SENATE—*Wednesday, July 14, 1971*

The Senate met at 11 a.m and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

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

O God of creation and of history, be with this Nation Thou hast given us. Nourish the people in that righteousness which exalts a nation. Strengthen our spiritual sinews. Fortify us with morality and virtue. Make us great and strong in the things which pertain to God. May our leaders persevere in the cause of justice, preserve peace at home, and promote peace among the nations.

Grant, O Lord, that the principles of our Founding Fathers may be enduring standards to which we rally in every age and the pattern of life for the people in every generation.

We pray especially for all who serve in this Chamber. Renew our faith in that which is right and good. Recharge the energies of our minds. Restore our souls and make our lives radiant with the joy of Thy presence. When the day is over may we be at peace with ourselves, with our fellow men, and with Thee. 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 legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 14, 1971.

To the Senate:

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

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on July 12, 1971, the President had approved and signed the act (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the First Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91–458. This report has been prepared in accordance with Section 302 of the Act, and covers the period from the date of enactment, October 16, through December 31, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *July 14, 1971.*

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6968. An act to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor;

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America;

H.R. 8407. An act to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel;

H.R. 8699. An act to provide an administrative assistant to the Chief Justice of the United States; and

H.R. 9395. An act to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts.

HOUSE BILLS REFERRED

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

H.R. 6968. An act to amend the Uniform Commercial Code of the District of Columbia to make a warehouseman's lien for charges and expenses in relation to household goods stored with him effective against all persons if the depositor of the goods was the legal possessor;

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America;

H.R. 8407. An act to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel; and

H.R. 9395. An act to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts; to the Committee on the District of Columbia.

H.R. 8699. An act to provide an administrative assistant to the Chief Justice of the United States; to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 12, 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.

EXTENSION OF THE SALINE WATER CONVERSION ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 991.

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the amendments of the House of Representatives to the bill (S. 991) to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes, which were to strike out all after the enacting clause, and insert:

That this Act may be cited as "The Saline Water Conversion Act of 1971".

SEC. 2. The Congress in consideration of the Federal responsibility for water resource conservation by means of comprehensive

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

planning and construction of water resource development projects, administration of the navigable waterways, and maintenance of water quality standards finds that the technology for the conversion of saline and other chemically contaminated waters is vital to all these areas of responsibility. It is the policy of the Congress, therefore, to provide for the development and demonstration of practicable means to convert saline and other chemically contaminated water to a quality suitable for municipal, industrial, agricultural, and other beneficial uses.

SEC. 3. The Secretary of the Interior is authorized and directed to—

(a) conduct, encourage, and promote basic scientific research and fundamental studies to develop effective and economical processes and equipment for the purpose of converting saline and other chemically contaminated water into water suitable for beneficial consumptive uses;

(b) pursue the findings of research and studies authorized by this Act having potential practical applications to matters other than water treatment to the stage that such findings can be published in an effective form for utilization by others;

(c) conduct engineering and technical work including the design, construction, and testing of pilot plants, test beds, and modules to develop desalting processes and plant design concepts to the point of demonstration on a practical scale;

(d) study methods for the recovery and marketing of byproducts resulting from the desalination of water to offset the costs of treatment and to reduce impact on the environment from the discharge of brines into lakes, streams, and other waters; and

(e) undertake economic studies and surveys to determine present and prospective costs of producing water for beneficial consumptive purposes in various parts of the United States by the saline water processes as compared with other standard methods, and by means of mathematical models or other methodologies prepare and maintain information concerning the relation of desalting to other aspects of State, regional, and national comprehensive water resource planning: *Provided*, That in carrying out this function, the Secretary shall coordinate these studies with planning being performed under the provisions of the Water Resources Planning Act (79 Stat. 244), as amended.

SEC. 4. (a) The Secretary is authorized and directed to conduct preliminary investigations and to explore potential cooperative agreements with non-Federal utilities and governmental entities in order to develop recommendations for Federal participation in the construction, operation, and maintenance of prototype plants utilizing desalting technologies for the production of water for consumptive use.

(b) The Secretary is authorized and directed to report to the President and to the Congress, not later than one year after the date this subsection becomes effective, his recommendation as to the best opportunity for the early construction of a large-scale prototype desalting plant. In making his recommendation, the Secretary shall consider the following—

(i) plant size and process type best suited, within the presently available technology, to demonstrate the practicability of construction and operation of a large-scale plant for water supply on a reliable basis, and to provide information on the management problems and economics of such operation;

(ii) availability of cooperating entities or utilities willing to enter, and capable of entering, into agreements and contracts to provide a market for water and an operating agency for the plants;

(iii) availability of entities or utilities willing to enter, and capable of entering, into agreements and contracts to provide an energy source for the plants;

(iv) availability of a site, the environmental implications of the energy source, and brine disposal problems; and

(v) need for the development of new water sources in the area.

(c) In carrying out the provisions of this section, the Secretary shall utilize the expertise of the water and power marketing agencies of the Department of the Interior or of other Federal agencies to insure that the recommended prototype plant and the supporting agreements are fully integrated and compatible with the water and power systems of the region.

(d) The Secretary is authorized to accept financial and other assistance from any State or public agency in connection with studies or surveys relating to saline water conversion problems and facilities and to enter into contracts with respect to such assistance.

SEC. 5. In carrying out his functions under this Act, the Secretary may—

(a) make grants to educational institutions and scientific organizations, and enter into contracts with such institutions and organizations and with industrial or engineering firms;

(b) acquire the services of chemists, physicists, engineers, and other personnel by contract or otherwise;

(c) utilize the facilities of Federal scientific laboratories;

(d) establish and operate necessary facilities and test sites to carry on the continuous research, testing, development, and programing necessary to effectuate the purposes of this Act;

(e) acquire secret processes, technical data, inventions, patent applications, patents, licenses, land and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation;

(f) assemble and maintain pertinent and current scientific literature, both domestic and foreign, and issue bibliographical data with respect thereto;

(g) cause on-site inspections to be made of promising projects, domestic and foreign, and, in the case of projects located in the United States, cooperate and participate in their development when the purposes of this Act will be served thereby;

(h) foster and participate in regional, national, and international conferences relating to saline water conversion;

(i) coordinate, correlate, and publish information with a view to advancing the development of low-cost saline water conversion projects; and

(j) cooperate with other Federal departments and agencies, with State and local departments, agencies, and instrumentalities, and with interested persons, firms, institutions, and organizations.

SEC. 6. (a) Research and development activities undertaken by the Secretary shall be coordinated or conducted jointly with the Department of Defense to the end that developments under this Act which are primarily of a civil nature will contribute to the defense of the Nation and that developments which are primarily of a military nature will, to the greatest practicable extent compatible with military and security requirements, be available to advance the purposes of this Act and to strengthen the civil economy of the Nation.

(b) The Secretary shall cooperate with the Environmental Protection Agency to insure that research and development work performed under this Act contributes, to the extent practicable, to the attainment of the water quality objectives of the Federal Water Pollution Control Act, as amended.

(c) The Secretary shall cooperate fully with the Atomic Energy Commission, the Department of Health, Education, and Welfare, the Department of State, and other concerned agencies in the interest of achieving the objectives of this Act.

(d) All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder. Within six months of the date of this Act, the Secretary shall publish rules in the Federal Register to give effect to the provisions of this subsection and shall subsequently publish all revisions in the same manner.

(e) The Secretary may dispose of water and byproducts resulting from his operations under this Act. All moneys received from dispositions under this section shall be paid into the Treasury as miscellaneous receipts except where such operations may be undertaken as a part of a Federal reclamation project in which case the financial provisions of Reclamation Law (32 Stat. 388 and Acts amendatory thereof and supplementary thereto) will govern.

(f) Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

SEC. 7. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this Act.

SEC. 8. The Secretary shall submit to the President and to the Congress not later than December 31, 1975, a report on—

(i) the status of research and development work in progress under the provisions of section 2, subsections (a), (b), (c), and (d), along with a program for the orderly termination of these activities in accordance with subsection (a) of this section; and

(ii) the status of work in progress under the provisions of subsection 2(e) and section 3 along with recommendations for the integration of these remaining functions within the on-going water resource programs of the Department of the Interior.

SEC. 9. As used in this Act—

(a) the term "Secretary" means the Secretary of the Interior;

(b) the term "saline water" includes sea water, brackish water, mineralized ground or surface water, and irrigation return flows;

(c) the term "other chemically contaminated water" includes agricultural runoff, municipal and industrial effluent, mine drainage, and naturally contaminated waters which contain chemicals not susceptible to removal by conventional sewage treatment methods but susceptible to removal by desalting processes;

(d) the term "United States" extends to and includes the District of Columbia, the Commonwealth of Puerto Rico, territories of American Samoa, Guam, and the Virgin Islands; and the provisions of this Act shall also apply to the Trust Territory of the Pacific Islands;

(e) the term "pilot plant" means an experimental unit of small size, usually less than one hundred thousand gallons per day capacity, used for early evaluation and development of new or improved processes and to obtain technical and engineering data;

(f) the term "test bed" means an intermediate-sized, experimental desalting plant of up to two million gallons per day capacity used for further evaluation and refinement of processes in the field and designed to facilitate the incorporation of experimental features for performance testing and to permit process changes and improvements as required;

(g) the term "module" means a section or integral portion of a desalting plant which is used initially to study large-scale technology and critical design features in prep-

aration for subsequent prototype construction;

(h) the term "prototype" means a full-size, first-of-a-kind production plant used for the development, study, and demonstration of full-sized technology, plant operation, and process economics.

