subsistence payments in S. 1225 and S. 1227 should also put us in a better position to judge the adequacy of the 10% formula for ROTC scholarships. I can assure you that if the need arises, the Department of Defense will request further increases in the number of ROTC scholarships. For the present, I consider the 10% formula adequate.

Your support of our vital manpower programs is very much appreciated.

Sincerely,

ROGER T. KELLEY.

Mr. STENNIS. Mr. Kelley gives the figures as to what they will need. He has a summary proposing a number of ROTC scholarships based upon the enactment of S. 1226. His figures show for fiscal year 1972 that the number is 6,500. That would be some increase over the present law of 5,500. I am speaking of fiscal year 1972. This relates to the present system and the figure goes up from year to year, with more in the Air Force and the Army than in the Navy, because the Navy does not have the demand.

Those are the facts and we lay that before the Senate for decision. Do we just come in and raise it under the old system or shall we take this approach which was based on factual developments and enact a broader plan than called for by the Senator?

I think there is a tremendous difference between those two programs. I heartily support the administration plan, and hearings are being held now in the House of Representatives

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I would like to respond to the Senator from Mississippi. I am very sorry if there was any misunderstanding with reference to the midshipmen or cadets. In the case of the Navy, it refers to midshipmen; in the case of the Army, it refers to cadets.

Mr. STENNIS. Yes. It is in the present law that way, but all the Senator asked was if this was for West Point and Annapolis.

Mr. HATFIELD. And, secondly, we use the existing language there. It is a matter of including both the Navy and the Army. We have the Air Force included. It is three separate programs.

I am glad to know the Senator is in support of the concept embraced in the amendment, even though he cannot vote for the amendment.

I would like to say his objection and his reason for wanting to postpone action I do not think is valid, for the reason that we are not undertaking any new program. The ROTC program is already a program established and underway. We have had evidence and statistics to prove that we have more applicants than slots for awarding ROTC scholarships. We are not floundering around here.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. HATFIELD. I yield.

Mr. DOMINICK. When the Senator started his statement he said this amendment was to provide for more ROTC's.

Mr. HATFIELD. Scholarships.

Mr. DOMINICK. As I read the Senator's language—and I want to be sure of this—it gives the ROTC program the right to go up to this limit. In other words, the Senator is setting a maximum.

Mr. HATFIELD. That is the wording of the present law.

Mr. DOMINICK. And if the Department of Defense did not want to go beyond what they have until they wished to, the Senator's amendment, if adopted, would not necessarily affect them; but if they wanted to go up, they could?

Mr. HATFIELD. The Senator is correct. This is not mandatory. They would not have to order 10,000. All we have done is taken the language of the present law, which uses the figure 4,500, and advanced that figure to 10,000. That is the whole proposition. If they do not want to select that number, they do not have to select that number.

As I have said, there are more applicants than they have slots to fill, or the 4,500 figure is much lower than the applications. From what I have been told, there are many qualified young men they would like to award scholarships to, but cannot because of the limitation of 4,500.

Mr. DOMINICK. Can the Senator answer this question for me as a matter of information? Does he have any idea how much it would cost if this amendment were adopted?

Mr. HATFIELD. Yes; $25 million if all 30,000 were fully implemented.

Mr. DOMINICK. I thank the Senator.

Mr. HATFIELD. I thank the Senator for bringing these points out.

This amendment will not affect the 1975 projections. The Senator from Mississippi indicated that the plan he has in mind might increase by 1975. This is certainly adjustable. It is not a full commitment that is going to have to prevail through 1975. All we are doing is lifting the limitation now from the existing 4,500 level to 10,000. If any branch of the service does not want to take advantage of that number, that service is not required to do so.

Again, let me emphasize the point that we have now many qualified young men who are desirous of an ROTC program and scholarships, but who are not able to acquire one simply because of the limitations we have at the 4,500 level.

The Senator has said we ought to encourage young men to go into the military. I agree with the Senator from Mississippi. This is one of the best ways to encourage young men to go into the military service—through the ROTC programs.

I want to emphasize again that I think we have turned the corner—I am hopeful we have turned the corner—in this Nation with respect to the irrational, idiotic, irresponsible, illegal, unlawful, and every other adjective you want to ascribe to it, outbursts against the ROTC programs that we have seen on our college and university campuses.

Also, it does not represent the overwhelming majority of the campuses. It represents a minority of the campuses where these unfortunate and certainly terrible incidents have taken place.

I feel it would be a very important step forward to encourage young men, and I think it would bring into the service the abilities of many young men today, who otherwise would not achieve an education. I think we could achieve many objectives with this kind of amendment. I do not believe the Senator from Mississippi would indicate that today the military branches of the armed services would be opposed to the amendment. In fact, the Senator has said he agrees with the concept, but perhaps not with the timing or the formula.

We are not establishing a new formula. We are not establishing a new procedure. We are only amending the limitation of 4,500 which is now the ceiling and the lid for the number that can be accommodated in any one branch of the service.

Mr. STENNIS. Mr. President, I yield myself 10 minutes. The Department of Defense is opposed to amendment No. 136. I have it here in writing.

This letter says that there is an authorization of 5,500 ROTC scholarships for each of the military departments.

Then I have a letter here from the Assistant Secretary of Defense, Mr. Kelley, that I referred to a few minutes ago, which explains the administration bill. One paragraph reads:

> Some experience with enrollments under the increased subsistence payments in S. 1225 and S. 1227—

They are the bills I referred to a minute ago—

> Should also put us in a better position to judge the adequacy of the 10% formula for ROTC scholarships. I can assure you that if the need arises, the Department of Defense will request further increases in the number of ROTC scholarships. For the present, I consider the 10% formula adequate.

He had already said in the letter, in another place, in substance, that they just could not crowd it all in at once, anyway.

Mr. President, I point out another fact. Whatever program we adopt this year ought to include the idea of getting this talent, these potential resources, from the junior colleges. It is an important point. The law permits the subsidized ROTC students only in colleges and universities that have 4 years of college work. It has always been limited to that, but our bill proposes—and I believe that bill will be back here on the floor in time—that the junior college students who go on to senior colleges to take their last 2 years of college work will be ineligible for subsidized ROTC scholarships in all the services, and they will take what is called an accelerated program. They will have to give it more time and hours per week than those who have been in the 4-year colleges all the time.

But it will be a splendid inducement. A number of these young men from the junior colleges are far from the upper income levels, and some of them have to give time to working their way through. This subsidized ROTC scholarship will be very attractive from that standpoint, and I think it will be very productive indeed in acquiring talent, dedication, and ability in the particulars that are so much needed in our junior officer corps.

So in this case, though it will take a few more weeks until we can get to a House bill, I plan for us to await the House bill, and whatever disposition they make of it. They are holding their hearings, and I think their bill will pass and come over here, and we will have the benefit of the hearings they are holding and such additional hearings as we may see fit to hold, and in time have an augmented program, an accelerated program, and one that has these additional advantages to which I have already referred.

I do not think there is anything more that I can say, except to go back to the proposition here that the Department of Defense opposes this amendment, for the reasons that I have stated; and one of those primary reasons is that they want this percentage program worked out on this basis, and to make the junior colleges eligible.

The Senator from Maine (Mrs. SMITH) has been detained and could not be here, but I am authorized to say for her that she supports the bill she and I introduced, to which I have already referred.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I am opposed to the pending amendment offered by the distinguished Senator from Oregon (Mr. HATFIELD), on the grounds that it deals with each of the three services equally rather than separately.

The amendment would increase the number of ROTC financial assistance grants from the present 5,500 for each of the Services to 10,000 for each of the services.

Because the services are of different size and have different officer needs, this amendment will allow more for the Navy than it needs and less for the Army than it needs. The Air Force would also receive an insufficient number of grants under this amendment.

There is pending legislation, S. 1226, which would increase financial assistance grants to a maximum number equal to 10 percent of the officer strength ceiling of each of the services. The difference would vary. This legislation would more properly meet their needs than trying to set a single figure for all three departments.

S. 1226 also provides that some of these scholarships could go to 2-year programs in junior colleges. This is an important feature of S. 1226 which is not contained in the Hatfield amendment.

Mr. President, for these reasons I am opposed to amendment No. 136.

Mr. HATFIELD. Mr. President, I am ready to yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. STEVENSON). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 136) of the Senator from Oregon (Mr. HATFIELD). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG), are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Utah (Mr. BENNETT), and the Senator from Delaware (Mr. BOGGS), and the Senator from New York (Mr. BUCKLEY) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business at the White House.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 40, nays 44, as follows:

[No. 102 Leg.]

YEAS—40

Aiken	Hartke	Pearson
Baker	Hatfield	Pell
Bayh	Hughes	Percy
Burdick	Humphrey	Prouty
Case	Inouye	Proxmire
Cook	Javits	Roth
Cooper	Jordan, Idaho	Schweiker
Cranston	Mansfield	Stevens
Curtis	Mathias	Stevenson
Dole	McGovern	Symington
Dominick	Miller	Taft
Gravel	Mondale	Weicker
Harris	Muskie	
Hart	Pastore	

NAYS—44

Allen	Fannin	Metcalf
Allott	Fong	Montoya
Anderson	Gambrell	Moss
Beall	Griffin	Nelson
Bellmon	Gurney	Randolph
Bentsen	Hansen	Ribicoff
Bible	Hollings	Saxbe
Byrd, Va.	Hruska	Smith
Byrd, W. Va.	Jordan, N.C.	Sparkman
Cannon	Kennedy	Stennis
Cotton	Long	Talmadge
Eagleton	Magnuson	Thurmond
Eastland	McClellan	Tower
Ellender	McGee	Young
Ervin	McIntyre	

NOT VOTING—16

Bennett	Church	Scott
Boggs	Fulbright	Spong
Brock	Goldwater	Tunney
Brooke	Jackson	Williams
Buckley	Mundt	
Chiles	Packwood	

So, Mr. HATFIELD's amendment (No. 136) was rejected.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. TOWER and Mr. THURMOND moved to lay the motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 164

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Under the previous order, the pending business now is amendment No. 164 of the distinguished Senator from Ohio (Mr. SAXBE), which the clerk will state.

The assistant legislative clerk read as follows:

On page 31, between lines 23 and 24, insert the following:

"(28) Section 10 is further amended by adding at the end thereof a new subsection as follows:

"'(h) If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued because the Armed Forces are placed on an all volunteer basis for meeting their active duty manpower needs, the Selective Service System, as it is presently constituted, shall, nevertheless, be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency, and (2) personnel adequate to reinstitute immediately the full operation of the System, including military reservists who are trained to operate such System and who can be ordered to active duty for such purpose in the event of a national emergency.'."

Remember paragraphs (2) through (32) of section 101(a) of the bill as paragraphs (3) through (33), respectively.

The PRESIDING OFFICER. On this amendment 10 minutes are allocated to each side.

Who yields time?

Mr. STENNIS. Mr. President, will the Senator from Ohio yield me 2 minutes?

Mr. SAXBE. I yield.

Mr. STENNIS. I need only a minute.

Mr. President, I think this is an important amendment. It has not been in very long. The Senator from Ohio is very familiar with the subject, as he has dealt with it for many years. It is possible that we will not need to have any extended debate and can dispose of the amendment in a few minutes.

I thank the Senator for yielding to me and, Mr. President, I ask for order in the Senate so that the Senator from Ohio may be heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SAXBE. Mr. President, under the act of 1967, there is a clause which says that in the event the Selective Service shall make no call, it would go to a standby status. This amendment merely clarifies that and extends it to the Reserves presently maintained.

Very few people are aware of the fact that there is a Reserve in both the National Guard and in the Reserves. They are earmarked—and that is the very word used—for Selective Service assignment. They train in the National Guard with what is known as a State staff, and in the Reserves with what is known as a special unit, where they spend their training periods and their yearly camp periods on assignment to Selective Service Headquarters, familiarizing themselves with the operation of the Selective Service System.

The reason was, in 1940, when the Selective Service was invoked, there was no one trained in the operation of Selective Service, and to set this rather involved headquarters up took a tremendous period of time which embarrassed the war effort tremendously and especially in regard to the selectees sent in and the delays and the paperwork that were necessary.

These units, with which I had experience and commanded over the years, are officers from the various branches of the service and are not commissioned in the Selective Service, but could be infantry officers in the Army, or they could be Navy, Marine Corps, or Coast Guard officers.

They train in this field and are qualified to go into State headquarters and be an assistant director or a State director, a fiscal or a procurement officer, or a manpower officer to fill these vacancies.

As we go into a volunteer army, I do not think there is anyone that wants to junk Selective Service—that is, to put it completely out of business. We want to keep the records up and the registrations and certainly we want to keep trained personnel that can operate the system.

It was considered that there be a civilian reserve, but a civilian reserve would leave us helpless to bring people in if they have moved from their locality, they are no longer interested, they have a better job, or have any one of a million other personal reasons they are not available.

But a military reserve at all times gets its trained personnel. Every person in the unit is a volunteer. Every person is working at a civilian job. He is not, as in some of the services, a full-time government employee. Of course, there are some who do come from government, such as in the Post Office or something like that, but they are employed outside of the military practically 100 percent.

There are at the present time 1,311 such personnel in this country. I do not believe there is any intention to do away with this reserve.

This merely sets out that they will continue to operate as they do, on a part-time reserve basis.

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

Mr. SAXBE. I yield.

Mr. HRUSKA. Mr. President, the language of the amendment says that there shall be maintained as an active standby organization with a complete registration and classification structure capable of immediate operation, and so forth.

It is not contemplated that registration shall be maintained. It is only the structure and the organization, the equipment, the procedures, and the manuals that are necessary to initiate registration if and when a national emergency comes.

Mr. SAXBE. The Senator is correct. Whether or not registrations are to be maintained will be a decision when we go to a volunteer army. It is not involved in this discussion at the present time.

Mr. HRUSKA. So, the Senator's amendment does not include the actual registration of potential inductees.

Mr. SAXBE. This is the language that comes out of the act of 1967. At the present time, I believe they do contemplate a continuation. But that would have to be decided at such time as we go to a volunteer army.

Mr. HRUSKA. Mr. President, I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, may we have the attention of the Senate?

This amendment has very limited application as I understand. I would like to have the Senator from Ohio answer some questions. As I understand, this would not affect more than 1,200 men.

Mr. SAXBE. One thousand three hundred eleven officers are now so earmarked.

Mr. STENNIS. The continuity the Senator wants here as I understand, is because of the variations in the number of men called even now, and with the volunteer army the number we need from time to time will vary. The Senator wants continuity in operations rather than a total disbanding of this force.

Mr. SAXBE. The Senator is correct.

Mr. STENNIS. Mr. President, to save time, the continuation would not mean that these men would be drawing full-time pay, but they will be merely held together and rendering their monthly drill service time and military time and be paid as any other reservist for the time they render. Is that correct?

Mr. SAXBE. The Senator is correct.

I might add that were the units disbanded, these men would revert to their regular branch of the service and would continue to serve. This amendment continues these people in the particular earmarked service for which they are trained in respect to the operation of selective service.

Mr. STENNIS. They have already been drawn out of the ordinary channels and have been put into this organization. As long as they are needed, they will continue in full-time employment.

Mr. SAXBE. The Senator is correct.

Mr. STENNIS. Mr. President, when the slack comes, they will not continue to draw their pay, but will be held together as a unit in the Reserve and be paid only for such drill time as they may put in each month.

Mr. SAXBE. Mr. President, I want to correct a misconception. They do not work full time now in the Selective Service. They are part-time, weekend soldiers at the present time. There are people in here who are car salesmen, bankers, and lawyers. It is like any other Reserve unit. They are only earmarked. Their training program comes from the National Selective Service headquarters rather than from their particular military branch.

Mr. STENNIS. Mr. President, even though this is repetitious, for the sake of emphasis, we do have these stop and go calls now. There are many more some months than others. If this volunteer

army concept builds up, it will become even more uncertain. They may go 2 or 3 months and not have to call anyone. Then they will have to go back and call some more later.

Mr. SAXBE. Yes. Should the pay increases work, as some have indicated here, and if the calls were reduced to zero, there would be a reduction in the work force of selective service as to the new act of Congress, they would be reduced. This group would continue to operate just as they do now, drilling once a month, going on active duty for 2 weeks a year, training for emergency, and they cannot be called up except in an emergency, just as the other National Guard or Reserve units.

Mr. STENNIS. Mr. President, repeating again, the purpose is to keep them in this special category and also have a provision that they will have this monthly training.

Mr. SAXBE. The Senator is correct.

Mr. STENNIS. Mr. President, the Senator is suggesting this from his personal knowledge and experience acquired over many years, or several years at least, with this very activity.

Mr. SAXBE. The Senator is correct. I joined such a unit in 1959 and continued in it until I came here. During that period of time we trained a number of officers and did serve as a pool for training personnel who were available, if they desired, to go into national headquarters or into auditing or some other aspect of selective service. It is a training ground.

Mr. President, if there are no other questions, I am prepared to yield back the remainder of my time. I have not asked for the yeas and nays. I would be willing, with the agreement of the chairman of the committee, to submit the amendment to a voice vote.

Mr. STENNIS. Mr. President, I do not know of any other questions. I hope that we have been able to acquaint the Senate with the amendment. The Senator from Ohio is very familiar with this subject. I believe that he has made it clearly understood. I believe that we can agree to the amendment by a voice vote. I would be willing to yield back the remainder of my time.

Mr. SAXBE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio (putting the question).

The amendment was agreed to.

AMENDMENT NO. 139

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate amendment No. 139 which will be read.

The legislative clerk read as follows:

On page 24, line 15, strike out the quotation marks.

On page 24, between lines 15 and 16, insert the following:

"(f) For the purposes of this Act, a delinquent is a person who is required to be registered under this Act and who fails to perform or who violates any duty, with respect to his own status, required of him under the provisions of this Act and the regulations issued thereunder."

On page 33, between lines 13 and 14, insert the following:

"(33) At the end of the Act add a new section as follows:

"'PROCEDURAL RIGHTS

"'SEC. 22 (a) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to present testimony or other evidence regarding his status.

"'(b) Each registrant also shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

"'(c) A quorum of any local board or appeal board shall be present during the registrants' personal appearance.

"'(d) Every decision by a local board or appeal board shall be accompanied by a written statement setting forth the reasons for the decision.

"'(e) Each registrant shall further have the right to be accompanied and advised by private counsel before any such board. If any registrant is financially unable to provide his own counsel, upon his request such counsel shall be made available without charge, under such rules and regulations as the President may prescribe.'"

Mr. KENNEDY. I ask unanimous consent to modify my amendment as follows:

Delete lines 1 through 8 and renumber the other lines accordingly.

On page 2, line 17, delete the word "represented" and in its place insert "be accompanied and be advised".

Furthermore, to delete the words on line 17 after the word "counsel," and starting with the word "If" through the rest of the paragraph through line 21.

The PRESIDING OFFICER. Is there objection? The amendment is so modified.

Will the Senator please send his modifications to the desk?

Mr. KENNEDY. I am glad to do so.

The amendment, as modified, is as follows:

On page 33, between lines 13 and 14, insert the following:

"(33) At the end of the Act add a new section as follows:

"'PROCEDURAL RIGHTS

"'SEC. 22. (a) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to present testimony or other evidence regarding his status.

"'(b) Each registrant also shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

"'(c) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

"'(d) Every decision by a local board or appeal board shall be accompanied by a written statement setting forth the reasons for the decision.

"'(e) Each registrant shall further have the right to be accompanied and be advised by private counsel before any such board.

Mr. STENNIS. Mr. President, will the Senator yield to me for one-half minute?

Mr. KENNEDY. I yield.

Mr. STENNIS. Mr. President, this is an important amendment and it will involve some debate. We may be able to yield back some of the time.

The amendment involves the procedure before the board and the right to have an attorney, and other procedural matters. These are important matters and they cannot be disposed of quickly.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY, Mr. PATTEN, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mrs. REID of Illinois, Mr. CONTE, and Mr. Bow were appointed managers on the part of the House at the conference.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, will the Senator yield to me for one-half minute?

Mr. KENNEDY. I yield.

REQUEST THAT 5-MINUTE WARNING ON VOTES BE OBSERVED

Mr. STEVENS. Mr. President, on the vote on the last Kennedy amendment five of us could not make the rollcall because we relied on the 5-minute warning. I would like to ask that the 5-minute warning be a full 5 minutes because, relying on the 5-minute warning we came over to vote and found when we arrived that the vote had been completed.

I am not being critical, but we did rely on the 5-minute warning and we thought we had a full 5 minutes. However, when we arrived the vote had been completed and we could not cast our votes on the Kennedy amendment. If we are to have the 5-minute warning, I ask that it be 5 minutes.

I thank the Senator for yielding.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, the American system of justice, grounded in fundamental standards of fairness and due process, is without question the principal guardian of our individual freedom. The most fundamental tenet of American due process is that no person shall be deprived of life, liberty, or property without the right to be heard in his own behalf, both on the level at which initial

decision is made and on the level of appeal to higher authority.

At either level, a fair and just decision, based upon a complete and accurate appraisal of the facts, is totally impossible unless the individual is allowed to present his case before those who would decide it.

Yet, today the Selective Service System operates on a totally different concept. Under selective service regulations:

There is no right to a personal appearance at the appellate level.

There is no requirement that a quorum of the local board or the appellate board be present at personal appearances.

There is no requirement for a written statement of the reasons for decisions to be given the registrant.

There is no right to present witnesses at local or appellate levels.

There is no right to counsel.

The basic requirements of procedural fairness dictate that these minimal guarantees be available to a registrant.

For it is one thing to allow an individual the right to a hearing and a totally separate and distinct situation when one seeks to allow him the right to a fair hearing.

Affording the right of personal appearance at the local board level is a fundamental prerequisite of due process, but it falls far short of meeting all that due process requires.

If justice is to be served, the individual faced with the loss of substantial liberty or property must be permitted the means to present his case effectively.

My amendment seeks to enable the registrant to just that.

It would permit a registrant the opportunity to appear in person at the local and appellate level.

It would permit the registrant the right to present witnesses.

It would require that a quorum be present during the registrant's personal appearance.

It would require that decisions of local and appellate boards be accompanied by a written statement of the reasons for the decision.

It would give registrants the right to an attorney.

In these ways, we would be giving registrants whose involvement in the Selective Service System carries with it the risk of death, the same rights that we give corporations who seek broadcast licenses, the same rights we afford defendants involved in the most petty crimes, the same rights that we afford individuals appealing income tax rulings.

I think it is appropriate to note that for these reasons a committee of the American Bar Association has endorsed my amendment. The Committee on Civil Rights and Responsibilities of the Section of Individual Rights and Responsibilities has also passed a resolution to that effect and filed a memorandum in support of my amendment.

I have been heartened by the quantity of support this proposal has received. I have a letter from Mr. Robert Turtle, who is the chairman of the American Bar Association Selective Service project.

I ask unanimous consent to include at this point in the RECORD the letter from Mr. Turtle as well as a memorandum that has been prepared by the Committee on Civil Rights and Responsibilities of the American Bar Association.

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

JUNE 18, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SIR: The Committee on Civil Rights and Responsibilities of the Section of Individual Rights and Responsibilities of the American Bar Association has adopted the attached resolution on the basis of the material contained in the attached Summary of Arguments. The resolution and material will be presented for adoption by the entire Association at its annual meeting this summer. In the interim the Committee wishes to express its support for and endorsement of your proposed amendments to H.R. 6531. These amendments are the minimum requirements to insure that procedural due process and fundamental fairness will have a place in the Selective Service System. In our opinion, these amendments will not unduly delay the Selective Service processing of a registrant, and may, in fact, serve to expedite that process.

Sincerely,

ROBERT H. TURTLE,
Chairman, ABA Selective Service Project.

RESOLUTION OF THE COMMITTEE ON CIVIL RIGHTS AND RESPONSIBILITIES OF THE SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES OF THE AMERICAN BAR ASSOCIATION

Whereas, it is the firm conviction of the members of the Committee on Civil Rights and Responsibilities of the section of Individual Rights and Responsibilities of the American Bar Association that the current procedure whereby selective service registrants are denied the assistance of counsel at local board hearings is a denial of fundamental rights which have been a long-standing tradition of the American system of justice; and

Whereas, this procedure is totally unauthorized by the Selective Service Act of 1967, and for this reason is an invalid exercise of administrative discretion; and

Whereas, the denial of counsel in proceedings wherein a registrant may be faced with the possible loss of substantial rights, including his liberty, is an infringement of the fundamental rights of due process which are guaranteed by the Fifth Amendment to the United States Constitution; and

Whereas, the denial of counsel in proceedings wherein a registrant may be faced with reclassification which is basically punitive in character and from which the registrant's only form of judicial recourse may be as a defense to criminal charges for refusal of induction, represents an infringement of rights guaranteed by the Sixth Amendment to the United States Constitution; and

Whereas, it is the firm conviction of the committee that the denial of such a fundamental right at local board hearings cannot be justified by the needs of national defense or administrative efficiency, be it hereby

Resolved, that the members of the Committee on Civil Rights and Responsibilities of the Section of Individual Rights and Responsibilities are firmly and unequivocally opposed to the current procedure whereby selective service registrants are denied the assistance of counsel at local board hearings; and be it further

Resolved, that the same members strongly urge the Congress to amend the Selective Service Act to take action to remove this travesty upon the American system of justice by amending the Selective Service Act to allow registrants to be represented by counsel at local board hearings.