SEC. 10. (a) There is authorized to be appropriated to carry out the provisions of this Act during fiscal year 1972, the sum of $27,025,000, to remain available until expended, as follows:

(1) Research expense, not more than $5,475,000;

(2) Development expense, not more than $10,200,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $7,385,000;

(4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,425,000; and

(5) Administration and coordination, not more than $2,540,000.

Expenditures and obligations under paragraphs (1), (2), (3), and (4) of this subsection may be increased by not more than 10 per centum, and expenditures and obligations under paragraph (5) may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

(b) There are authorized to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization Acts to carry out the provisions of this Act during the fiscal years 1973 to 1977, inclusive, and to finance, for not more than three years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this Act and such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act.

(c) Not more than 2 per centum of the funds to be made available in any fiscal year for research under the authority of this Act may be expended, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, in cooperation with public or private agencies in foreign countries for research useful to the program in the United States.

SEC. 11. The Act of July 3, 1952 (66 Stat. 328), as amended, is repealed.

And amend the title so as to read: "An act to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes."

Mr. MANSFIELD. Mr. President, the purpose of this measure is to redirect and extend the Federal research and development program in desalting technology. The bill passed the Senate with amendments on June 28. The House further amended the bill by substituting the text of H.R. 9093, a similar bill passed by the House on July 8, 1971.

Although it is somewhat different in format and in the wording of some provisions, the House version is not different in substance from the Senate bill. There are, however, two areas which require further amendments. The first involves three technical amendments to section 8 of the House bill which are necessary to retain the original intent of references to other sections of the bill. The second involves two amendments to provisions concerning the relationship of the saline water conversion program to the advanced waste treatment program of the Environmental Protection Agency. These amendments are necessary to preserve the substance of the agreement between the Interior Committee and the Public Works Committee which was discussed prior to Senate passage of the bill on June 28.

Mr. President, I move that the Senate concur in the amendment of the House with amendments, which I send to the desk and ask that they be stated and considered en bloc.

The ACTING PRESIDENT pro tempore. The amendments will be stated.

The legislative clerk read as follows:

1. On page 9, line 2, delete the phrase "section 2" and insert instead "section 3".

2. On page 9, line 5, delete the phrase "subsection (a) of this section" and insert instead "subsection 10(b) of this Act."

3. On page 9, line 7, delete the phrase "subsection 2(e) and section 3" and insert instead "subsection 3(e) and section 4".

4. On page 7, amend subsection 6(b) to read as follows: "(b) the Secretary will cooperate with the Administrator of the Environmental Protection Agency to insure that research and development work performed under this Act makes the fullest possible contribution to the improvement of processes and techniques for the treatment of saline and other chemically contaminated waters and to avoid the duplication of the experience, expertise, and data regarding desalting technologies which have been acquired in the performance of the Saline Water Conversion Act."

5. On page 9, amend subsection 9(c) to read as follows: "(c) the term 'other chemically contaminated water, refers to waters which contain' chemicals susceptible to removal by desalting processes;"

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House to the title of the bill.

The motion was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar, under new report.

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

The ACTING PRESIDENT pro tempore. The nomination on the executive calendar will be stated.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of Richard Stockwell Bodman, of California, to be an Assistant Secretary of the Interior.

Mr. ALLOTT. Mr. President, I wish to say a few words in support of Mr. Richard S. Bodman's nomination to be Assistant Secretary of the Interior for Budget and Management.

Mr. Bodman is a young man for such a position of high responsibility, but his experience in accounting, management, and management consulting will permit him to bring to this position the vigor and innovativeness of youth, tempered by experience. Secretary Morton believes he will and has already made valuable contributions to the Department of the Interior, and, provided Mr. Bodman maintains a balanced approach and acquires an understanding and appreciation for the achievement of the missions Congress has assigned to the Department, it would appear that he has the background, ability, and intelligence to assist materially in the successful accomplishment of the missions of the Department.

Mr. President, I ask unanimous consent that Mr. Bodman's biography be printed in the RECORD at this point.

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

BIOGRAPHY OF RICHARD S. BODMAN

Richard S. Bodman, 33, of San Francisco was appointed Assistant Secretary for Administration by Interior Secretary Rogers C. B. Morton, with the consent of the President, April 1, 1971. Mr. Bodman has been nominated by the President for the position of an Assistant Secretary of the Interior whose duties will include, among others, those of the present Assistant Secretary for Administration.

A certified public accountant, he was formerly a partner in Touche Ross and Company, one of the largest international accounting and consulting firms. He has been directing the firm's consulting practice in San Francisco and Hawaii for the past six years. Additionally, he served as Chairman of the firm's Committee for all Services to Banks, Chairman of the Management Services Long Range Planning Committee, and was a member of the Management Services Executive Committee governing the firm's nationwide management services practices.

A native of Detroit, Michigan, but a resident of San Francisco for the last ten years, Mr. Bodman is past Chairman of the San Francisco Chapter of the Management Services Committee of the California Society of Certified Public Accountants; past President of the Planning Executives Institute's San Francisco Chapter; and was a member of the National Panel of Arbitrators, American Arbitration Association. His background includes managing a wide variety of business and government administration projects, especially with large financial institutions.

He holds a BS degree in engineering from Princeton University and an MS degree in industrial management from M.I.T.

He is married to the former Helene Dunn and they have two sons, Taylor, 9, and James, 8.

Mr. ALLOTT. Mr. President, in his prepared statement to the Senate Interior Committee, Mr. Bodman proposed three objectives for himself. I believe these objectives would be of interest to Senators, and I ask unanimous consent that an excerpt of his statement containing these objectives be printed in the RECORD at this point:

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

I would initiate a program to further long-term excellence in management of the Department's affairs by placing highly qualified and motivated people into responsible positions. In this regard I would strive to develop improved methods for identifying talented people early in their careers and developing their management expertise.

Secondly, I would institute improved budgetary policies and reporting procedures to assure that the Secretary has direct im-

pact on the priority of expenditures and that he is well informed concerning performance against budget and plans in the program areas.

Thirdly, I would standardize and make more effective our activities in data processing, management research, auditing, and procurement.

Mr. ALLOTT. Mr. President, these are worthy objectives, and so long as they are not viewed as ends but are viewed as means to achieve the missions of the Department, their implementation can improve the efficiency and the responsiveness of the Department.

Mr. President, I urge that the Senate confirm Mr. Bodman to be Assistant Secretary of the Interior for Budget and Management.

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

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

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

LEGISLATIVE SESSION

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

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

THE HEROIN WAR IN INDOCHINA

Mr. MANSFIELD. Mr. President, this morning's Washington Post contains an article entitled "Facts Surface on the Heroin War," written by Miss Flora Lewis. We all know and applaud what our Government has done in trying to bring about a decrease in the production of opium in Turkey; but I would hope that we would not lose sight of the fact that approximately nine-tenths of opium production in the world comes from the so-called Golden Corridor in Laos, Thailand, and Burma.

We have talked a good deal about the casualties of our men—and they are huge. We have talked a good deal about the costs of the war—and they are great. But only recently have we been discussing the question of drugs as they affect American personnel in Indochina and, incidentally, involve local dignitaries in many of the countries concerned.

If I may take an excerpt on two from the article written by Miss Lewis—which I hope every Member of Congress will read as well as the administration downtown—she brings out the fact that the CIA has provided Congress with a report naming the sites of the heroin refineries in Burma, Thailand, and Laos. There is more to it. It will go in with the full story.

I read as follows:

The report also confirms for the first time on the record that Laotian air force planes and Laotian and South Vietnamese commercial planes take the drugs on to markets, both the GI market in South Vietnam and international centers which ship to Europe and the United States. It does not mention Air America, the CIA-operated airline in Laos and Vietnam. But there have long been numerous reports that Air America's secret flights supporting the Laotian war also often transport opium.

Further on,

Vice Adm. William C. Mack, Deputy Assistant Secretary of Defense for Manpower, has testified that the only thing that "will save our men" from the tremendous drug problem in Vietnam is troop withdrawal. But the supply routes are organized now. The high-ranking officials, and by no means all the highest have as yet been named, still have U.S. support and every prospect that support will continue after most troops have gone. So the heroin can be expected to follow the GIs home, a continuing souvenir of the war.

Two developments have begun to bring into the open the relation of heroin and the war. One is the huge increase in GI use in the past two years, while the military were assiduously fighting marijuana and virtually ignoring the opium-heroin trade. The other is counting public revulsion as each piece of news appears here.

And, further on,

It is time, late but not too late, for American intelligence which does know quite a lot about the drug traffic to make it their concern. It is time to stop defoliating Vietnamese fields and start defoliating poppy fields. It is time to stop subsidizing high Asian officials who use American support to deal in drugs with impunity.

John Ingersoll, director of the Bureau of Narcotics, has written Congress that "It is probable that opium production in Southeast Asia will be brought under effective control only with further political development in these countries."

If that means that the United States can't successfully fight heroin and Vietnamese Communists at the same time because too many allies are on the side of heroin, it shouldn't be hard to choose the worst enemy. There can be no national defense even on this continent if the invasion of drugs is not stopped.

Mr. President, I ask unanimous consent to have this very worthy article printed in full in the RECORD.

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

FACTS SURFACE ON THE HEROIN WAR

(By Flora Lewis)

At last the facts of the heroin war in Indochina are trickling out. Many officials, and others, have been aware of them for a long time. But the officials weren't very interested, and secrecy about the war in Laos and American clandestine operations made it extra hard for others' to pinpoint the route of heroin from the mountaintop poppy fields of Southeast Asia to American bloodstreams.