A SUMMARY OF THE ARGUMENTS IN SUPPORT OF THE RIGHT TO COUNSEL AT LOCAL BOARD HEARINGS

At the cornerstone of the American system of justice are the principles of fairness and due process which are applicable to all American citizens and, indeed, to all persons within the borders of this country. Stated in the simplest terms, these principles require that any person faced with the loss of substantial personal liberty or property is to be afforded the right to a hearing, complete with the procedural safeguards which our history has found to be absolutely necessary to ensure that justice is done. Among the most fundamental safeguards in this context are the right to confront the witnesses who would deprive the individual of liberty or property, the right to appeal a decision of first impression to a higher level, and the right to the assistance of counsel by one who possesses the requisite knowledge and skills to ensure that the laws are obeyed and the individual protected from arbitrary action.

For these reasons it is a genuine source for alarm, especially to the members of the legal profession, when a situation is found to exist within the American system wherein individuals have been systematically denied these fundamental rights of fairness and due process. It is submitted that such a situation exists in the current procedures established by the Selective Service System for the hearing of registrants at the local board level.

The Selective Service Act of 1967 provides that:

"Local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title ([said sections]), of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe . . ." 50 U.S.C. App. § 460(b)(3) (1968).

It is clear that this language, which has been a part of successive Selective Service Acts since 1948, is an indication of Congressional recognition that a registrant who contests the classification given him by his local board is faced with the loss of substantial rights, and that such a registrant is entitled to the type of hearing which due process has traditionally required in such situations.

Notwithstanding this fact, for two decades the Selective Service System has circumscribed the procedural safeguards which a registrant may invoke at local board hearings. Particularly, § 1624.1 of the regulations established by the Selective Service provides that:

"No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant: PROVIDED, That if the registrant does not speak English adequately he may appear with a person to act as interpreter for him: AND PROVIDED FURTHER, That no registrant may be represented before the local board by anyone acting as attorney or legal counsel." 32 C.F.R. § 1624.1(b).

Thus, the selective service registrant is denied representation by one who is familiar with the substantive rights which the laws and regulations provide to the registrant. Although § 1624.1 permits the Board *in its discretion* to allow the appearance of witnesses who might present factual testimony in the registrant's behalf, it effectively pre-

cludes the appearance of anyone who might object to the manner in which the hearing is conducted or who might otherwise advise the registrant of his substantive rights.

It is submitted that on its face, the denial of counsel at local board hearings is contrary to fundamental American standards of fairness and due process. This denial is even more egregious, however, when considered in the light of the limited review available to registrants once the local board has made its decision. The registrant may appeal his case to the state Selective Service appeal board, 32 C.F.R. 1626.2, and may take an additional appeal if the appeal board is less than unanimous in upholding the local board's decision. 32 C.F.R. 1627.3. In either case, however, the registrant is not allowed a personal appearance on appeal, and since no transcript is taken of local board hearings, appellate review is limited to the registrant's written statements and to the board's written conclusions. The only recourse which a registrant has open to him if he loses his administrative appeals is to contest the legality of the board's action as a defense to criminal prosecution for refusal to be inducted, or, if the registrant allows himself to be inducted, by way of a habeas corpus action. In such a case, the court's range of review is "the narrowest known to the law," *Blalock* v. *United States*, 242 F. 2d 615 (4th Cir. 1957), and the court may reverse the appeal board "only if there is no basis in fact for the classification . . . *"Estep* v. *United States*, 327 U.S. 114 (1946).

Given these circumstances, the need for effective representation at the local board level is even clearer. The local board's decision is virtually final, except in the rare case where the appeal board reverses the local board decision or where a reviewing court is unable to find a factual basis in the limited record for sustaining the board's decision. Without the assistance of counsel at the local board hearing, the registrant is hampered in his ability to present his case effectively and to argue the applicability of the laws and regulations at what is by any standards the most crucial point in his case.

The denial of counsel under these circumstances is subject to attack on three separate grounds. First, it has been established by the Supreme Court that the administrative denial of "traditional forms of fair procedure" must "not be restricted by implication or without the most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition." *Greene* v. *McElroy*, 360 U.S. 474, 508 (1959).

There is nothing in either the Selective Service Act or the legislative history accompanying each of the successive acts which gives authorization for the denial of counsel in local board proceedings. Further, it cannot be argued that congressional inaction in the face of this long-standing practice is tantamount to authorization. As stated in *Greene*:

"It must be made clear that the President or Congress, within their respective constitutional powers, specifically has decided that the imposed procedures are necessary and warranted and has authorized their use. . . . Such decisions cannot be assumed by acquiescence or non-action. . . ."

Second, the denial of counsel in local board hearings is contrary to the fundamental standards of due process established by the Fifth Amendment. It is clear that personal appearance before a local board is an adjudicative hearing affecting substantial rights. The Board is called upon to make findings of fact on conclusions of law, often in areas—such as conscientious objection—in which the law is constantly in flux. As a result of the board's decision, a registrant may lose a deferment which is conferred upon him by law, or he may be faced with an order to perform military service which is contrary to his religious and moral convictions. In any case, he is faced with a possible loss of his liberty. In such circumstances, it is by now axiomatic that—

"When governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use the procedures which have traditionally been associated with the judicial process." *Hannah* v. *Larche*, 363 U.S. 420, 442 (1960).

It is equally beyond question that the right to counsel is an essential procedural aspect of the judicial process. As the Supreme Court noted in the context of juvenile proceedings, one who is faced with a binding decision affecting his substantial rights "needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings. . . ."

Third, the prohibition of counsel at board hearings is contrary to the principles established by the Sixth Amendment. The narrow scope of judicial review applicable to classification decisions, coupled with the fact that most conscientious objectors aggrieved with the refusal of the board to grant conscientious objector status must refuse induction in order to have their case heard in court add up to the conclusion that the local board hearing is a "critical stage" in the criminal proceedings to which an unsuccessful conscientious objector is often subject. As the Seventh Circuit noted in *United States* v. *Freeman*, 388 F.2d 246 (1967):

"Under these circumstances conviction is almost inevitable, since the Board's refusal to grant the conscientious objector classification is based on an inference as to the sincerity of the registrant's belief and there will almost always be something in the record to support an inference of lack of sincerity."

With the limited review of board decisions and the strong likelihood of criminal sanctions for registrants who claim conscientious objection, such a registrant may be convicted without the safeguards which the Sixth Amendment was intended to provide. Without some protection against innocent acts or omissions at the board level which may prove decisive, such as ignorance of the regulations or of recent interpretations thereof, the registrant may find himself serving the five-year maximum sentence for refusal of induction without having had the type of fair proceeding which the American system of criminal justice has long held sacred.

Thus, the question to be resolved is whether fundamental standards of fairness and due process established by the Constitution are to be upheld in the context of local board hearings, or whether they are to be overridden because of the unsupported assertion that allowing counsel at such hearings would make the Selective Service System's task more difficult. The answer can only be that our fundamental standards of fairness and due process should not be undermined on supposed grounds of administrative expediency.

Mr. KENNEDY. Thus, this amendment brings with it the endorsement of the legal association most directly charged with understanding the detailed responsibilities of the Selective Service System. Also all of the elements in this amendment have specifically been endorsed by the ACLU.

It should be noted at the outset that the restriction on the due process rights of individual registrants was not in any way a result of congressional action. This action results solely from administrative action by the Selective Service System. I refer specifically to 32 C.F.R. 1624.1 (B) which provides:

No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant: . . . And provided further, that no registrant may be represented before the local board by anyone acting as Attorney or legal counsel.

If it might be argued that the provisions of the Bill of Rights seek to guarantee fairness to the individual against the powers of the State, then the regulation previously read, seeks to guarantee the powers of the State against the individual. For when we place the burden on the individual of proving himself "not available" for the draft, as General Hershey has stated in the past; then it is unconscionable to deny him the legal means to bear that burden.

Plato has written:

The time has arrived, Glaucon, when, like huntsmen, we should surround the cover, and look sharp that justice does not steal away, and pass out of sight and escape us.

As far as the regulations of the Selective Service System are concerned, justice has long since passed out of sight.

Attaching procedural due process requirements is the only way to entice its return.

The first change that we are suggesting in the amendment now before the Senate is that an individual registrant be assured the right to present witnesses to the local board.

I cannot readily understand how this right can legitimately be denied an individual. We are talking about a basic element of due process. If there is to be an opportunity for an effective presentation of one's case, then the registrant must be able to call upon persons who can substantiate his statements. Obviously, the Selective Service System felt this could at times be desirable since its regulations permit witnesses at the discretion of the local board. Yet, this discretionary power contains the seeds of arbitrary action. For it means that some young men have special rights which are denied to young men in the jurisdiction of a different board.

The right to present witnesses, under rules and regulations prescribed by the President, surely would not result in any disastrous impediment to the selective service process.

Nor is this a right that is foreign to any system of law. Western legal doctrines can be traced to the code of Hammurabi which guaranteed to an individual the right to present witnesses. The Hebrew legal system also contained that assurance. In nearly every legal system that we know of, that right has been protected.

The same right is protected by the sixth amendment to the Constitution.

The Supreme Court held in Washington against Texas in 1966:

The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts . . ." In its opinion holding that this protection under the sixth amendment was applicable to the states under the due process clause of the 14th amendment, the court recalled the words of Joseph Story. Story, in his commentaries, "observed that the right to com-

pulsory process was included in the Bill of Rights in reaction to the notorious common law rule that in cases of treason or felony the accused was not allowed to introduce witnesses in his defense at all.

Let me repeat the statement made by former Attorney General Ramsey Clark during testimony before the Administrative Practices and Procedures Subcommittee on the Selective Service System. I asked the Attorney General whether witnesses were important to a fair hearing.

His response was and I quote:

It is the only way that you can get the truth across that I know of.

I find that statement to be immensely impressive because here you have the Attorney General stating that if the local boards want the truth then "the only way" is to assure that they have the opportunity to hear witnesses who may corroborate the word of a registrant.

That view also has been testified to time and again by representatives of the American Civil Liberties Union. In their appearances this year before both the House and Senate Armed Services Committees, Aryeh Neier, executive director of the American Civil Liberties Union, stated:

While there are wide variations in the practices of local boards, registrants are often refused permission to bring witnesses with them to local board hearings. For obvious reasons of fairness, the right to bring witnesses should be mandated by legislation.

Also, I believe it is important to remember that we are discussing individuals who, because of their age and level of maturity may well be less than fully capable of presenting their case adequately. The ability to have as corroborating witnesses, persons who are closer to the current age level of the board members, undoubtedly would be of assistance in bolstering the strength of a registrant's testimony. Ministers, teachers, parents, and friends—each might be able to establish particular elements of an individual's background which would be critical to his request for a deferment.

Since we are moving toward a situation where conscientious objector and hardship classifications will be the major remaining deferments, the issue of a registrants' sincerity will be of utmost importance. The right to present witnesses who can establish the credibility of a registrant's testimony is a vital element in carrying out the purpose of the 1967 law, the purpose of assuring that the Selective Service System is "fair and just."

A second prerequisite of fairness in hearings is that an individual should be heard by those who will ultimately decide his case. This would appear to be a self-evident proposition. Yet in the case of the Selective Service System it is neither required nor does it always occur.

For under existing regulations, it is quite possible for an individual to appear before a local board to present his case and find only one member of the board and the clerk on hand. His appearance may be nearly worthless under those circumstances since a decision on his request for a change in classification will be made at a later date when a quorum of the board is present. But at that time, it is very well possible for the one board member who actually heard his case to be absent. Thus, no one except the clerk will have heard his presentation. The right to a personal appearance under those circumstances becomes of dubious value.

Also, under these circumstances, the system permits one member of the board who did hear the evidence to have undue influence over his associates. This also diminishes the likelihood of an impartial decision.

The amendment now before the Senate merely provides that at personal appearances a quorum of the board shall be present. This will protect the rights of the individual and the reputation of the board.

There is a third element of procedural fairness which currently is denied to registrants. Neither the local board nor the appellate boards are required to make written findings.

The ability of an individual to present his case effectively at the appellate level or in the courts is predicated on full knowledge of the basis for the initial decision. Without that knowledge, the right of appeal is almost meaningless since there is no way for the individual to muster his evidence to meet the arguments of the local board or the appellate board. A general presentation may or may not provide the appellate body with facts necessary to reexamine the original decision.

Thus, the lack of written findings of any sort denies due process rights in several ways.

It places almost insurmountable barriers in the way of the registrant who is seeking to construct an intelligible appeal.

The absence of written findings severely handicaps the appeals boards in arriving at a decision since they have little basis for evaluating the rationale behind local board actions.

There can be little question that the absence of a written statement of the basis for a local board decision frustrates and impedes judicial review. The Supreme Court stated in Simmons against United States:

The right to file a statement (before an appeal board) . . . includes the right to file a meaningful statement, one based on all the facts in the file and made with awareness of the arguments to be countered.

All we are suggesting is that a simple written statement of the reasons for decisions is a minimal requirement in keeping with our traditions of due process guarantees for individuals faced with the loss of substantive rights.

Fourth, the increasing importance played by a registrant's sincerity in determining his qualifications for a deferment requires that he be afforded the right to a personal appearance at the appellate level.

The appellate review is essentially a de novo review of the lower court decisions and the facts in the case. For that reason, it seems reasonable and desirable to permit an individual a right to a personal appearance, under appropriate regulations.

Some have argued that permitting this opportunity at the appellate level would seriously hamper the administration of the Selective Service System. Yet even the Selective Service System acknowledges that approximately half of the appeals in the survey they provided my office had some legal validity. All of those legitimate claimants then were denied the right to an appearance, an appearance that well might have substantiated their position or provided some basis for further analysis of the local board decision.

I think that if we are balancing a minor delay against the rights of a not insignificant number of registrants, we must find for the individual. It should be our responsibility, even in matters related to the Selective Service System, to protect the rights of the individual. I think that providing the right to a personal appearance at the appellate level would be a step in achieving that goal and would not in any way do injury to the efficiency of the Selective Service System.

Finally, there is the remaining element in the provision of due process, an element called by the Supreme Court fundamental and essential to a fair trial—the right to counsel.

Gideon against Wainwright reasserted the fundamental and central relationship of the right to counsel to insure that an individual obtains a fair hearing. The court in Gideon traced the precedents describing the right to counsel. In Powell against Alabama—1932—the court declared:

The right to the aid of counsel is of this fundamental character.

In Grosjean against American Press Co. in 1936, the court stated:

We concluded that certain fundamental rights, safeguarded by the first eight amendments against federal action, were also safeguarded against state action by due process of law clause of the fourteenth amendment, and among them the fundamental right of the accused to the aid of counsel in a criminal prosecution.

And, in its opinion in Gideon against Wainwright, the court concluded:

From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law.

I believe the same responsibility extends to us today when we consider the risks and duties imposed upon the individual by the draft.

Under current regulations—regulations not legislated by the Congress but mandated by the Selective Service System—the registrant is denied the right to representation by someone well-versed in the substantive rights which the laws afford to the registrant.

Within the confusing welter of statutes, hundreds of pages of regulations, an almost equal number of local board memorandum and state directives, the individual registrant is a pitifully vulnerable creature. Without counsel, he may waive his rights. Without counsel, he may not be aware which facts are relevant to his case and which facts are not. Without counsel, he is blind to his rights, to the law, and even to his responsibilities.

In its summary of the reasons for supporting the right to counsel, the American Bar Association committee stated:

Without the assistance of counsel at the local board hearing, the registrant is hampered in his ability to present his case effectively and to argue the applicability of the laws and regulations at what is by any standards the most crucial point in his case.

It is the crucial stage, because it is at the local board level that most determinations of facts and most conclusions of law are made. Because of the limited right of appeal, because of the lack of a right to a personal appearance on the appellate level and because of the absence of written decisions to confront at the appellate level, the original decisions of the local boards take on even greater meaning. It is there that an attorney can be of most use. As Justice Sutherland stated in Powell against Alabama:

The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law . . . he lacks both the skill and knowledge adequately to prepare his defense, even though he has a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him.

If we are to adhere to the premise that Americans are guaranteed that they will not be deprived of life, liberty, or property without due process of law, then we must begin by providing the right to counsel to Selective Service registrants.

Mr. President, the Selective Service System as it exists today denies fundamental rights of due process, rights guaranteed in both the fifth and 14th amendments of the Constitution.

As a result, an individual registrant may lose a deferment to which he is entitled, a deferment which might allow him to remain with his family or to avoid jail. In short, he is faced with the loss of his liberty and, whatever his obligation to his country, he is entitled to a fair hearing of whatever facts bear on his status.

That fair hearing is now denied him.

At a time when the youth of America are becoming more and more disillusioned with the American system, it is imperative that the 19-year-old receive the same guarantees of due process that are afforded to others with more power and influence within our society.

These rights are now given to corporations seeking broadcast licenses. They are given to companies seeking exemptions from FDA and FTC regulations. They are given even to the polluter who seeks a permit to expand his plant. Yet we deny those same rights—to witnesses, to written statements of decisions, to quorums of the deciding bodies, to appearance at appellate levels, to counsel—we deny those rights to the 19-year-old.

Perhaps the irony was best expressed in a letter from Villanova Law Professor Howard R. Lurie. He wrote:

Suppose a member of the House of Representatives introduces legislation to put taxation on the same basis as conscription. Incomes are to be taxed at 100 percent subject to such credits, exemptions, and deductions as the statute or the President by rules and regulations, shall provide.

The individual taxpayer must prove to the satisfaction of his local tax board that he is entitled to any particular credit, exemption or deduction, but he is not allowed to be represented by an attorney or accountant when he appears before it.

The board is not required to issue any written opinion regarding its determination of the taxes due from the taxpayer; no judicial review of its decisions is available, except as a defense to a criminal prosecution instituted against the taxpayer for failure to pay the taxes due; and the decision of the tax board is reversible only if there is no basis in face for the tax assessment.

No reasonable member of the Congress would take such legislation seriously. It would be outrageous to treat taxpayers in such a fashion.

But in fact is it not equally outrageous to treat your young men in precisely the manner? How can we justify calling these men to duty and at the same time treat them as second-class citizens compared to other groups within our society? Surely, we should give the same protection of due process that we afford to others who face a threat to their property rather than to their lives.

Yet, we know that the very lives of the young men are at stake when they deal with the draft board.

I think the time is long overdue for the Congress to right the wrong that we have permitted to exist for two decades.

If we are convinced that fundamental standards of due process are guaranteed to all Americans, then let us apply these same standards to those whom we would ask to serve and honor our country.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 46 minutes remaining.

Mr. KENNEDY. Mr. President, I want to make one correction for the RECORD. This amendment is offered in behalf of the Senator from New York (Mr. JAVITS) and myself. His name was on the earlier amendment, but, by misprint, his name was left off. I ask unanimous consent that the RECORD show that the amendment is offered in behalf of the Senator from New York and myself.

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

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, in my judgment, the Senator from Massachusetts (Mr. KENNEDY) has proposed a critically important amendment, in which I have joined. I might say that, like himself, I have had a longstanding interest in and experience with draftees and their problems. In addition, this provision was in my own proposal for reform of the draft.

My experience with draftees goes back to the time when we first began to draft men immediately before World War II, when I was a Government appeal agent. That means I was the people's lawyer as well as a draft board lawyer. It was in a district in Manhattan—Harlem, teeming with people who really needed representation.

I have kept in very close touch with the whole draft system since, because I maintain a large office in New York to service constituents, and an enormous number of those cases are cases involving the draft and the military services.

From the point of view of the preservation of basic freedoms, and in a very practical sense, the way in which the individual, the ordinary American, comes into contact with Government, I know of no part of this legislation, other than the question of whether we shall have a draft at all, which is more important to the individual than the provisions which secure for him due process or procedural rights, nor do I know of anything which can more nearly convince the individual American that the system is just than the inclusion of a provision like this as part of our law.

We must note at once, as the Senator from Massachusetts has noted in his main argument, that the Administrative Procedure Act does not apply to draft boards, and hence what they do—and the courts have pretty well dealt with the matter in that vein—is pretty much up to them. They have to do whatever they think they ought to do to come to their best judgment about the individual's status.

We are dealing here with the draft, and involuntary deprivation of liberty, or perhaps even of life itself, all in the highest patriotic spirit. I favor the draft. Indeed, I have debated this issue on many college campuses. I am a liberal, and very proud of it; but, much to the surprise of many thousands of students, I have said I prefer the draft because of its civilian and egalitarian quality, and because of its assurance against a military class, and its ultimate sanction, in terms of our civilian population, as to when we do or do not engage in war, so that the entire population has an interest in the issue, and not just those who are willing, for monetary or other reasons, to take the risk.

So my strong feeling in favor of the draft naturally colors my feeling in respect to this particular amendment.

Mr. President, the elementary rights which are guaranteed by this amendment are critically important. As I say, the individual is not protected by the requirements of the Administrative Procedure Act. As they are spelled out, they constitute the network of basic protections of Anglo-Saxon law as contained in the Bill of Rights to the Constitution.

It seems to me that every one of us ought to be satisfied that every draftee will have these rights, and the best way to assure them is to write them into the law.

Mr. President, they are written into the law, by this amendment, in such terms as not to represent a straitjacket for anyone, for the United States or for the draftee. Let us examine them, and see what they are.

There is no question about the right to appear in person. Incidentally, that is never denied, that I know of. But what does happen, practically, is that when people get very busy, you have a rush operation. I have seen it myself. You simply have to pour through a good many people in a very short period of time, and the individual most often is not accus-

tomed to dealing with a governmental body, and so he does not complain or protest if they give him only a minute and look like they are not interested and do not listen to him at all. Most often, he says nothing. The people are not trained. They are not able to "protect their rights," and do not feel it is an adversary proceeding; and yet it may very well turn out to be, as their liberty and their future are being judged by a group of their peers.

As I say, the rights of the individual person, standing alone, I have never heard challenged, but the meaning of the appearance is then buttressed by the other specific rights which this amendment provides.

First, to present testimony. That calls on a person to say something on his own behalf, if for any reason he feels he should not be called upon to serve. Then that needs to be substantiated. I have heard men, time and time again, under these circumstances—as I say, I was a government appeal agent myself for a couple of years—say they often are left in doubt as to whether what they are being told is the truth or not. So some support, some corroboration, as the lawyers say, becomes desirable and highly important.

I point out that the regulationmaking power will prevent the production of such witnesses from being dilatory or burdensome. The President can, by regulation, establish reasonable limits considering the very large number of people involved and the imposition upon the civilian members of the draft board themselves as to their time. Rules and regulations can be made by the President to see that this right is not abused.

Mr. COTTON. Mr. President, will the Senator yield for a quick question?

Mr. JAVITS. I do, of course.

Mr. COTTON. Would that right to establish regulations extend to some control of the size of lawyers' fees, when counsel is provided?

Mr. JAVITS. I will jump ahead and answer the question, instead of saying "we will get to it," by saying that the way we get at the lawyers' situation is that we have very sharply limited the right to counsel. The way we had it originally, we said he has a right to be represented by counsel. Now, the Senator from Massachusetts has accepted my view, to say that he may be accompanied and advised by counsel in appearing before such board. We have not gone into the question of the amount, because we have stricken out the requirement that the United States provide counsel.

Mr. COTTON. I beg the Senator's pardon; I read that provision in the version of the amendment on our desks.

Mr. JAVITS. No, that has been stricken, for that reason, that you get into such a trying network of regulations. Senator KENNEDY and I agreed that for cases like this, there are enough volunteers, bar associations, legal aid societies, and so on, so that we should not further complicate the issue.

Mr. COTTON. I apologize for asking the question and interrupting the Senator's train of thought.

Mr. JAVITS. That is all right.

Now, as to a quorum of a local board or appeal board, I do not think there is any question that a man is entitled to that, because, again, I have seen the right of personal appearance—which, as I say, I have never seen challenged—considerably diluted by the fact that one member of the board may be there, and it is really the clerk, in the final analysis, who will make the decision, and that is not the way this is supposed to work. If a fellow wants to contest, at least he ought to be heard by enough members of the board to do justice to his claim.

As to the written statement called for by the amendment, a decision in writing is really what it means. It seems to me that is so much within the control of the local board that it is not too much to ask that they at least have some note as to why they decided as they did, because the man has a right to an appeal, and he has the right to get the Government appeal agent to meet him.

Mr. President, I see my time is up. Will the Senator from Massachusetts yield me another 3 minutes?

Mr. KENNEDY. Yes.

Mr. JAVITS. The Government appeal agent, as I say, is supposed to help him if he wishes to prosecute an appeal, and it seems to me that in cases like this, which are so informal, it is very valuable to whoever is dealing with the appeal to know the basis for the board's decision, even if very briefly and episodically put.

Finally, as I have just explained to the Senator from New Hampshire, there is, again, no effort to impose a straitjacket by providing for legal representation. We have inserted the words "accompanied and advised by counsel," rather than the word "represented," so that a registrant's lawyer will not be fighting the case; and again, it is within the concept of the bill, if a lawyer becomes too obstreperous, to have him pipe down. His right is to accompany and advise his client, rather than engage in forensics before the board, and there again, I think Senator KENNEDY was very well advised to accept this formulation as being modified to meet the particular exigencies of appearances before draft boards.

It will be noted that we have stricken out, as I have explained to the Senator from New Hampshire, the whole network of problems, personnel- and money-wise, which would have arisen if the United States had undertaken to supply counsel where there was no counsel present. We can, I think, take a reasonable chance on that, in the sense that, from my experience, there are plenty of lawyers, bar associations, and legal aid societies to render this kind of service, including the legal services of the poverty administration in many places. So that I do not think we need to provide for that in this measure.