The CIA, which has prime responsibility for the Laotian war, long denied any knowledge of the drug traffic. Now it has provided Congress, through the Bureau of Narcotics, with a report naming the sites of heroin refineries in Burma, Thailand and Laos. Further, the public report says that "a senior Laotian officer may hold an ownership interest in some of these facilities." The officer, named elsewhere, is Gen. Ouane Rathikone, chief of staff of the Laotian army, which exists entirely on U.S. subsidy. Army units provide a "military defense perimeter" to guard the refineries.

The report also confirms for the first time on the record that Laotian air force planes and Laotian and South Vietnamese commercial planes take the drugs on to markets, both the GI market in South Vietnam and international centers which ship to Europe and the United States. It does not mention Air America, the CIA-operated airline in Laos and Vietnam. But there have long been numerous reports that Air America's secret flights supporting the Laotian war also often transport opium.

Rep. Robert Steele of Connecticut, an ex-CIA man himself, has named Maj. Gen. Ngo Dzu who commands South Vietnam's Second Military region as one large-scale organizer of the traffic.

The opium, from which heroin is refined, is grown chiefly by Meo tribesmen who live in what is called the "golden triangle" area of western Burma, northern Thailand and Laos. The CIA organized the Meo of Laos into the Armee Clandestine and has accepted responsibility for large numbers of them.

Although it normally denied having any awareness or interest in the drug trade, from time to time the CIA claimed progress in persuading the Meo under its influence to switch to food crops. Its own report now says that "in areas (in Laos) 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."

Vice Adm. William C. Mack, Deputy Assistant Secretary of Defense for Manpower, has testified that the only thing that "will save our men" from the tremendous drug problem in Vietnam is troop withdrawal. But the supply routes are organized now. The high-ranking officials, and by no means all the highest have as yet been named, still have U.S. support and every prospect that support will continue after most troops have gone. So the heroin can be expected to follow the GIs home, a continuing souvenir of the war.

Two developments have begun to bring into the open the relation of heroin and the war. One is the huge increase in GI use in the past two years, while the military were assiduously fighting marijuana and virtually ignoring the opium-heroin trade. The other is mounting public revulsion as each piece of news appears here.

But the situation isn't very new. Capt. Robert Marasco, the former Green Beret who was accused of killing a double agent, tells of camping on the Cambodian border in the Parrot's Beak sector in 1969. "There was a big market field there; people went back and forth as though there were no border. The price of heroin was astonishing; for $25 you could get what sells for $500,000 in the United States," he told me. "It was being bought by South Vietnamese soldiers, obviously flunkies for the higher-ups."

On another occasion, he trailed 30 pounds of pure opium brought down the Ho Chi Minh Trail by Pathet Lao Communists along with medical supplies and found they were sold to South Vietnamese military and sent on to Saigon. "I didn't pay much attention," Marasco says "that wasn't our concern."

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ALL VETERANS DO NOT CARRY LABELS

Mr. SCOTT. Mr. President, the Philadelphia Inquirer of July 13 included remarks made by Mr. Dom Domingos, a Vietnam veteran, on the NBC–TV program "Comment."

While Mr. Domingos' words speak eloquently for themselves, I would like to make the following point.

In our effort to rectify and halt reported abuses and atrocities committed by a few of our servicemen in Vietnam or, indeed, in our desire to aid those who have fallen victim to harmful drugs, let us not summarily characterize all Vietnam veterans. I hope that we all, whatever our views on this war, will make a conscious effort not to create an atmosphere that makes it impossible for our Vietnam veterans to return to a normal life in the United States. We should always bear foremost in our minds that our Vietnam veterans, whatever their views on the war, have all made a considerable personal sacrifice on their Nation's mission.

I ask unanimous consent that the full text of Mr. Domingos' statement be printed at this point in the RECORD.

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

SET THE RECORD STRAIGHT: ALL VETERANS DO NOT CARRY LABELS

(By Dom Domingos)

The following remarks were made by Mr. Domingos, a Vietnam veteran, on the NBC–TV Program, "Comment" recently:

As a disabled veteran I find it very disturbing that there are those in America who would seek to "lump together," polarize, prejudge and automatically slot us Vietnam veterans as being either for or against the war; as being pot-heads or racists; as being flag-wavers or super-patriots; or as being trained assassins unable to adjust to civilian life.

These attempts have become evident to me just by reading the newspaper, observing mass media coverage, or watching the so-called "talk shows" displaying the "typical Vietnam veteran."

I am a veteran of a war which I feel at the present time no man can accurately predict as to what the last deadly entry in the log will be. A war which by its very nature confronts our fighting servicemen with complexities and pressures never before faced. A war which by its very nature sets its veterans apart and does not lend itself to the camaraderie and esprit of any previous war.

Lest anyone forget, we served our time in hell—and some of us will carry proof of that service with us the rest of our lives.

Let's set the record straight, however. In ten months of Vietnam duty as an adviser to South Vietnamese units I did not and do not now use drugs; I found the majority of the South Vietnamese people friendly and appreciative of my presence; I committed no war crimes; I am neither for nor against the war in its entirety.

I feel that I served with dignity and honor, and as long as there is a breath left in me, I will defend my right and the right of Vietnam veterans to be human beings with that same dignity and honor.

John Kerry, Jerry Mueller, John O'Neill, Mr. News Commentator and others, I resent your attempting to speak for me and the image you are portraying of me. I resent being used as a pawn in your political arena—or anybody else's. I find demonstrations in violation of the law offensive.

I find your actions and rhetoric divisive and conducive to polarization and prejudging of Vietnam veterans—this trend, if allowed to continue, I consider to be detrimental to the Vietnam veteran now and over the long haul. I firmly contend that each man must stand for what he believes—and I defend that right—but to coin a phrase: "Speak for thyself, John." Stop speaking for me.

I have been medically retired from the service since July 1968. Since that time, I have been in industry doing personnel work. Before I left the Army, I served as assistant to the commanding general of the Army Physical Disability Agency, traveling to all major Army Hospitals in the continental United States and talking to the men on the wards.

I have been close to the subject for five years now, and have watched the image change—I have seen hope turn to despair, pride turn to confusion and despair and confusion turn to utter helplessness.

I have been asked, "How does it feel to be a murderer" and have heard the comment, "Check him for drugs—he's a Vietnam vet."

I ask you, is it necessary that I agree with your viewpoint to be accepted as a veteran of this nation; must the words Vietnam veteran paint a picture in the minds of some people—not all—of what I am, what I feel. I think not! Just as there are complexities amongst the veterans of that war.

So I say to all Americans—do not group, polarize or prejudge us. Each of us has our own thoughts, views, and experiences and if given the opportunity will relate them—but give us that right and above all let us maintain our dignity. Let us prove ourselves to you as men, as human beings, as individuals.

THE NIXON PROGRAM FOR HOUSING

Mr. SCOTT. Mr. President, I commend to the attention of my colleagues an article from the July issue of Mortgage Banker by Mr. Eugene S. Cowen, Special Assistant to the President. As Mr. Cowen points out in his article:

The Nixon Administration has consistently viewed low- and moderate-income housing as a top priority budgetary item and has striven to translate into bricks and mortar the promises contained in the Housing and Urban Development Act of 1968.

I ask unanimous consent that "The Nixon Program for Housing" be printed at this point in the RECORD.

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

THE NIXON PROGRAM FOR HOUSING

(By Eugene S. Cowen)

Shortly after Richard Nixon was sworn in as President, he was flying over Washington in a helicopter. As the chopper passed over the Mall, the grassy expanse between the Washington Monument and the Lincoln Memorial, he spotted a long row of old temporary structures, the Navy and Munitions Buildings.

They were built during World War I and have stood moldering in full view of a half century of tourists who have visited the nation's capital. The President knew the buildings well because he was stationed there briefly when he was a lieutenant, junior grade, after World War II, and he didn't think much of them then.

So he directed that the "tempos" be taken down as soon as possible. A White House memorandum went out to the friendly proprietors of the Navy and Munitions Buildings, advising them that the Commander-in-Chief would like them, please, to get their structures off the public's grass.

That set off a heated debate within the federal establishment, the military arguing protempo and the civilians answering antitempo. It reached its height when the Navy cleverly invited a presidential assistant to the Army-Navy game and assigned an Admiral to lobby him all the way from Washington to Philadelphia.

But the White House persisted and the buildings were removed—a year after the President asked them to come down.

Now, if it takes that long to tear something down, isn't it harder yet to build something up? Yes. But we persist. Persistence has paid off with our housing programs.

During the past two and a half years, the Nixon Administration has taken vigorous steps to stimulate housing production and has achieved record levels of output for low- and moderate-income families.

Housing requires financing. As you are aware, housing production is highly sensitive to changing monetary conditions. The corporate borrower is first in line at the credit window, while the home purchaser is usually at the end of the line. During tight money periods, housing starts usually drop very sharply. During the money crunch of 1966, private housing starts declined to about 900,000 units in the last quarter of that year. During the most recent tight money period, however, housing production was better maintained despite very high interest rates.

In no quarter of 1969–70 did private housing starts average less than 1.25 million units. The annual rate of housing starts was 1.4 million units in 1970, compared to 1.2 million in 1966. Housing starts have recovered sharply, and the 1971 total will probably be about 1.9 million units.

The dramatic turnaround is a response to a variety of Nixon Administration policies. One is the overall economic push that is reflected in lower interest rates. The other is the massive federal effort to maintain the flow of credit into housing. And the third is the shift that put a larger proportion of housing resources into help for low- and moderate-income families.