For all these reasons, because of the seriousness of what is involved and the most elementary due process which, as I have explained, cannot be obnoxious in its operation because of the way this amendment has been developed, I hope very much that the Senate will see its way clear to give the assurance and confidence to the individual which would be engendered by the addition of this amendment to the draft law.

I thank the Senator for yielding.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 15 minutes.

Mr. President, we have to get before us the background of this entire system before we can understand the significance—I will not say "meaning"—of the words in this amendment.

The amendment refers to "procedural rights." That sounds as though a person is proceeding before a court, a judicial body. These would be good rules of procedure, and some would be basic procedure that is recognized. Therefore, when we consider this matter, if we do not keep foremost in mind the nature of these boards, we are going to run off the track.

These are local boards, composed of local people in the communities who are nominated by the governors of the States and appointed by the President of the United States or his representative. These people, most of them laymen—not versed in court procedure or law—serve without compensation, in one of the most sensitive and delicate categories in which a citizen is called upon to serve.

They are not versed in law; they are not versed in procedure. They are not accustomed, without the guidance of a presiding officer who is versed in the law, to analyze testimony and to reach judicial conclusions.

I should like to relate what a justice of the peace I once knew said in his court. When a lawyer started to read a section of the law, he told the lawyer:

> Close the law book. We are not going to have any law read around here. It confuses me. I am going to decide this case according the right and the wrong; and if you want it decided according to law, you can appeal.

These men are called in, without a background of legal training, without any compensation—without any applause, either, in the community—and they are called on to decide these cases according to their concept of right and wrong. When we put the burden on them of listening to too much testimony and making more or less judicial decisions, we are going to get in trouble right away.

Just a word about the appeal boards. Many of the appeal boards sit many miles away, but they also are composed of men who serve without compensation. They make many hard decisions—it is not as hard for them to make those decisions as it is for the local board—and they render a great service to the Nation.

Under existing law, people about to be drafted do not have the privilege of appearing in person before the appeals board and presenting testimony. A person is permitted to present testimony in writing before the appeals board. He does have the right now to appear in person before the local board. So section 22(a) would be an additional requirement for the appeals board.

We asked the Selective Service to give us the figures as to how much additional burden this would put upon the appeal boards. The Selective Service has informed us that approximately 120 appeal

boards are in operation at this time, manned by 660 personnel—as I have said, they are not compensated—and these people have to consider approximately 120,000 appeals every year. To require these boards to sit at least one-half hour for a personal appearance in every appeal would amount to 60,000 hours and would require their members to devote at least 10 hours each week to personal appearances, without regard to time spent reviewing cover sheets or making classification decisions. These board members are not compensated, and they have to have other jobs, of course.

I do not see how they would be able to handle these appearances, which would spiral as the registrants and draft counselors became aware of the delay inherent in appeal.

So I think these are very serious considerations with respect to the appeal board proposal. We could not manage this matter, in our present system, if we had to have all these additional procedures.

There is also a provision that each registrant shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe. That does not say whether each would have a right to present witnesses to the local board and the appeal board. It just says "present witnesses on his behalf."

That would be a situation in which, apparently, written into hard law would be a demand that witnesses—an unlimited number of witnesses, according to this—for every registrant would have the right to appear with all these witnesses before the local board and the appeal board, apparently, under such rules and regulations as the President might prescribe. The President could not prescribe highly restricted regulations to cut out all this, I do not believe, if we adopted this amendment.

The third requirement: A quorum of any local board or appeal board shall be present during the registrant's personal appearance. During the registrant's personal appearance before the local board, there is no requirement now that a quorum be present. A quorum is directed to be present when they are making judgment decisions and audits. But the custom is to have at least two members of the local board present when a registrant makes a personal appearance.

That is a reasonable rule to have, at least to present, but only a majority. I want to make it clear that I favor only an actual majority rendering a decision. These burdens on the appeals board that they can hardly carry, I do not know where the appeals board, how far they average on being away, but I know that in my State, the appeals board is 250 miles from large areas of the State. I know that in other States it is bound to be even farther. Therefore, to insist on a quorum there for each registrant in his personal appearance is beyond reason.

Section (d) states:

(d) Every decision by a local board or appeal board shall be accompanied by a written statement setting forth the reasons for the decision.

Well, I think there should be some evidence there of a written statement. That is my opinion about it. But there is no such requirement now. However, we can talk about that later.

Section (e) states in part:

(e) Each registrant shall further have the right to be represented before any such board by private counsel.

I judge that means that the attorney may come in with the registrant to advise him on things that come up during the hearing, but the attorney would not be permitted to argue the case and ask questions of witnesses, and so forth, as they do in an ordinary court.

But, anyway, adding all these together, and they do have to be added all together because they are in the amendment together, means an impossible burden upon the appeals board.

To convert these boards into a judicial authority and putting these impossible burdens upon them I think would mean, first, a wholesale exodus of these very fine people. Most of them are extraordinarily fine human beings who have been serving in these capacities and would like to continue to serve and more will be appointed both to the local board and the appeals board. I think that is the most serious point.

These matters can be made to look good on paper, but where are we going to get the men of the kind and character we must have to fill these positions?

I do not believe that anyone can answer that question with any assurance.

If the membership of the Senate could just be in this Chamber to hear these arguments and have these problems explained, I think they would fully understand the situation, but under the circumstances that this amendment is being considered now, it is very, very difficult.

Thus, I think the whole thing can be summed up as follows: That we are placing impossible requirements for the board to carry. If we are going to demand all these requirements to be met, then we will have to stop and create a system of taking testimony and adjudication. We will have to get someone on the board who is trained in judicial procedure. We will have to go to the taking and consideration of evidence, just as in a criminal case, or a civil case, with a jury in the box and witnesses who come in and laywers being present, all done under the guidance and direction and authority of a man that is a seasoned lawyer, trained in the law, experienced in trial work and the administration of justice.

Thus, if we were to adopt all the requirements of a court and put them onto these boards, they will not be able to carry the load. If we adopt all these requirements, then we will have to set up a judicial tribunal or one that is in the nature of a judicial tribunal. I think it comes down to that.

Now, Mr. President, I will be glad to yield time now.

Mr. KENNEDY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield to the Senator for a question if he wishes.

Mr. KENNEDY. I thank the Senator. In considering the procedural rights, I direct the Senator's attention to title B——

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes for the purpose of discussing the Senator's question, if that is what he wants to do.

Mr. KENNEDY. Section (b) states:

Each registrant also shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

So does not the Senator agree with me that we still have rules and regulations on certainly the number of witnesses. I do not think we expected, in terms of this amendment, to provide undue kinds of delays or undue kinds of appearances or unnecessary appearances. But does not the Senator agree with me that we do grant the President and the Director of Selective Service the opportunity to prescribe rules and regulations so that the number of witnesses could be reasonable?

Mr. STENNIS. Well, perhaps that would be a reasonable regulation about the number of witnesses, but if I may ask the Senator a question right there, on this section, when he states, "shall have the right to be accompanied and advised before any such board by private counsel," the Senator did not include in that provision the idea that the attorney can make a speech or make an argument to the board, did he? He would just want to assure the benefit of legal counsel, I suppose?

Mr. KENNEDY. That is correct. Perhaps the Senator from New York would like to comment on that, but what we are trying to do is not in any way to have the lawyer make an argument or involve himself in the cross-examination of witnesses, but he should be able to counsel and advise the registrant on the various rules and regulations that are applicable. Perhaps, on that point, I should yield to the Senator from New York——

Mr. STENNIS. May I ask the Senator one more question——

Mr. JAVITS. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. In just a moment, I will yield to the Senator whatever time he wishes, but I want to finish my question first, please.

As I understand it, the appearance of an attorney is not for the purpose of speaking. What about for the purpose of examining witnesses?

Mr. KENNEDY. I would expect not.

Mr. STENNIS. Yes; the Senator would not expect that.

Mr. KENNEDY. I would say not. It is a recognition that—if I could say it—a recognition that the Government appeal agents, who are the only source of advice to registrants today, really have a responsibility both to the Government as well as to the rights of the registrants in all matters. As Dr. Tarr stated to the Senator's committee, and as Dr. Tarr said himself, it would appear that the appeals agent has a conflict of interest.

But what we are trying to do in terms of this——

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. KENNEDY. Mr. President, I yield 2 minutes to myself.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, what we are trying to do in terms of this amendment is to provide that there be representation which has a responsibility only to the registrants.

Mr. STENNIS. Mr. President, I yield to the Senator from New York for a question.

Mr. JAVITS. I did not mean to intrude.

Mr. STENNIS. I understand.

Mr. JAVITS. Mr. President, what I had in mind was exactly what we do before committees. With the committee's permission a witness often appears with counsel at his side. The committee does not allow the counsel to speak, to argue, or to examine witnesses. However, counsel may tell the witness not to answer or to plead the fifth amendment. That is as far as it goes. However, it does give a sense of confidence to the person that he is not alone in the world. That is all.

Mr. STENNIS. There is no right to speak and no right to examine witnesses.

Mr. JAVITS. Exactly.

Mr. STENNIS. I thank the Senator. That is a very valuable statement.

Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from West Virginia such time as he requires.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished manager of the bill and the distinguished Senator from Ohio.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader to propound the following unanimous-consent requests. May I say that I have discussed the requests with the distinguished manager of the bill and with the authors of the amendments which will be affected. I have also discussed the requests with the distinguished minority whip and with aides to the distinguished minority leader.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR ADJOURNMENT FROM TOMORROW TO 11 A.M. MONDAY, JUNE 21, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11 o'clock on Monday morning next.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that amendment No. 123 by the Senator from Alaska (Mr. GRAVEL) be laid before the Senate and made the pending business just before the close of business today.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 123 by the Senator from Alaska be limited to 2 hours to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 10:30 tomorrow morning the Chair lay before the Senate amendment No. 123 of the Senator from Alaska (Mr. GRAVEL).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its disposition of amendment No. 123 on tomorrow, it proceed to the consideration of amendment No. 137 by the Senator from Oregon (Mr. HATFIELD).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its disposition of the Hatfield amendment No. 137 on tomorrow, it proceed to the consideration of amendment No. 150 by the Senator from Alaska (Mr. GRAVEL).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 150 by the Senator from Alaska (Mr. GRAVEL) be limited to 1 hour, to be equally divided between the distinguished author of the amendment and the distinguished manager of the bill.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its consideration and disposition of amendment No. 150 by the Senator from Alaska (Mr. GRAVEL) on tomorrow, the amendment No. 127 by the Senator from Oregon (Mr. HATFIELD) be laid before the Senate and made the pending business.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 11:30 o'clock on Monday morning next, the Chair lay before the Senate amendment No. 127 by the Senator from Oregon (Mr. HATFIELD).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 127 of the Senator from Oregon (Mr. HATFIELD) be limited to 1 hour, the time to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its disposition of amendment No. 127 by the Senator from Oregon (Mr. HATFIELD) on Monday next, it proceed to the consideration of amendment No. 130 by the Senator from Oregon (Mr. HATFIELD).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous agreement with respect to amendments to amendments obtain with respect to the amendments I have just enumerated.

The PRESIDING OFFICER. With the provision for germaneness?

Mr. BYRD of West Virginia. That is correct. That is included, and so is the 20-minute limitation.

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

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Mr. President, I have just offered an amendment that the Senator from Mississippi (Mr. STENNIS) has not seen as yet. It will involve only, I hope, the necessary colloquy. It refers to cases where an act of Congress has been ratified and the action of the President has created some problem. There has been some colloquy about this. I hope that we could definitively get the matter clear.

I want to notify the manager of the bill that such an amendment has been offered. I would be willing to agree on a reasonable time.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator, and we will keep that in mind. I ask unanimous consent that the time on amendments to amendments be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill.

Mr. CASE. Mr. President, reserving the right to object—and I shall not object, I do it merely to seek information—when is the cloture motion coming up?

Mr. BYRD of West Virginia. Mr. President, I am glad the Senator raised that question. I say in response to the Senator from New Jersey (Mr. CASE) that it is the intention of the leadership—not myself—to offer the cloture motion on Monday next and the vote would then occur thereon on Wednesday next.

Mr. CASE. But not the vote on the cloture motion.

Mr. BYRD of West Virginia. Mr. President, the vote on the cloture motion would occur on Wednesday. The distinguished majority leader wanted me to make it clear that the Senate will be voting on Monday and expects to have rollcall votes on Tuesday. Of course, the rollcall vote on the cloture motion would be on Wednesday, as I have stated.

Mr. JAVITS. Mr. President, whenever the cloture motion is filed, I hope they will protect the amendments at the desk so that we do not have to go through

the gyrations of having exact compliance with the rules and reading them all over again.

Mr. BYRD of West Virginia. Mr. President, the Senator's request has been noted, and, with the approval of the distinguished manager of the bill, there will be no problem, I am sure.

Mr. GRAVEL. Mr. President, I believe that there will have to be a unanimous-consent request by the Senator from New York.

Mr. JAVITS. Except that they will be laying them down and when they do they can take care of it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, during the further consideration of H.R. 6531, an act to amend the Military Selective Service Act of 1967, debate on the following amendments be limited to 1 hour, to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis): No. 125 and No. 150 by the Senator from Alaska (Mr. Gravel); No. 117, and Nos. 127–134, and 137 through 138 inclusive by the Senator from Oregon (Mr. Hatfield).

Ordered further, That debate be limited to 2 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 123 by the Senator from Alaska (Mr. Gravel).

Ordered further, That on June 18, 1971, at 10:30 a.m. amendment No. 123 be laid before the Senate.

After the disposition of amendment No. 123, the Chair will lay before the Senate in the order listed the following amendments as soon as the one preceding it on the list is disposed of: amendment No. 137 by the Senator from Oregon (Mr. Hatfield); amendment No. 150 by the Senator from Alaska (Mr. Gravel); and amendment No. 127 by the Senator from Oregon (Mr. Hatfield) but debate on this amendment will not be controlled until Monday, June 21, 1971.

Ordered further, That on June 21, 1971, at 11:30 a.m. amendment No. 127 be laid before the Senate. After the disposition of amendment No. 127, the Chair will lay before the Senate amendment No. 130 by the Senator from Oregon (Mr. Hatfield).

Provided, That debate on all amendments to amendments enumerated above be limited to 20 minutes to be equally divided and controlled respectively by the mover and the author of the original amendment (first degree), except on amendments numbered 123, 127, 130, 137, and 150 on which the time on all amendments to amendments will be controlled by the mover of the amendment in the second degree and the manager of the bill.

Ordered further, That amendments not germane to the amendments enumerated above shall not be received.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal years 1972; and for other purposes.

AMENDMENT NO. 139

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I am glad to yield 10 minutes to the Senator from Ohio. If he does not use it all, he can yield it back.

Mr. SAXBE. Mr. President, I rise to discuss this amendment because I have some familiarity with the operation of local boards and appeal boards. I recognize that in this amendment there are some meritorious points made. There are several that are now covered by regulations in the Selective Service System which extend to a registrant certain privileges.

Mr. STENNIS. Mr. President, may we have quiet?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SAXBE. Mr. President, these would be in the law if the amendment were agreed to. However, I would like to call the attention of Members of the Senate to the fact that the Selective Service System is a voluntary institution. It is made up of laymen, people in the community who serve without remuneration.

I might add that it is sometimes extremely difficult to obtain them. They are patriotic persons who are willing to devote 1 night a week and additional time to attending meetings of this local board. They are not learned in the law. Their primary function is to make findings of fact. They are directed by local board directives put out from the national headquarters and a body of information that has been built up over the years.

These are not easy decisions. The decisions are many times difficult, especially when the press is great and men are being called away from their families and men are being called perhaps from critical employment, and sometimes persons who think themselves not qualified for the military or subject to a deferment feel themselves unjustly put upon.

Usually the 660 appeal boards—I believe that is the number—are located some distance from the local board and, again, their members serve voluntarily and, again, they are hard to obtain because of the demands on the time of the individual. These men are patriotic individuals who devote their time because they feel the system should function and the system has functioned over the years The system has operated much better than many people would admit today. Certainly, during the period of the Second World War it operated under a pressure that is hard to contemplate today.

This amendment would place a burden on the members of the local board and the appeal boards that I believe they are incapable of bearing, a burden to permit a lawyer to sit in with them, to advise the registrant, and then to go with him to the appeal board, if necessary, and to provide him with a lawyer, if he is not capable of providing one himself.

I was interested that the Senator from Massachusetts would advance this proposal because in his opposition to the volunteer army he repeatedly referred to the fact that we would have a poor man's army. I cannot help but feel as the result of considering this amendment that this would insure a poor man's army under selective service because even today, with the safeguards that are in the law, any person who can afford a lawyer and wants to fight induction pretty well escapes induction. He can stall until his time runs out and this has been proven many times.

Certainly with the requirements on the time of members of appeal boards, giving one-half hour apiece to the 120,000 who appeal even now, we would have to have full-time members of the appeal board. We would have to hire members for the appeal boards because no matter how patriotic a man might be he could not devote the time necessary to sit on the appeal board when these requirements had to be met.

I also feel that the poor man from Alexandria who would have to travel to Richmond to appear before an appeal board would not go, whether he had a lawyer or not. He would not go because he could not afford to take a day off from his job. I believe that Richmond is the nearest appeal board for residents of Alexandria. The young man of affluence could go to Richmond and take his lawyer with him.

I do not believe the young man who would have to subscribe to a pauper's oath in order to get legal assistance would do so. He would go in and they would ask if he has an automobile, and this and that. If he said he owned an automobile they would say that he could afford to hire a lawyer. The bar association is rather particular on this point. They do not volunteer for someone who is driving his own automobile or who has any resources at all.

However, the rich father could see that the young man is represented by the best attorney in the country and he would be.

I believe it would work an injustice on the operation of the Selective Service System. It would mean that those who were subject to appointed attorneys would fare less better than those able to hire a specialist. Specialists would appear soon after the enactment of such a law. There would be specialists. I can imagine an unscrupulous draft board clerk who would say, "Go down and see so and so. He can spring you on this deal."

It would lead, I believe, to ethical problems in regard to the operation of local boards.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. SAXBE. I yield.

Mr. TOWER. Mr. President, I am very interested in the reasoning of the Senator from Ohio, and I think it is correct.

Would this proposal not raise another possibility and that is the possibility of lawyers who are not very good lawyers going out and promoting business for themselves, perhaps cluttering up the draft board with "lawyerizing," so to speak?

Mr. SAXBE. I think so. There would be an obvious attempt to wear out the cases. This is always a device of the competent lawyer. He can wear out the case. Time is a factor. When the young man approaches the age where he is no longer liable for the draft, he can approach it in the courts.

Everyone today who says he is not going to take the step forward when he is told to step forward has the right to raise those points, but to raise those legal issues at the local board level where there is a group of individuals who are only qualified to make findings of fact,

and to raise them before a volunteer board where the members are not learned in the law, would give an advantage to those who have the time and the money to fight the system.

I think it would be a disservice to those boards who have done a good job over the years and a disservice to those individuals who, when called by their local boards, proceed as directed and raise their right hands and serve in the Armed Forces.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. I yield.

YEAS AND NAYS ORDERED ON AMENDMENTS 127 AND 137

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on amendment No. 127 and amendment No. 137.

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

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on those two amendments.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. Mr. President, the point is made that the Selective Service System and the boards are rather fragile. So is the jury system in this country.

The average man in our Nation is making very important decisions on a variety of questions, on the most complicated antitrust cases, corporate cases and criminal cases as member of a jury.

The decisions local board members make on issues presented to them are similar to decisions which members of juries are making now. They are matters or judgment based on testimony by witnesses. I was interested in the statement of the Senator from Ohio questioning why I would offer such an amendment when I am opposed to the volunteer army. One of the questions involved will be the question of hardship deferments; the other question will be conscientious objectors. Those are the two major deferments remaining.

I think if people are raising the question of hardship because they are looking after their families, they should be able to be represented or at least to get some kind of rights and due process.

I am amazed that we are balancing the inconvenience of a selective service board member against a young American who is asked to go to South Vietnam to fight and die. We are asked whether we want to bother that board member to come down on a Tuesday night and make a quorum.

What do we have at present? All that is needed is a quorum at the time the decision is made. Certainly, if we are interested in providing fairness to the young men who are being selected and who may have deep beliefs about conscientious objection or questions involving hardships to their family, they ought to be entitled to have a quorum as the board hear their cases.

These are very basic and fundamental questions. We afford those rights to the petty criminal who steals $20 or $30. He is entitled, under Supreme Court decisions, to representation by a lawyer. Yet we get someone who may very well be called upon to go to Southeast Asia and die and we refuse to inconvenience the members of the selective service board. I have greater confidence in the willingness of the American people to give up time and to go to the board and participate in the decisions.

I am completely in accord with the opinion of the Senator from Ohio that, generally, the selective service boards have performed an amazingly good service. The system is an institution that is virtually devoid of any kind of corruption or evil influence.

Let me mention a couple of matters finally. At the present time what we are trying to do is insure a quorum at the time of appearance. There is a requirement of a quorum at the time of the decisions, so we are not really making a significant adjustment in the law. We are simply assuring a quorum at the time of the appearance.

The second point involves what is now a discretionary matter. In some jurisdictions they may present witnesses. In others they do not. All we are trying to do is provide that all registrants, regardless where they live, may present witnesses. In some jurisdictions they do; in some jurisdictions they do not, but obviously in places where they have decided there is a right to present witnesses, they feel that right is important both to the board and the registrant.

Third, with reference to the question of counsel, as the Senator from New York has mentioned, we afford that right to an individual who appears before a congressional committee. We afford him the right to be accompanied and advised by an attorney. Why should not those who may be selected to fight in Vietnam have that same kind of protection?

Finally, we are asking that the decisions be written, because that is important with respect to questions that are brought upon appeal or that go to a higher authority. They virtually do not know what the basis of the decision was at the local board level because nothing is written. All we are saying is that, in terms of appeal, if the decisions are written, due process will be provided the individual registrants.

Mr. STENNIS. Mr. President, will the Senator yield briefly for a question right there?

Mr. KENNEDY. I yield.

Mr. STENNIS. The Senator understands that there are a great number of cases pending before the boards. They consider them partly at one time, and partly at another time, and then finish them up. Sometimes at those meetings 2 or 3 dozen, or perhaps 50, cases will be disposed of. If each decision must be accompanied by a written statement, that will amount to a mountain——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

How much time do I have?

The PRESIDING OFFICER. The Sentor has 25 minutes.

Mr. STENNIS. Mr. President, I will yield the Senator 5 minutes.

In a very short period of time, there will be an accumulation of a mountain of decisions if every decision must be accompanied by a written statement. It would be a question of putting out what is the case and what is the decision. I just point out that it would be an impossible requirement to comply with. If the matter is not appealed or contested in any way, it is accepted and there is no reason for a written decision.

I know the Senator's intention is good, but it involves a construction of how this requirement would be applied, when something less than this could serve the purpose the Senator has in mind.

Mr. KENNEDY. The point remains that at the time when these decisions would go through an appellate procedure, for example, there would be absolutely no way of knowing what the basis of the rejection by those at the lower level was.

I think if an observation had been made at the local level and made by a quorum of that board, it would provide enormously helpful and valuable time saving for those at the appellate level. I suggest that these recommendations will actually avoid litigation and provide for less delay in the system, because they will provide and give a better source of information regarding the situation on the registrant. I believe that at the local as well as the appellate level they will be able to make decisions which will be upheld in any kind of court. Actually, this requirement will be a timesaving rather than a delaying feature.

Mr. STENNIS. Mr. President, if the Senator will yield one minute further, as the Senator well understands, many of these decisions are more or less automatic. There will be 100 men whom the doctor reports as being 4–F. The board just accepts that classification. There is no contest about it, and they go into their respective categories. Still, under the amendment as written, the Senator would require a written statement that applied to all of them. That is one illustration.

Mr. KENNEDY. We are not asking for decisions when there is agreement only when a registrant's claim is rejected. Nor are setting requirements on the length of statements. I think one line or two lines explaining the fact that a person has been classified as 4–F would fill the requirement.

Mr. STENNIS. Mr. President, if the Senator will yield further, his amendment requires setting forth the decision. I imagine the Senator has in mind that, if there is a contest or an appeal about case X, then they could call on the board to get a written statement and include therein the reason for the decision. Would not that meet the requirement of what the Senator had in mind?

Mr. KENNEDY. Yes, that would meet the requirement.

Mr. STENNIS. I thank the Senator.

Mr. KENNEDY. Let me say finally that this amendment has been endorsed by the bar association, by the special committee on rights and liberties. I think what we are attempting to balance here is the convenience of this system with the rather basic and fundamental rights of registrants who are going to be called upon in some cases to make the supreme sacrifice. It seems to me it is important at this time, when we are attempting to devise a Selective Service System, that we insure that those who will be selected will be given the full rights and guarantees that we accord to others in our society.

Mr. President, I am prepared to yield back the balance of my time.

Mr. SAXBE. Mr. President, I would like 1 minute.

Mr. STENNIS. The Senator from South Carolina (Mr. THURMOND) had asked for some time. How much time did the Senator want?

Mr. THURMOND. About 8 or 9 minutes.

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to Amendment No. 139 offered by the distinguished Senator from Massachusetts (Mr. KENNEDY), to the selective service bill.

This amendment is far-reaching and would result in tremendous administrative problems for the Selective Service System.

In effect, the amendment sets up the Selective Service System and especially the over 4,000 draft boards around the country as miniature courtrooms.