SUBSIDIZED HOUSING

During 1970, 433,000 housing starts were subsidized by the Department of Housing and Urban Development and the Farmer's Home Administration. This represented almost 30 percent of total housing starts. As recently as 1968, assisted housing units amounted to scarcely more than 10 percent of total housing starts.

Much of the increase in housing units has occurred in Section 235 and Section 236 programs. Through deep subsidization of mortgage interest costs, these programs reduce monthly payments to a level within reach of moderate-income families. Under the Section 235 program alone, about 116,000 units were started in 1970 and almost 200,000 units are likely to be started in 1971. For lower-income families, public housing and the rent supplement program continue to play a major role.

Who is helped by these programs? Under Section 235, the typical purchaser of a new house is a family of five usually headed by both a husband and wife. Almost all of their income is from wages and salaries, and very little from welfare assistance. The head of this family is usually about 30 years old.

Under this program, the purchaser pays, on the average, under $18,000 for his own house. The annual family income is $6,169. That strikes a point *below* the income needed to live reasonably well in a city, but *above* the income levels of the typical family in public housing.

The housing needs of low- and moderate-income older people are met through two programs: Section 236 rental and public

housing. Construction was started on about 50,000 units specifically designed for senior citizens under these two programs in 1970.

Further improvements in our federally-assisted programs are possible. Note how fast and effectively HUD Secretary George Romney acted to correct several deficiencies uncovered in the Section 235 program. However, we presently have a mix of programs that is making a substantial contribution to the housing needs of the full range of low- and moderate-income households, and racial composition. The Nixon Administration has consistently viewed low- and moderate-income housing as a top priority budgetary item and has striven to translate into bricks and mortar the promises contained in the Housing and Urban Development Act of 1968.

RUNAWAY COSTS

But what good are these programs if runaway costs price the average American out of the new housing market? Federally-assisted programs are not blank checks to underwrite such rising construction costs. Moreover, advancing costs would eventually defeat our efforts to increase housing production.

The Administration has approached this problem from several directions at once. We have put great emphasis on new housing technology under Operation Breakthrough in order to lower costs and develop mass production approaches to housing. We have encouraged mobile homes, where suitable, and now eligible for financing under FHA and VA programs. More recently, we have instituted a program to curb rising construction costs. Construction unions and industrial contractors have agreed to a reform of work rules aimed at eliminating excessive overtime pay, featherbedding, and permitting the unrestricted use of all trade tools and equipment. We hope that these reforms will be implemented at the local level.

President Nixon has instituted a cooperative system of wage-price "constraints" in the construction industry, designed to maintain negotiated annual wage increases. Labor-management boards will review collective bargaining agreements in each of the construction crafts. A government committee will also establish criteria for price increases and management compensation . . .

If persistence pays off in getting "tempos" off the grass and encouraging housing construction, it is also the driving force behind this Administration's determination to streamline the federal government, turning some of the control back to states and local communities.

Revenue sharing, general and special, is the name President Nixon has given to his plan to turn some $10 billion over to the states and local communities. It is based on the philosophy that it is the *people's* tax money to begin with, and the more direct control the people have in its disbursement the better it will be spent.

We believe that the federal government should do what it can do best, and that state and local governments should be strengthened by providing them with the money to run their programs in a way to best meet their varying needs. Your reason for subscribing to this philosophy should be guided by the fact that the last time the state legislatures met, more than four-fifths of them were asked by their governors for more taxes.

Revenue sharing, however, has a special significance to those who build or finance housing because it takes more than a group of houses to make a community. It takes water and sewer lines, schools, libraries, and a whole host of other services which are provided mostly by state and local governments. Revenue sharing will give you a greater say in how these services can be better provided for your communities.

THE DIFFERENCE

Finally, the President wants to reorganize the government, and it is not something that originated in a helicopter flight.

When Richard Nixon was a lieutenant, junior grade, Washington was a very different Capital. The President then had nine cabinet departments. He now has 12. The then 27 independent federal agencies are now 41. A $42 billion federal budget has now grown to $220 billion. Then there were 140 domestic programs, now 1,400. And add some 600,000 federal employees.

So this President wants to streamline the government, cut down the number of federal departments, and reduce the number of federal employees—so that it and they do a better job for you. Now, this is not a new idea. It has—in various forms—been recommended by Presidential commissions throughout this century.

Nor is it a new problem facing this President. When Arthur Krock of the *New York Times* interviewed President Calvin Coolidge, he asked, "Mr. President, how many people work for you in the White House?" Mr. Coolidge replied: "About half of them." The difference is, we persist.

DON'T TIE THE CHIEF'S HANDS

Mr. SCOTT. Mr. President, the July 12 edition of the Washington Star carried an excellent column by David Lawrence. It is entitled, "Don't Tie the Chief's Hands." Mr. President, a review of this column leads me to make but one comment: "These are words to the wise." I trust we are wise men. I ask unanimous consent that this column be printed in the RECORD.

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

DON'T TIE THE CHIEF'S HANDS

(By David Lawrence)

A President's conduct of foreign policy is under greater strain than it has ever been before. Members of Congress are questioning the right of an administration to carry on important negotiations without publicizing them.

But to demand that Congress be kept informed in advance or that even congressional committees be advised of diplomatic contacts which are within executive jurisdiction could mean a leakage to the press and an impairment of international progress. Experience shows that some of the confidential material filed within committees of Congress is given to the news media here. It is then exploited by the press abroad.

The government knows full well, for instance, that "foreign aid" is a vital factor in winning the alliance of the smaller nations which may hitherto have been depending on either Red China or the Soviet Union for help. If a law is adopted by Congress requiring a President to publicize beforehand his intention to give assistance to certain countries, would this be a step that could help or hurt the chances of America gaining allies?

Present statutes permit a President to make financial aid commitments to a foreign country without revealing it to the Congress or to the people until 30 days after the action has been taken. It now is being proposed that a Chief Executive notify Congress 30 days before he shifts foreign-aid money from one country to another.

Many of these matters are subjects of secret diplomacy. They can be handled best by allowing a President to render financial aid without making his plans public until after the project is well under way. There are plenty of trouble spots in the world caused by economic weakness. This is one of the reasons why the United States is willing to extend financial assistance where it is needed.

American efforts to avoid involvement in military operations are known everywhere. The help we have provided to Mideast countries, for example, has been designed to remove any idea that the United States is hostile to the nations in the area.

The Mideast situation is one of the biggest worries at the moment for the President and his secretary of state. Fortunately, the Egyptian government appears to be in a negotiating mood. Also, the Israelis are aware of the primary objective in the plans being proposed by the United States for that region—how to reopen the Suez Canal and assure the leaders at Tel Aviv that a complete or partial withdrawal from territory occupied since 1967 will not have to be made without reciprocal benefits.

Meanwhile, American military units are needed to support possible action under the North Atlantic Treaty and a sizable fleet in the Mediterranean is to be maintained. This necessitates some bases and friendly relations with countries on the Mediterranean and those bordering on South Pacific waters.

One has to study the potential military strategy of the United States in order to understand the reason why certain countries are on the list of financial aid from America. It would cause many problems if Congress had to grant its consent and publicity was given to the intended plan before the State Department could provide economic aid urgently required by a country which would prefer that the event be kept secret for awhile.

What is at stake in all the efforts to interfere with the operations of the executive branch in its handling of foreign affairs is the possibility that the United States would be unable to act promptly in dealing with governments in different parts of the world, and that the Communists would take advantage of this handicap.

There has been a lot of talk on Capitol Hill about attempts to block the making of "commitments." What this really means is that the State Department would not be able to record any promises in its negotiations with other nations or give indications to any country of the advantages which might follow support for the American position in controversies that may arise.

A commitment of unusual expense is, of course, reported to Congress when the money is sought through the appropriations committees. But the scheme to make the executive branch disclose all its financial-aid plans before such arrangements are made with other countries would deprive the State Department of one of its most important powers of negotiation in the handling of foreign policy.

CLARENCE MITCHELL, JR., BLACK AMERICA'S LOBBYIST IN WASHINGTON

Mr. SCOTT. Mr. President, Clarence Mitchell, Jr., has developed a reputation for being a man who treats people equally and fairly—an important quality in a man considered by many to be black America's lobbyist in Washington. As chief legislative spokesman for the NAACP, Mitchell has continually expressed his strong belief in the rule of law affecting all people equally. He says of himself:

I am a man who seeks just law. I am a man who seeks the kind of order that makes freedom grow instead of stifling.

These facts and many more pointing out the courage and insight of Clarence

Mitchell, Jr., are highlighted in William J. Eaton's article in the syndicated Black magazine, Tuesday, carried in Sunday's Philadelphia Bulletin and Washington's Sunday Star. I ask unanimous consent that this fine story be printed in the RECORD.

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

CLARENCE MITCHELL, JR., BLACK AMERICA'S LOBBYIST IN WASHINGTON

(By William J. Eaton)

Clarence M. Mitchell Jr. stands nearly 6 feet, 2 inches tall and he weighs 215 pounds. He's a hard man to miss as he sits quietly in the gallery of the Senate or the U.S. House of Representatives, listening to the lawmakers below.

Often, it is the congressmen who do the listening as Mitchell talks in their offices or the hearing rooms on Capitol Hill. For Mitchell is one of the most trusted and respected lobbyists in Washington, where for 21 years he has been the chief legislative spokesman of the National Association for the Advancement of Colored People.