It takes the view that if a man is called to service he apparently faces some punishment in having to put on our Nation's uniform and is, therefore, due all the rights of an accused man in court.

Some of the proposals in this amendment sound reasonable but most amount to aiding men who are opposed to military service to such a degree that draft boards would bog down in hearings and appeals.

Presently the Selective Service System allows several levels of appeal over the decision of the local draft board. The individual may appeal to the State and national offices. Some cases under present procedures can be delayed for many months.

Therefore, it cannot be said the present laws do not provide adequate safeguards for young men who have special reasons for not wishing to enter military service.

Mr. President, I would like to cite briefly the four major provisions of the pending amendment and comment upon several of them. The four key parts provide for:

First, personal appearances at appeal boards.

Second, requirement that a quorum of a local or appeal board be present for personal appearances.

Third, written statement supporting the decisions by a local or appeal board.

Fourth, right to legal counsel and right to present witnesses at all appearances before any board of the Selective Service System.

Mr. President, I would like to comment on the section that provides that the registrant be afforded the opportunity to appear in person before any appeal board of the System.

This provision sounds reasonable but the Selective Service is convinced that the backlog of appealed cases which would result from the requirement would so increase in number that any registrant who did take an appeal might virtually be granted a deferment past age 18 for a long period of time.

The Selective Service System has approximately 120 appeal boards manned by 660 uncompensated personnel. These people consider approximately 120,000 appeals annually. To require these boards to sit at least one-half hour for a personal appearance in every appeal—60,000 hours—would be to require their members to devote at least 10 hours each week to personal appearances without regard to time spent reviewing cover sheets or making classification decisions.

Mr. President, these board members are uncompensated and in most cases have other jobs. It seems doubtful that they would be able to handle these appearances which would spiral as registrants and draft counselors become aware of the delay inherent in an appeal.

Selective Service feels also that this provision might hurt those individuals it sought to help—the poor and uneducated. Very likely it would be the poor and uneducated who would, first, not be aware of this avenue of delay and therefore would be inducted in place of those who were effectively using it, or second, not be able to afford either the time off from work or the travel costs to the appeal board to have a personal appearance.

There is another part of this amendment I would like to comment on also. That is the part allowing the registrant the right to legal counsel and presentation of witnesses.

As I mentioned earlier in my remarks, this provision would result in the meetings between the local board and the registrant being converted into a full-scale judicial proceeding. Selective Service feels this is inappropriate considering that military service should be viewed as a privilege and not a criminal punishment.

The great majority of local board members are not attorneys by profession and would therefore not be well versed on all the legal technicalities which might be presented by the registrant on advice of his counsel.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Louisiana.

Mr. LONG. Can the Senator tell me whether the amendment we are discussing here provides, directly or by inference, as to how much evidence that board must hear, once the lawyer comes in there and starts presenting it?

Mr. THURMOND. Mr. President, the amendment does not say how long it could go on. I think the Senator has raised a very interesting point, if a registrant decided to appeal, as to just how long he could take, whether 1 hour, 1 day, or 1 week.

Mr. LONG. Does it not seem logical, if we are going to accord each person subject to the draft the right to a personal appearance, to bring his lawyer, and to present his case, his arguments, and his evidence, that implicit in that right there are going to be the ordinary rights that exist in any court, including the right to require that all evidence relevant to the case be heard. If a lawyer becomes one of the experts in defending these cases before a board, and achieves a reputation for being able to either get people off or delay interminably the time they have before they go, does it not stand to reason that any good lawyer in an area who is specializing in defending people against being drafted would then proceed to avail himself of all the time that he can use, to drag out the proceedings, to present volumes upon volumes of evidence, to call witnesses and insist there are other witnesses not available, but who could be brought there at a future meeting, and to drag these cases out so long that the board would be tied up interminably waiting to hear them, so that members of the board would be forced to resign voluntarily because members would not have the time to stay there and make a quorum——

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. STENNIS. Mr. President, I yield the Senator 4 additional minutes.

Mr. LONG. Is that not correct? The amendment requires a quorum of the board to be present to hear the case; so all a lawyer has to do is drag these cases out, if he has a number of such clients, so that the members of the board find that, without compensation, they do not have time to hear the cases; and, in the absence of a quorum, nobody could ever be drafted.

Mr. THURMOND. Mr. President, I think that would have been the case prior to the amendment. The amendment has been amended, as I understand it, so that the lawyer could not speak, but would merely be there to advise the registrant. Of course, he could advise the registrant to handle himself in the same way. Possibly the same end could be accomplished if, as was pointed out by the Senator, the lawyer were allowed to speak.

Mr. LONG. If you are going to permit a person the right to be there with his lawyer in the first place, what sense does it make to deny the lawyer the right to plead the case? What sense does it make to deny a lawyer the right to plead his lawsuit?

Mr. THURMOND. As I understand, the author of the amendment feels he would just have him there to advise and counsel. Understand, I am not in favor of that position.

Mr. LONG. But what, in the name of commonsense, is the difference between letting the lawyer plead the lawsuit and letting the lawyer whisper to the man being drafted, "Now you say this, now

you say that, and now you say the other." Actually, in the interests of time, if the thing is going to drag out interminably anyway, would it not be more efficient to let the lawyer say it himself, rather than have the lawyer first whisper it into the man's ear, and then have the man state the question, thus requiring that everything be said twice?

Mr. THURMOND. There is much merit in what the Senator says.

Mr. LONG. If we are going to require the board to hear these witnesses and this evidence by pursuing that logic, would it not be just as logical that they be required to hear the questions and arguments of counsel as well?

Mr. THURMOND. Mr. President, I think there is great logic in what the Senator from Louisiana has had to say.

Thus, it is believed that local board members would have to be represented and advised by legal counsel if the registrant were advised by counsel. This, along with the presentation of witnesses by the registrant, would greatly prolong the proceedings as legal points were discussed.

Further, it is felt that inequities in the system might be increased rather than reduced by the requirement of counsel at all local board meetings with the registrant. Some attorneys would be more zealous and knowledgeable than others, and it is probably safe to assume that middle- and upper-income registrants would be able to hire the more zealous, qualified, and committed draft lawyers to assist them. Thus, the poor and uneducated might be hurt rather than helped by this provision as more of the rich and middle class escaped induction through procedural technicalities.

Also, in a final comment on this point, the Senate should realize that the registrant's rights are already protected under the currently operating mechanism of the Selective Service System. If a young man feels that his case has not been fully considered, he may request a personal appearance before the local board to discuss the classification. If the young man feels that the local board still has not correctly considered his information, he can appeal his classification to an appeal board. In addition, a Government appeal agent is appointed for each board to advise the registrant of his rights. Finally, the registrant is completely free to consult with his own attorney about the facts of his case—outside the local board meeting.

Mr. President, I am opposed to this amendment on the grounds that our present system is working fairly and justly, and the judicial elements of the courtroom are not needed at the draft board.

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. DOMINICK. I thank the distinguished Senator from Mississippi.

Mr. President, I have listened to this debate with great interest. There is no doubt in my mind that, on initial reading of this proposal by the Senator from Massachusetts, a person would be affected by it. But very serious problems have been brought up. One problem has been brought up by the Senator from Louisiana, and it is really of great significance. If each person has a right to present testimony before an appeal board or before a local board, as long as he wants to, whether it is called a filibuster or whatever else, he can wear out the local officials totally, so that they will not have time, unless they happen to be fairly wealthy retired people.

What we have been trying to do with respect to local boards throughout the country is to get volunteers from our younger group of people, who are employed, and who will do this on a voluntary basis, either at night or part-time during the day. So it would seem to me that with a determined group of people—which we have in this country—who say that they are not going to be drafted if they can possibly avoid it, the local board could be worn out almost totally, and it would probably cause a breakdown in the local board system as well as the appellate system.

Subsection (d) reads:

> Every decision by a local board or appellate board shall be accompanied by a written statement setting forth the reasons for the decision.

I am a lawyer, and I would presume that this would mean that this would be true even where they agreed with the person's complaint—namely, that he had a physical disability or something of this kind.

This seems to me to mean that they would need not only the present clerk of the court but also additional stenographic help, just to be able to put this together, at greatly increased cost, without increased efficiency.

The only real purpose, as the Senator from Massachusetts has admitted, for having a written decision is when one wants to appeal from it. If the board already has agreed with the person, what in the world is the reason for having a written decision? Yet, that would be required under the wording of this amendment.

I have listened to the debate, as I have said, and I am interested in the statements of the Senator from Louisiana, the Senator from South Carolina, and the Senator from Ohio that if you are going to have a lawyer accompany and advise you, what is the difference between that and having a lawyer represent you? The only difference is that the client gets up and testifies to what the lawyer tells him to say, instead of the lawyer saying it himself. If you get some of the people I have run into who have been complaining about draft boards and their decisions and the question of whether the whole Selective Service Act is constitutional, you have people there who can talk just as long as a lawyer, without any problem whatever, in trying to confuse the issue.

I think some other features of the amendment would be burdensome.

> The registrant shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

This would require the President of the United States, with all the other duties he has, to delegate to someone on his staff—it does not give the right of delegation, although I am sure it is assumed—the writing of national rules and regulations which would be applicable, so far as I can see, to every local and appellate board in the country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from Colorado.

Mr. DOMINICK. This amendment would turn the Selective Service System—which has been largely based on local board decisions, and so structured initially in order to get it out of the Federal orbit—into one more degree of centralization. One of the things we have been trying to do over and over again in our Government is try to diversify government, not to further centralize it; and that very provision would further centralize what must be done before anybody could validly be put within the Selective Service System.

I do not know what quorums are in local boards or appeal boards. I would suspect that they are different in different States and in different appellate systems. I would suspect that in some of them, as we have done in the Committee on Labor and Public Welfare, they have said that one-third of the membership present is a quorum. In other places, I would suspect they would say that half is a quorum. This means we would have rules and regulations on a national system, just for the purpose of procedure, to determine what a quorum would be.

For all these reasons, the reasons expressed by the other opponents of this amendment, and because I think it would bog down the opportunity to get to a true voluntary system—I am a believer in the voluntary army, and I have been voting that way throughout—I would be strongly opposed to the adoption of this amendment.

I yield back to the distinguished Senator from Mississippi whatever time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I will not prolong the debate. I will take only a few minutes. I yield myself 3 minutes.

Mr. President, where is the proof about any great number of wrongdoings by these boards?

They have passed on hundreds of thousands of cases, millions of cases, during the last few years. I have heard of very few cases that have not stood up in court.

I return to the question of presenting evidence to the local boards, evidence to the appeal board. How much evidence? How many witnesses? There is no limitation whatever here. Many want to kill the Selective Service Act, anyway. It will be "goodbye Katy" if this amendment becomes law, because it is impossible to carry out its provisions. We would be creating a court of law, with no judge, no one trained in the law or in evidence or in procedure, no directing head.

There would be a great exodus of the membership of these boards. They would not want any of the boards to continue. Everyone else in the community would be against coming in. That is one way to

kill the whole system. We would be creating a tribunal, a court of law; and I predict that if this amendment becomes law, it will be impossible in many areas of the country to get the job done. It takes a court, a judge, someone who knows the subject matter of these procedural requirements. These are largely the requirements of the common law of England, the common law of our States, and everything else all cranked into one.

I do not want to prolong the argument, Mr. President, but I am responsible for saying that this is an impossible system, however well it may look on paper, and it cannot be carried out. It is too broad.

Substantial justice has been done in this country since 1948 in millions and millions of cases. I believe we have the only system now that can properly carry it out, with these members, who are willing to give some of their time and their judgment and go down the street and meet the mothers, sisters, and brothers of those boys on whom they have passed with a clear conscience. I appeal for a continuation of this system. Of course, it is not perfect, but what is?

Mr. President, I yield the floor.

Mr. HARRIS. Mr. President, I rise to offer my support for the amendment introduced by Senator KENNEDY.

Because a decision in selective service matters directly and decisively affects the life of an individual, his understanding of the laws involved, his familiarity with the options open to him, and the opportunity to participate significantly in that decision are vital to the protection of his rights as an individual. Unfortunately, due to inequalities in background or differences in local board procedures, the opportunity for involvement of registrants in the selective process of local and appeal boards is neither equal nor consistent. This amendment goes a long way toward correcting these injustices.

First, a correction long overdue offers the registrant the right to council, providing funds for those unable to pay legal fees. In a system of government which has long recognized the prerogative of counsel in legal matters of great or small consequence, the failure to recognize such a need in a process which invariably alters an individual's life cannot be allowed to continue. Familiarity with selective service options is the key element to the protection of an individual's rights. In the past this familiarity has often been synonymous with the ability to pay for legal advice, thus perpetuating a basic inequality in the Selective Service System.

Second, the bill offers three amendments which increase the involvement of an individual in the selective service process. Two of these amendments concern the right to appear in person before both local and appeal boards, and the requirement of a quorum during such appearances. The first gives the individual the right to personally state his position; the latter guarantees that those with the authority to judge his sincerity must be witness to his presentation. The third affirms the right of an individual to use witnesses in his presentation, an opportunity presently offered solely at the discretion of the board. This inconsistency perpetuates another inequality in the Selective Service System.