"A man who embodies all that is best in lobbying," said Sen. Philip A. Hart (D-Mich.), speaking of Mitchell. "He asks not for special favors, but for equal treatment."

Others, both Republicans and Democrats, have attested to his influence in the passage of every civil rights bill since 1957. Mitchell was credited personally by President Lyndon B. Johnson for assuring adoption of the fair housing law in 1968. Mitchell helped to defeat the Supreme Court nominees G. Harrold Carswell and Clement Haynsworth, and took the lead in the battle for extension of the 1965 Voting Rights Act.

"The 101st U.S. Senator" is the description that has been applied to him more than once.

Mitchell probably enjoys the limelight as much as any man, but he shuns it, partly because he is so busy on NAACP affairs during his typical 10-hour day. He has also had his share of critics. Former Rep. Adam Clayton Powell once scorned Mitchell's approach as that of an Uncle Tom. Black militants and separatists have launched similar attacks.

When he received the Spingarn medal from the NAACP in 1969, Mitchell addressed himself to the younger, more militant Black people in the convention hall at Jackson, Miss., saying:

"We are the first to admit that we have not gotten rid of sickness, poverty, inequality and discrimination in our country and the world. But we have made a good start. . . . We are asking you to share in the building of a democracy that is a shield for the humble and the weak as well as a sword for the strong and the just."

And he expressed his strong belief in the rule of law:

"I, too, am a law and order man. But I am a man who seeks just law. I am a man who seeks the kind of order that makes freedom grow instead of stifling it.

"We must be on guard against and repudiate those forces that would destroy us and our country by causing us to lose faith in the power of just law. Whether it comes from a Ku Klux Klan meeting in a cow pasture or a street-corner meeting in Harlem, the voice that ridicules our Constitution, that demeans our Supreme Court and discounts our civil rights laws is the sound of man's ancient enemy—ignorance."

But Mitchell does not spend much of his time making speeches. His specialty is Congress and civil rights legislation, and in these fields he is acknowledged to be without peer. Sen. Edward M. Kennedy (D-Mass.) put it this way about Black America's man in Washington. "His judgement is superb and his wisdom unsurpassed."

Remarkably enough, Mitchell does not live in the shadow of the Capitol dome but nearly 40 miles away in a neighborhood he describes as a slum area of Baltimore. He was born in that city 60 years ago and grew up there before going away to college at Lincoln University.

Mitchell received a law degree from the University of Maryland and pursued graduate studies at the University of Minnesota and Atlanta University. He was a newspaper reporter for awhile before arriving in Washington in 1941 to work for the Office of Production Management, which later became the War Production Board. Mitchell's assignment involved the handling of labor problems, especially opening up defense jobs to Blacks. Later, he became a member of the wartime Fair Employment Practices Commission set up by executive order of President Franklin D. Roosevelt.

After the war, Mitchell signed on with the NAACP, at first assisting the late Walter White and, later becoming labor secretary of the organization. He was named director of its Washington bureau in 1950.

In one of his first controversial actions, Mitchell testified on organized labor's side during the hotly fought battle over the Taft-Hartley Law in 1947. It brought him sharp criticism from some big contributors to the NAACP who, as Mitchell recalls, were "good on civil rights but bad on labor." The NAACP board, however, supported his position that a law that would hamper labor unions would be harmful to Negro workers, too.

That 1947 alliance with organized labor has continued and been strengthened through the years, with a close personal relationship developing between Mitchell and Andrew J. Biemiller, chief lobbyist for the AFL–CIO and George Meany's man on the hill. On rare occasions, when the NAACP is at odds with the labor federation, Mitchell tries to resolve or mute the differences in his talks with congressmen. He clearly regards the AFL–CIO's aid on civil rights bills as more important than its opposition to President Nixon's "Philadelphia Plan" for enlarging the number of Blacks in building trades unions that traditionally excluded minorities.

During much of the 1950s, when Dwight D. Eisenhower was president, civil rights progress was slow, but Clarence Mitchell did not lose faith. He discovered that Ike believed that the federal government had the power to stop racial discrimination wherever federal funds were spent. "I don't think he realized how far that went," Mitchell said. "We were able to make a successful attack on school desegregation on military posts and areas adjacent to military posts, even before the 1954 [Supreme Court] decision."

Once the Supreme Court had ruled in the landmark *Brown v. Board of Education* case, Mitchell hit hard on the tribunal's finding in his talks with lawmakers "because this was the first time that the government had officially said segregation per se was unconstitutional."

In the mid-50s, Mitchell became the go-between on civil rights proposals for the Eisenhower Administration and liberal forces in Congress. He arranged a set of proposals that both Republicans and Democrats could support and won the backing of Lyndon B. Johnson, then majority leader in the Senate, and Johnson's GOP counterpart, William F. Knowland of California. The Senate balked at bypassing the conservative Judiciary Committee, however, and the civil rights package was dead for that year.

Sensing victory at the next session, Mitchell extracted promises from Johnson and Knowland to bring the measure up for a vote early in 1957. They did, and the Senate outlasted a filibuster. Thus the first civil rights bill in a century became law.

"There wasn't anything magic about it," recalls Mitchell. "It was just a matter of going to all possible sources, some of whom people ordinarily would ignore. To me, the importance of getting that bill through was that we could break the spirit of defeat around here on civil rights legislation." It was mild legislation, providing for a civil rights commission an assistant attorney general for civil rights and authorizing federal lawsuits to protect the right to vote.

During the early years of John F. Kennedy's presidency, no civil rights legislation was proposed. Kennedy and his brother, Robert, said the slim Democratic margins in both Senate and House made passage of further laws unlikely. Clarence Mitchell filed a dissenting opinion, saying: "What they didn't realize was that although Republicans were conservative on economic matters, sometimes you'll find there are Republicans who are liberal on civil rights."

Mitchell had in mind Rep. Clarence Brown (R-Ohio), the ranking GOP member of the House Rules Committee, who eventually provided a key vote in moving the 1964 civil rights bill toward final passage. Brown, considered an arch-conservative on most matters, had been scouted extensively by Mitchell in advance of the showdown, contributing to his optimism over the outcome.

In 1965, many liberals felt Congress should "take a breather" and not consider more civil rights bills. Not Clarence Mitchell, who said:

"I guess many of us felt that when the tide's going your way, it's no time to start resting on the beach." The voting rights act, which has since put millions of Negroes on the voting rolls in the South, was the result of such perseverance.

By 1968, the question was whether to seek a bill to halt discrimination in the sale or rental of homes and apartments. It was an issue with high political risk for President Johnson, many observers believed at the time.

On the wall of Mitchell's office not far from the Capitol, there is a picture of him with Mr. Johnson and the mongrel puppy known as Yuki. "It was at that meeting," says Mitchell, pointing to the photograph, "that we decided to go forward with the fair housing bill."

The Rules Committee of the House was again the bottleneck. Clarence Brown was dead. But Mitchell found another Republican to deliver a key vote—Rep. John Anderson of Illinois—and the bill came to the floor and won approval by a narrow margin. It zipped through the Senate with the aid of the late Sen. Everett M. Dirksen, also of Illinois, who said fair housing was an idea "whose time has come" despite his earlier opposition.

When the votes were approaching on the floor of Congress, Mitchell often would look to his Bible for comfort. Raised as an Episcopalian, he has switched to the Methodist church and takes an active layman's role. One of his favorite passages is II Kings 6:16-17, which tells the story of a servant who expresses concern to his master, Elisha the prophet, about being outnumbered in battle. Elisha replies: "Fear not; for they that be with us are more than they that be with them." The story says the Lord opened the eyes of the servant so he could see that "the mountain was full of horses and chariots of fire round about Elisha."

"I like to think that the Power that runs this world and the universe is really greater and more potent than anyone who gets elected to office or is in control of anything," Mitchell says, "If that Power gets into the picture it's bound to come out the right away."

Mitchell dislikes noisy business lunches. as a result, he rarely eats lunch at all. He starts his day in Baltimore early, rising about 6 o'clock each workday morning to make the 40-mile trip to his Washington office. He travels in a 1967 Buick which now has 140,000 miles on the speedometer. The driving time is used to think over plans for the day, while on the way to Washington, and

contemplating what happened, on the way home.

In Maryland, Mitchell is a politically powerful name. Clarence's younger brother, Parren, was elected to Congress last November, narrowly defeating a 20-year incumbent in a Democratic primary and then coasting to an easier victory over a Republican opponent.

Clarence Mitchell II, just 30 years old, is a member of the Maryland Senate and is considering running for mayor of Baltimore. The elder Mitchel's wife, Juanita, a lawyer, was a delegate to the Maryland Constitutional Convention and is president of the state's NAACP.

In Congress, Parren Mitchell is a member of the increasingly outspoken 13-member Black Caucus, all Democrats, from New York, Maryland, Pennsylvania, Illinois, Ohio, California, Missouri, Michigan and the District of Columbia.

Clarence Mitchell is pleased by this development, saying: "All in all I think of their operation as one that complements what we are doing. I think we need each other very much."

But he sees the Black Caucus' most valuable contribution in the workings of the House and its committees, noting: "It's always been my belief that the presence of a dark face in a room is in itself an important thing. People who may try to pull certain kinds of fast ones don't do it."

On the House Appropriations Committee, for example, powerful Rep. James Whitten (D-Miss.) must now confront Rep. Louis Stokes (D-Ohio) on the controversy over food stamp expansion. "Even the opposition realizes that it has to have a dialogue now," Mitchell says. "This is very healthy."

Mitchell, an early supporter of Hubert H. Humphrey for President in 1968, wore his silver "HHH" button on his lapel long after the election was over. He has had a long acquaintance with Richard M. Nixon, who had spoken to many NAACP groups in Washington with Mitchell's sponsorship, and the lobbyist still has contacts with members of the White House staff. On two occasions, Mr. Nixon invited Mitchell to meet with him in the Oval Office where Mitchell had been so often with Lyndon B. Johnson. The Nixon-Mitchell meetings never occurred because of conflicting engagements. Once, Mitchell was unable to accept a White House invitation because of a prior commitment to address the Laundry Workers' union in Chicago.

What would this veteran Washington hand tell the President if he had the chance to address him directly? Mitchell quickly replies:

"Well, I would certainly feel he ought to take a position that we've got to pass a strong equal employment opportunity bill with enforcement powers . . . but the President has already given his blessing to a different approach. I would feel that we couldn't dismantle programs like the Office of Economic Opportunity but, again, the justification for the two-year extension makes it clear the Administration is aiming at dismantling that agency.

"I would feel the Administration ought to take a hard look at its whole policy in connection with appointments. I know, for example, that they are denying an appointment [as a Federal judge] to a very well-qualified Black man up in the 3rd Circuit [Court of Appeals] because he undertook along with his associates, to defend the Supreme Court when he was working on the District of Columbia Crime Commission.

"I would feel also that they've got to start checking the whole judicial system. The time is long past when we should just appoint white people [to the federal bench] in the southern and border states. It seems the federal government ought to keep up with the political realities that are developing with increased voter participation, and start now to put people on [the bench] on the base of their ability. It would seem to me it would have a tremendous impact in keeping faith in our judicial system if the people could look at the federal government and see that it was being fair. This is something wholly in the hands of the President.

"I would try to get the President to stop this kind of reverse English on race matters. The example is coming out and saying, 'I'm for the enforcement of fair housing legislation but I'm not in favor of getting [Black] people into the suburbs because that isn't what Congress intended.' Well, this causes people to think the President can't possibly be sincere."

(Earlier, in a 1969 speech, Mitchell had expressed a similar thought in far more colorful language when he said: "We must save the Republican party by giving massive support to those Republicans in office who back civil rights and we must save the soul of the party from the hell of equivocation.")

Mitchell, who has helped to "cool" racial disorders in his native Baltimore, said providing a method of redress for the poor is a sure-fire solution to disturbances. "You can prevent fomentation of trouble if you can show the people there is a way of accomplishing things without brick-throwing. A few may throw bricks and light fires but the great mass of people want to do things in an orderly way."

Mitchell is trying to provide those methods of redress through law. As Sen. Charles Mathias (R-Md.) once said of him: "In these days of turmoil, shouting and disruption, it is more important than ever to pay tribute to the men and women who have labored quietly, patiently and effectively within the democratic process."

What are his views on racial separatism, a doctrine increasingly publicized?

"Basically, the idea of separatism has never really caught on in this country," Mitchell replied. "In the South, where separation has been most acute, there's very little talk of trying to set up a separate something based on race. The places where you hear most of that are New York and Chicago. Those people, for the most part, have always been making noises of that kind, on stepladders in Harlem or on the South Side of Chicago. Now, of course, they get down to City Hall and they start talking like that and they can get on television. It looks like they have a big following but that's not true.

"I would say it's a small percentage . . . and it's usually made up of people who haven't thought the proposition through or don't practice it themselves."

His attitude is reflected in the citation for the Spingarn Award, which says Mitchell has shown "uncompromising rejection of racism, white or black."

It is satisfying to Mitchell to watch some of the most rigid segregationists in the Senate begin to loosen up and recognize the tide of reality. Sen. Strom Thurmond (R-S.C.), recently hired a Black staff member. Another Deep South senator sent Mitchell a book with a warm person inscription—a striking contrast to the senator's predecessor who balked at having his picture taken with the NAACP official.

He traces the changed political conduct directly to the number of Blacks now eligible to cast ballots in southern states. (For example, almost 30 per cent of registered voters in Thurmond's home state of South Carolina are Black) following the adoption of the 1965 voting rights law. And one of Mitchell's biggest concerns now is that the Nixon Administration might try to weaken the effect of that law by issuing regulations that might open the way for some states to reduce the number of Black voters.

So his job is never-ending, with threats or opportunities alternating in bewildering variety. The only constant is Clarence Mitchell Jr., himself, gazing down from the Congressional galleries or patrolling the corridors of power in the Capitol.

Rep. Charles C. Diggs (D-Mich.) put it this way about Mitchell:

"He speaks softly but with wisdom and authority. He is a man of faith and patience but militantly persistent and stubbornly courageous. He is a creative agitator for change in making our federal government more responsive and relevant to the needs of Black people, in particular, and the poor and disadvantaged, in general."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Georgia (Mr. GAMBRELL) is recognized at this time for not to exceed 15 minutes.

(The remarks of Mr. GAMBRELL when he introduced S. 2265 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado is recognized for not to exceed 15 minutes.

THE NEED FOR A STRONG NAVY

Mr. ALLOTT. Mr. President, in his annual foreign policy message of February 25, 1971, President Nixon warned that—

> The growth of Soviet power in the last several years could tempt Soviet leaders into bolder challenges. It could lead them to underestimate the risks of certain policies.

Mr. President, in my judgment, the most ominous feature of the world today is the shifting military balance which threatens to give the Soviet Union a decisive edge in military power in certain crucial and unstable regions. And the dramatic Soviet effort in building naval power may be the most significant feature of this shifting military balance.

Today the supremacy of the U.S. Navy is in doubt. This development jeopardizes the great seafaring tradition of this Nation.

At the beginning of the Revolutionary War when the colonies went to war with the world's preeminent naval power, the Continental Navy consisted of seven small ships converted from merchant vessels, and some leaders worried that the Navy would be "officered by Tinkers, Shoemakers, and Horse Jockeys."

The subsequent history of the U.S. Navy is considerably more glorious than that. We owe our independence in no small measure to the Navy; the Navy was essential to preserving the Union; and four times in this century the Navy has moved, supplied, protected, and supported U.S. forces fighting across the oceans.

Most recently, the Navy has served honorably in Vietnam, and has played a vital role in making the Vietnamization program a success.

Last year the 6th Fleet in the Mediterranean helped prevent an explosion into war in the Middle East during the Jordanian crisis.

For well over a century the security of the United States was insured by the vast oceans—and by the U.S. Navy that sailed upon them. In recent decades the spectacular development of airborne weapons, and especially of the intercontinental ballistic missile—ICBM—has caused a vast shift in the public consciousness. Today the layman looks to the sky as the sole source of potential danger, and he looks to air power—missiles included—as the sole source of national security.

But the experts—the dedicated men who must plan a comprehensive defense capability—know better. They know that there is no such thing as a satisfactory defense capability that does not include a sophisticated diversity of forces. They know that naval forces must continue to play a large and, indeed, increasing role in providing for American security.

But, Mr. President, unless we again give proper emphasis to the naval component of our defense force, we run the risk of having an imbalanced, inflexible force.

The 1970–71 edition of Janes Fighting Ships, the authoritative publication concerning naval strengths around the world, reported that U.S. naval strength "is considered to be inadequate to meet worldwide national and international commitments, or even to compensate for the wastage of an aging fleet." This may be an overly severe assessment of the situation. But one thing is clear beyond doubt: Relative to the massive and rapidly expanding naval strength of the Soviet Union, the U.S. naval strength is inadequate and getting more so.

This conclusion has been confirmed and reemphasized in the supplemental statement to the report of the Blue Ribbon Defense Panel, submitted last September. It said:

> More important than numbers is the quality of vessels. Although our carrier force is formidable indeed, the U.S. has failed to maintain a balanced Navy of modern surface ships. The majority of our fleet vessels are more than 20 years old, many with obsolescing weapons and equipment. By contrast, most of the Soviet fleet is relatively new and modern, often with vessels of greater speed, fire power and more advanced electronics than comparable vessels in the U.S. Fleet.

Consider the following:

In fiscal year 1971 our active ship levels declined from 769 to 710—our smallest active ship fleet since 1950. Secretary of the Navy John H. Chafee reports:

> During the past few years, we have reduced the numerical strength of our Navy in order to buy as many modern ships, aircraft, and weapons as our budgets would permit. During the same period, the Soviet Navy has achieved significant qualitative improvement, as well as quantitative advances in sophisticated ship types, including nuclear-powered submarines and missile-equipped surface combatants.

The Soviet undersea fleet is two and a half times the size of the U.S. submarine fleet. The Soviets are expected to pass us in the number of nuclear submarines this year.

The Soviets have made dramatic progress in the field of long-range antiship missiles.

In 1970, Soviet shipbuilding expenditures exceeded $3 billion, and exceed U.S. expenditures by $900 million. The Soviets have more shipyards than we do, and their submarine yards have a larger annual production capacity than ours do. The Soviets have modernized 75 percent of their shipyards in the last decade. We have modernized only 25 percent of ours in the quarter century since the end of World War II. The Soviets devote 34 percent of their military budget to research and development; we devote only 18 percent.

What is at stake here is not hollow prestige. What is at stake is our ability to use our power, flexibly, and responsibly, to preserve stability in turbulent areas where the Soviet Union is getting more assertive.

In October 1962, the entire world witnessed a dramatic demonstration of the fact that a strong navy is a vital part of a strong strategy of nuclear deterrence.