Last, the amendment requires a written explanation of a board's decision. This guarantees that an individual's carefully prepared case will not be lightly taken and strengthens his ability to appeal what he might feel constitutes an unjust decision. To be denied an understanding of the basis of a board's ruling is a serious handicap in a preparation to appeal it.

When an individual's future stands subject to significant change, it is his right to be involved in determining the course of that change. I offer my support to this amendment because it increases the opportunity for and probability of the consistently equal participation of those affected by the selective service laws and affords them the opportunity to fully appreciate the options open to them.

Mr. KENNEDY. Mr. President, I yield myself 1 minute to say that we afford the same rights to companies and corporations that pollute the atmosphere and come before the Environmental Protection Administration. We afford the same rights to corporations who appear before the Federal Communications Commission. We afford the same rights to tax delinquents who come before the Internal Revenue Service. I say that we can afford to provide the same kind of basic, fundamental rights to those who might be asked to make the supreme sacrifice for their country. That is all we are trying to do in terms of this amendment.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GAMBRELL). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment (No. 139) of the Senator from Massachusetts (Mr. KENNEDY).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MAGNUSON (when his name was called). On this vote I have a pair with the distinguished senior Senator from Louisiana (Mr. ELLENDER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from California (Mr. TUNNEY) would each vote "yea".

Mr. SAXBE. I announce that the Senator from Tennessee (Mr. BROCK) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Massachuetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), the Senator from Ohio (Mr. TAFT), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business at the White House.

If present and voting, the Senator from Utah (Mr. BENNETT), and the Senator from South Dakota (Mr. MUNDT) would each vote "nay".

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Pennsylvania would vote "nay".

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Delaware (Mr. BOGGS). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Delaware would vote "nay".

The result was announced—yeas 32, nays 44, as follows:

[No. 103 Leg.]

YEAS—32

Bayh	Hughes	Nelson
Bentsen	Humphrey	Pell
Burdick	Javits	Percy
Byrd, W. Va.	Kennedy	Proxmire
Case	Mansfield	Randolph
Cook	Mathias	Ribicoff
Eagleton	McGovern	Schweiker
Gravel	McIntyre	Stevens
Harris	Metcalf	Stevenson
Hart	Mondale	Symington
Hatfield	Montoya	

NAYS—44

Aiken	Eastland	Moss
Allen	Ervin	Pastore
Allott	Fannin	Pearson
Anderson	Fong	Prouty
Baker	Gambrell	Roth
Beall	Gurney	Saxbe
Bellmon	Hansen	Smith
Bible	Hollings	Sparkman
Byrd, Va.	Hruska	Stennis
Cannon	Jordan, N.C.	Talmadge
Cooper	Jordan, Idaho	Thurmond
Cotton	Long	Tower
Curtis	McClellan	Weicker
Dole	McGee	Young
Dominick	Miller	

PRESENT AND ANNOUNCING A LIVE PAIR, AS PREVIOUSLY RECORDED

Magnuson, for.

NOT VOTING—23

Bennett	Ellender	Muskie
Boggs	Fulbright	Packwood
Brock	Goldwater	Scott
Brooke	Griffin	Spong
Buckley	Hartke	Taft
Chiles	Inouye	Tunney
Church	Jackson	Williams
Cranston	Mundt	

So Mr. KENNEDY's amendment (No. 139) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNOUNCEMENT OF VOTES ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, there will be no further rollcall votes tonight.

The amendment which previously had been scheduled for action at this time has been put over until tomorrow because of the fact that the author of the amendment had a dental problem that required attention.

The Senate will come in at 10 o'clock tomorrow morning. There will be action on three amendments tomorrow. The yeas and nays have been ordered on two amendments, and it is expected that the yeas and nays will be requested on the third amendment. It is not anticipated that there will be any rollcall votes after 3:30 p.m. tomorrow.

The distinguished majority leader, I repeat, has asked me to state that a cloture motion will be offered on Monday.

ORDER FOR ADJOURNMENT FROM TUESDAY, JUNE 22, 1971, UNTIL NOON ON WEDNESDAY, JUNE 23, 1971

Mr. BYRD of West Virginia. Mr. President, in view of the fact that a cloture motion will be offered on Monday, I ask unanimous consent that when the Senate completes its business on Tuesday next it stand in adjournment until 12 o'clock noon on Wednesday next.

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

SEQUENCE OF AMENDMENTS ON TOMORROW

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. On the votes tomorrow we cannot tell definitely, but I believe we will move along fairly fast, at least on some of them. Probably some of the time will be yielded back.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, for the information of the Senate, amendment No. 123 by the Senator from Alaska (Mr. GRAVEL) will be laid before the Senate and made the pending business shortly. There will be no action on it this evening. An agreement has been entered into whereby there is a limitation of 2 hours on that amendment. The Senate will proceed to the consideration of that amendment at 10:30 tomorrow morning. If all the time is used on that amendment—and, of course, some of the time could be yielded back—a vote will occur on amendment No. 123 at about 12:30 p.m. tomorrow.

Upon disposition of that amendment the Senate will proceed to the consideration of amendment No. 137 by the Senator from Oregon (Mr. HATFIELD), which was originally scheduled for today. An agreement limiting time thereon to 1 hour has been entered into. The yeas and nays have been ordered on both amendments, No. 123 and No. 137.

Following the vote on amendment No. 137 the Senate will proceed to the consideration of amendment No. 150 by the Senator from Alaska (Mr. GRAVEL). An agreement has been entered into limiting the time thereon to 1 hour.

When that amendment is disposed of tomorrow, the Chair will lay before the Senate amendment No. 127 by the Senator from Oregon (Mr. HATFIELD). It will be made the pending business and on Monday next at 11:30 a.m. the Chair will lay before the Senate that amendment. A time limitation of 1 hour thereon has been entered into and the yeas and nays have been ordered on that amendment for Monday.

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

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, we all owe a debt of gratitude to the Senator from West Virginia for these agreements. He has worked long and laboriously in working out these matters in a splendid fashion.

Tomorrow morning the first amendment will be contested, but I think probably both sides will yield back some time, so the vote may come before 12:30.

Mr. BYRD of West Virginia. I thank the distinguished manager of the bill. I claim no credit—I have done only what was authorized by the majority leader—but I want to express my appreciation to the manager of the bill and to the leadership of the minority and to all Senators who have cooperated so splendidly in working out these time limitations.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate tomorrow.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virgina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 10:30 a.m.

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

WAIVER OF RULE OF GERMANENESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the fact that various amendments have been scheduled for tomorrow, the time sequence has been finalized, and agreements limiting time thereon have been entered into, I ask unanimous consent that the Pastore germaneness rule be waived throughout the day tomorrow.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TIME SET FOR CLOTURE VOTE

Mr. BYRD of West Virginia. Mr. President, lest there be some confusion resulting from my having by unanimous consent set an hour for the convening of the Senate on Wednesday next, let the RECORD be clear that there will continue to be action on amendments on Monday and Tuesday next.

I have merely set the convening time at 12 o'clock on Wednesday next so that Senators will be apprised of the approximate time for a vote on the cloture motion on that day. Under rule XXII, the vote on the cloture motion would occur on the second day on which the Senate is in session following the day the motion was introduced—in other words, the following calendar day but one—and then 1 hour after the Senate convenes on that day; to wit, Wednesday of next week, the Chair must automatically ask for a quorum call.

When the presence of a quorum is established, the rollcall on the motion to invoke cloture would be automatic under the rule. Consequently, that rollcall vote—depending on how long it takes, of course, to establish the presence of a quorum—would occur at around 1:15 p.m. on Wednesday next.

In the meantime, as already indicated, there will be action on amendments on Monday and Mr. MANSFIELD wanted me to make it indubitably clear that there will be action on amendments throughout the day on Tuesday. Hence, my having emphasized the fact a number of times now.

AMENDMENT NO. 123

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the

Senate amendment No. 123 by Mr. GRAVEL; that it may be made the pending business, with the understanding that time will not begin to run thereon until it is laid before the Senate by the Chair tomorrow morning at 10:30 o'clock.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment (No. 123) as follows:

On page 21, lines 21 and 22, and on page 22, line 20 strike out the words "whether or not a state of war exists" and in both places insert in lieu thereof "when a state of war declared by the Congress exists".

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m.

Following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 10:30 a.m.

At 10:30 a.m. the Chair will lay before the Senate the pending amendment, which is amendment No. 123 by Mr. Gravel. Time on the Gravel amendment No. 123 will be limited to 2 hours. The yeas and nays have been ordered on that amendment.

Upon the disposition of the Gravel amendment No. 123, the Senate will proceed to the consideration of amendment No. 137, the mover of which is Mr. HATFIELD. An agreement has been entered into limiting the time thereon to 1 hour. The yeas and nays have been ordered thereon, and that will be the second rollcall vote for tomorrow.

Upon the disposition of the Hatfield amendment No. 137, the Senate will proceed to the consideration of amendment No. 150 by Mr. GRAVEL. An agreement has been entered into limiting the time thereon to 1 hour. A rollcall vote thereon is likely.

Upon the disposition of amendment No. 150 by Mr. GRAVEL, the Chair will lay before the Senate, under the agreement already entered into, amendment No. 127 by Mr. HATFIELD, which will be made the pending business for Monday next.

The Pastore germaneness rule has been waived for tomorrow.

When the Senate completes its business tomorrow, under the previous order—which, of course, is subject to change—it will stand in adjournment until 11 a.m. on Monday next.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 18, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate June 17, 1971:

U.S. DISTRICT COURTS

Aldon J. Anderson, of Utah, to be a U.S district judge for the district of Utah, vice A. Sherman Christensen, retiring.

CONFIRMATION

Executive nominations confirmed by Senate June 17, 1971:

SECURITIES AND EXCHANGE COMMISSION

A. Sydney Herlong, Jr., of Florida, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1976.

COUNCIL OF ECONOMIC ADVISERS

Ezra Solomon, of California, to be a member of the Council of Economic Advisers.

HOUSE OF REPRESENTATIVES—*Thursday, June 17, 1971*

The House met at 11 o'clock a.m.

Rabbi Chaim U. Lipschitz, managing editor, the Jewish Press, Brooklyn, N.Y., offered the following prayer:

Our G-d, and G-d of our Fathers, reign Thou in Thy glory over the whole universe, and be exalted, above all in Thy honor.

Shine forth in the splendor and excellence of Thy might upon all the inhabitants of Thy world.

All who were created will understand that Thou hast created them. Let all those who breathe, call out, "The L-rd our G-d ruleth over all." Satisfy us with and gladden us with Thy salvation.

May G-d bless this country so that it should continue to prosper in the path of true democracy. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

RABBI DR. CHAIM U. LIPSCHITZ

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, it is indeed an honor and privilege to welcome Rabbi Dr. Chaim U. Lipschitz and to thank him for the moving prayer with which he opened today's session of the House of Representatives. I have known Rabbi Lipschitz for the many years that he has been a leader in Brooklyn's Jewish Community. Rabbi Lipschitz was born in Jerusalem, the son of Grand Rabbi Moses Lipschitz. After completing his studies in Israel he served with the American Consul General in Israel starting in 1936. Two years later he came to this country and the Congregation Chevra Machzikai Hadaath in Philadelphia. In 1951, he came to lead the Ohev Sholom congregation in Brooklyn. He is a charter member and a member of the Presidium of the Metropolitan Orthodox Board of Rabbis. And he is many things more; author, editor, newspaperman, and originator of radio and television programs concerned with the way of life of American Jewry. He is an activist in the finest sense of the word in the fields of human rights, education, antidiscrimination, and health care. He is a cultured, humane, hard-working man of God who has spent his life helping his fellow man. And we are indeed gratified that he is with us here this morning.

EMERGENCY INDEMNITY PAYMENTS TO FARMERS

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DAVIS of South Carolina. Mr. Speaker, yesterday I, along with the esteemed gentleman from South Carolina (Mr. MCMILLAN), introduced the bill H.R. 9205. This bill would provide emergency indemnity payments to any farmers who suffer total economic loss as the result of a natural disaster.

The need for this legislation was brought home to me last week when a severe hailstorm struck my district, wiping out numbers of tomato and cucumber farmers just as they were ready to pick their crops.

Now, these men cannot be helped by emergency loans. Only last year they were nearly destroyed by a drought and have borrowed to the limits of their credit. Unless they are helped by indemnity payments they—and all those dependent on them for jobs and business—will be ruined.

Rather than introduce a private relief measure, we have introduced general legislation. I am sure that Charleston County is not unique. Other farmers are being ruined by similar catastrophes. If we are to preserve our farms, this body must take some action to protect our farmers from such natural disasters. I hope my colleagues will give this their consideration.