In the 9 years since the Cuban missile crisis the Soviet Union has been working hard to act upon the lessons it learned so painfully. The lesson was that a great power is no greater than its naval power. In these 9 years the Soviet Union has become a great naval power.

Mr. President, in the Mediterranean, in the Indian Ocean, and elsewhere the Soviet Union is proving an important rule of international politics. A powerful naval presence augments political influence.

In addition, Admiral Zumwalt, Chief of Naval Operations, warns that—

> The Soviet Navy and the Soviet Merchant Marine have enabled the USSR at last to reach beyond its borders and beyond the NATO forces which have held Soviet expansion in check for the past two decades.

There is no more volatile situation in the world than that prevailing at the eastern end of the Mediterranean. Peace in the Middle East, the very survival of Israel, and our ability to avoid a confrontation between the two major powers all may depend on the ability of the 6th Fleet to match the bold initiatives of the large and growing Soviet naval presence in the area.

In addition, Mr. President, the feasibility of the Nixon doctrine will depend on a modern Navy. The Navy is an indispensible instrument for helping to support those who want to help themselves. And the Navy is often the best way to make American power effective without risking uncontrollable commitments.

Mr. President, clearly it is time for the Congress—the Congress that wants to do more about the operations of our Government—to take a hard look at the state of the Navy, and to do everything necessary to insure that the U.S. Navy has support necessary to enable it to meet the growing challenges it faces from the Soviet Union.

Mr. President, so that all Senators can examine a sample of the recent news stories reporting on the dramatic Soviet gains in naval power, I ask unanimous consent to have printed in the RECORD the following articles:

"Russia Moves Into Indian Ocean Area" by William J. Coughlin, Los Angeles Times, March 8, 1970; "Russia May Force Our Hand," a Los Angeles Times editorial, June 14, 1970; "Threat of Russian Navy Grows" by Willard Edwards, Chicago Tribune, June 25, 1970; "Soviet Fleet in Indian Ocean—'Progressive' Gunboat Diplomacy" by Michel Tatu, Le Monde, August 25, 1970; "Power of the Soviets: Land, Sea, and Nuclear" by Orr Kelly, the Evening Star, October 4, 1970; "United States Sees Soviet Gain in Nuclear-Submarine Operation" by Neil Sheehan, the New York Times, October 4, 1970; "Russia's Fleet Grows from Mouse to Monster" by Arthur Veysey, Chicago Tribune, October 25, 1970; "Red Stars Under the Southern Cross," the Christian Science Monitor, November 16, 1970; "Swift Soviet Naval Gains Worry United States" by Dana Adams Schmidt, the New York Times, January 18, 1971; "Soviet Discloses Extent of Its Defense Spending" by Theodore Shabad, the New York Times, April 8, 1971, "A Mediterranean Tide Runs for the Russians" by Arnaud de Borchgrave, Newsweek, July 19, 1971; "Admiral Fears Soviet Military Superiority," Chicago Tribune, July 26, 1970; "The Indian Ocean—A Soviet Sea?" by T. B. Miller, the New York Times, November 15, 1970; "The Soviet Naval Program" by Vice Adm. H. G. Rickover, the New York Times, November 13, 1970; "The Erosion of Surface Naval Power" by Paul Cohen, Baltimore Sun, December 27, 1970.

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

[From the Los Angeles Times, Mar. 8, 1970]

RUSSIA MOVES INTO INDIAN OCEAN AREA; AS WEST WITHDRAWS, MOSCOW STEPS UP DRIVE FOR INFLUENCE

(By William J. Coughlin)

NEW DELHI.—The Soviet Union is developing a political, economic and military penetration of the Indian Ocean area from the Persian Gulf to Southeast Asia.

The world has carefully noted the Soviet fleet buildup and use of bases in the Mediterranean, and the Kremlin's influence among the nations of the Arab world in North Africa and the Mideast. Moscow's less dramatic but significant moves into the Indian Ocean have drawn less attention.

But the Soviet effort there already is well advanced. In the view of knowledgeable observers, Moscow is preparing to fill any vacuum that may develop in the Indian Ocean in the wake of the 1971 withdrawal of British forces east of Suez and the American slowdown in Vietnam.

MORE FLEET COMMITMENTS

The Soviet diplomatic thrust was backed up in the past year by increased fleet commitments to the Indian Ocean. Further, it appears that Moscow soon will obtain the vital naval bases in the region to support its political and economic goals.

These facts emerge from a just-concluded Times survey of political and intelligence sources throughout the region.

The Soviet success in nations bordering an ocean so strategic that it laps both the east coast of Africa and the west coast of Australia, as well as Asia and the Indian subcontinent, presents one of the foremost challenges to President Nixon's Guam Doctrine aimed at easing U.S. commitments in the region.

Increasing present-day Moscow interest in the Indian Ocean area has been noted before, but the Russians also have missed few opportunities to improve their position there in the past.

The Soviet navy, while it has not yet pub-

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licly designated an Indian Ocean fleet as such, already has become the major naval power in the ocean. No sooner had the British disclosed their intentions in early 1968 of pulling out of the waters east of Suez than three Soviet warships embarked from the North Pacific on a 23,000-mile cruise to the Indian Ocean, the longest such since 1945.

FLYING FLEET ADMIRAL'S FLAG

The Soviet squadron reached India on March 28, 1968, first calling at Madras and then Bombay. The cruiser Dmitri Pozharsky was flying the flag of Adm. N. N. Amelko, commander of the Soviet Pacific fleet. The arrival was preceded by a 10-day visit to India by Adm. Sergei Gorshkov, commander in chief of the Soviety navy.

The cruiser, a missile ship and an anti-submarine vessel also visited Pakistan, Ceylon, Aden, Somalia and Persian Gulf ports.

One of the best gauges of Soviet involvement in the Indian Ocean area can be found in its military aid programs. The $100 million agreement with Iran, once bitterly at odds with Moscow, calls for supply of anti-aircraft equipment and armored personnel carriers. Small arms are being supplied to Yemen and South Yemen, where the British already have evacuated the strategic port of Aden. Nearly all of the army equipment in Iraq is Russian. The Iraqi navy operates Soviet-built submarine chasers and motor torpedo boats and the Iraqi air force flies TU–16 medium bombers, IL–28 light bombers and about 80 MIG interceptors, together with Soviet-built transport aircraft and helicopters.

India's huge military establishment, second biggest in the free world, is largely Soviet-equipped—from army tanks and navy submarines and destroyers to air force MIG–21s and supersonic Sukhoi-7 fighter-bombers.

TANKS FOR PAKISTAN

Pakistan, under its new military agreement with Moscow, is believed to be receiving more than 250 tanks in addition to 130-mm. guns, radar equipment and helicopters.

Indonesia is equipped with $800 million worth of Soviet military weapons, including antiaircraft guns and radars, A Sverdlov-class cruiser, seven Skory-class destroyers, seven Riga-class frigates, from six to 12 Soviet-built submarines and six Russian minesweepers.

Moscow's military aid to Indonesia dropped to the supply of spare parts on a cash basis after the 1965 anti-Communist upheavals, but Foreign Minister Adam Malik hoped to win better terms during a visit to the Soviet capital last month.

SIGNIFICANT STEPS

Lately, there have been a number of other perhaps small but definitely significant steps by the Soviets to strengthen their influence in the Indian Ocean are:

A dozen Russians are attending the Chinese language university in Singapore, concentrating not just on Mandarin but on the dialects of Southeast Asia.

Aeroflot airliners on scheduled flights now are seen regularly at the airports in Jakarta, Singapore, New Dehli and elsewhere, and Soviet merchantmen, bound for Odessa or Hanoi, are regular callers at Indian Ocean ports.

Last March, in the first visit of a Soviet minister to Malaysia, Foreign Trade Minister N. S. Patolichev turned up in Kuala Lumpur. This was followed in October by a lavish 20-day Soviet trade fair in the Malaysian capital at which the Russians sold substantial amounts of everything from brandy to tractors.

Three higher educational institutions in the Soviet Union now teach Tamil, Moscow announced recently. Tamil is spoken in Southern India and in some parts of Ceylon.

SUBS OFF CEYLON

Three Soviet sumarines, a sub tender and a tanker were sighted last March while anchored briefly off the southeast coast of Ceylon near Hikkaduwa.

More than 800 specialists at India's largest steel mill, at Bhilai, built with Soviet aid, were trained in the Soviet Union and more than 10,000 persons were trained by Soviet specialists at the mill itself.

—The Soviets are pressing for more slots on the committees of ECAFE, the Economic Commission for Asia and the Far East.

What this adds up to is a sustained Soviet drive for a position of influence in the warm waters of the Persian Gulf and the Indian Ocean which Russia has been trying unsuccessfully to reach since the days of the czars and still had not attained at the end of World War II. It has not come all at once. The first technical aid agreement between India and the Soviet Union, for example, was signed as long ago as February, 1955. The Soviets still were involved in efforts to overthrow the government of Malaysia.

But the British decision to withdraw from the region and the growing American disillusionment with Vietnam opened new opportunities which Moscow has been quick to exploit.

Reaction to the Soviet thrust among Asian political leaders has been varied. It ranges from near hostility in Thailand to a warm welcome from Singapore's pragmatic Prime Minister Lee Kuan Yew. Apathy best describes the attitude of Mrs. Indira Gandhi's government in India. Indonesian Foreign Minister Malik hopes the naval forces of all the big powers will stay out of the area, but he is perfectly willing to accept American and Soviet economic aid.

The new Soviet presence is not entirely unwelcome, since some Asian leaders see it as evidence of a deliberate Soviet policy to block Chinese expansion in Asia.

SOMEONE NEEDED

"If the British and Americans are leaving, there must be someone to stop China," one leader said.

Others fear that the burgeoning Soviet involvement will lead the Kremlin into a direct confrontation with China, bringing the Sino-Soviet conflict onto the soil of Southeast Asia.

Western naval sources told The Times the number of Soviet naval vessels in the Indian Ocean has been increasing in recent months. At least two Russian task forces of five or six ships were spotted entering the ocean through the strait of Singapore and strait of Malacca. Each force consisted of one major combat vessel with escorts and supply ships. Last fall, the Australians shadowed such a task force off their west coast.

SOVIET SUB

The most recent sighting reported was of a Soviet submarine in the Singapore Strait only last month. The frequent reports of Soviet submarines suggests there may be a deployment of missile subs in the Bay of Bengal targeted on Chinese nuclear centers in central Asia.

Naval authorities also point out that the Indian Ocean laps other areas of major Soviet interest, including the oil-rich Persian Gulf nations and the eastern shore of Africa, which are incentives for assignment of a permanent Indian Ocean fleet.

The present American naval commitment to the Indian Ocean is described by one official as two destroyers from the Atlantic fleet. There are also Polaris-carrying U.S. nuclear subs assigned to the Indian Ocean as evidence by the location of the U.S. Navy communications center at Exmouth on Australia's west coast.

ECONOMIC GAINS

Soviet military progress in the Indian Ocean area has been accompanied by an even larger and more overt economic penetration of the same region. Soviet trade and aid programs are active in varying degrees in Iraq, Iran, Afghanistan, Pakistan, India, Nepal, Ceylon, Thailand, Malaysia, Singapore and Indonesia.

The Soviets have sold trucks to Iran, built roads in Afghanistan, provided a cigaret factory in Nepal, funded steel mills in India, supported fishing cooperatives in Ceylon, offered rice harvesters to Malaysia and backed tin development in Indonesia in a far-sweeping economic backup of their political aims in this area.

It no longer is a question of whether the Soviets will be invited into the Indian Ocean area. They are there.

[From the Los Angeles Times, June 14, 1970]

RUSSIA MAY FORCE OUR HAND

Defense Secretary Melvin Laird told a NATO meeting in Venice a few days ago that the United States has just 18 months in which to decide what to do about the increasingly ominous buildup in nuclear striking power by the Soviet Union.

The Nixon Administration, he said, will be basically marking time in 1971, postponing decisions on new weapons systems to give the strategic arms limitation talks a chance.

But if the Soviet buildup continues, Laird indicated that the United States in 1972 will have to take the necessary steps to preserve our side of the nuclear balance.

One hopes that his words will have a salutary effect on the arms control talks—the so-called SALT negotiations—which are currently under way between U.S. and Soviet representatives in Vienna.

Laird's warning also deserves attention in this country, where there has been a widespread reluctance to face up to the fact and the implications of growing Russian military power.

Thanks in part to the cost of our Vietnam involvement, the United States has been pretty much holding down our side of the nuclear arms race since 1965. The Soviets have not.

Five years ago, we had five times as many land-based ICBMs as the Russians. Today, they have substantially more than we do.

Five years ago, the Soviets had no Polaris-type submarine fleet worthy of the name. Today, Russian missile-firing subs are on station in the Atlantic, and the latest estimate is that they will pass us up in this field by 1975.

To put it in monetary terms, the Soviet Union since 1968 is estimated to be outspending us on strategic offensive and defensive forces by a ratio of $2 to $1.

We all hope, of course, that the Russians' main concern has been to overcome the massive U.S. superiority which existed before—and that, now having achieved parity, they will be willing to taper off their side of the arms race.

Unfortunately, however, evidence to support such a hope is still lacking.

Their factories and shipyards are still turning out ICBMs and Y-class, missile-firing submarines.

Since the first round of the SALT talks opened last fall in Helsinki, the Soviets have test-fired more than twice as many strategic missiles as we have.

And, with a gross national product only half of ours, the Soviet Union is now outspending us on defense-related research and development by a margin of $2 or $3 billion a year.

As President Nixon told key congressional leaders at a White House briefing not long ago, "If present trends continue, the United

States a very few years hence, will find itself clearly in second position—with the Soviet Union undisputably the greatest military power on the earth."

The campaign to tilt the nuclear balance of power in the Soviet Union's favor has been accompanied by a parallel buildup of conventional military capabilities.

There is a strong Soviet naval presence in the Mediterranean. Soviet warships prowl the Indian Ocean and, occasionally, the waters around Cuba. Helicopter carriers and marine infantry units are being added to the Soviet fleet, suggesting a growing new capability for armed intervention in places far removed from the traditional Russian sphere of influence.

It will be a long time, if ever, before Soviet seapower is, in the total sense, a match for ours. The worry, however, is not that the Russians will drive us from the seas, but that the buildup may reflect a dangerously adventurist mood in the Kremlin.

Signs of such a mood can be read most clearly in the Middle East, where Soviet pilots and missile men are playing a direct role in the Arab-Israeli confrontation. Reports that three long-range Soviet bombers are now stationed in Cuba are disquieting, too.

In short, it seems that the Nixon Doctrine, under which this country is trying to reduce its overseas involvements, may coincide unhappily with an era of Soviet expansionism.

The danger is that the Russians will misread the current mood of neo-isolationism in this country for weakness. This, in turn, could lead to miscalculations—in the Middle East, the Caribbean or elsewhere—which could bring on a Big Two confrontation which nobody really wants.

The chances of this happening are all the greater if the Soviets are allowed to acquire an intimidating edge in the nuclear balance of power. It becomes important, therefore, that a true balance be maintained.

The best way of going about this, of course, is through an arms control agreement that would effectively prevent the balance from slipping too far in either direction.

The Nixon Administration has an obligation to try very hard to get such an agreement—with appropriate safeguards—at the SALT talks.

Failing that, the United States will have no choice, as Laird indicated, but to look after its own side of the nuclear power equation.

Surely it is in the interest of both countries to make the SALT negotiations succeed. We and the Russian should have better things to do with our money than to pour it into an arms race that, in the long run, will produce less rather than more security for us all.

[From the Le Monde, Aug. 26, 1970]

SOVIET FLEET IN INDIAN OCEAN—"PROGRESSIVE" GUNBOAT DIPLOMACY

(By Michel Tatu)

An ostensibly innocuous maritime agreement between the Soviet Union and the southern Indian Ocean island of Mauritius has aroused considerable apprehension and interest among Western global strategists.

Mauritius, an independent member of the British Commonwealth since March 1968, has agreed to provide port facilities for Soviet trawlers operating in the vast expanse of the Indian Ocean east of Madagascar.

The conclusion of the agreement on July 14 prompted the British weekly *The Economist* to note that within three years, if things went badly, the Soviets could deploy the only major naval force between Africa and Singapore, whereas three years ago this region was a British naval preserve.

Simultaneously Soviet Admiral of the Fleet Sergei Georgievich Gorshkov boasted in *Pravda* that ships of the fleet now plied all the oceans of the world, particularly those where the North Atlantic Treaty Organization's vessels were to be found. "The presence of our ships ties the imperialists' hands and deprives them of the chance to interfere with impunity in the internal affairs of other peoples," he said.

The accord has shed some light upon the true extent of a Soviet naval expansion which has long been evident in the Mediterranean, the Atlantic and the Pacific and has now reached the Indian Ocean and the Persian Gulf, the areas most distant from Soviet ports by existing sea lanes.

The government of British Prime Minister Edward Heath has exaggerated the significance of the agreement for a specific political purpose—to justify the decision to resume arms deliveries to South Africa, the only military power worthy of the name in the southwestern reaches of the Indian Ocean.

In fact, the scope of the pact, as explained by *The Economist*, is modest enough. It also grants landing rights to Soviet civil aircraft but only for purposes of repatriating the trawler crews. No more than fifteen Soviet vessels will be permitted to revictual in a given year and there has been no provision for repairs or refitting. In exchange, the Port Louis government is to receive fishing vessels, one of which has been delivered without payment.

CONVENIENT LINKUP

Lastly, some presence in the Indian Ocean is a virtual necessity for the Soviet Union because there is no other place for its expanding Atlantic and Pacific fleets to link up conveniently. And the more or less avowed policy of encircling China must make the temptation to bolster Soviet influence between Aden and Singapore even harder for the Kremlin to resist.

It is for these reasons that many experts feel the Soviets are anxious to see the Suez Canal reopened. Ever since the Six Day War, it has been evident that the waterway's closure was placing a greater strain on Soviet shipping than on the Western oil companies whose tankers had reached dimensions rendering them less and less capable of passing through the canal.

With Soviet supply shipments from the Black Sea port of Odessa to Haiphong in North Vietnam having to take the long Cape route, the argument for reopening the canal is no less valid today than it was in 1967. But the difference is that the Kremlin is now in a much stronger bargaining position.

Israel, which had refused to countenance such an operation so long as its own shipping was not allowed to use the waterway, might be more inclined to cooperate since it would provide an additional guarantee that the cease-fire would be respected by the Egyptians.

It could be argued that the advent of nuclear weapons has invalidated traditional concepts of the role of navies in war, as it has that of "gunboat diplomacy" in time of peace. Nikita Khrushchev took this view, dismissing aircraft carriers as "floating coffins" and looking upon cruisers as suited only to transport statesmen. But the Cuban crisis was a rude awakening, as was so aptly expressed in the "never again" of Soviet Deputy Foreign Minister Vasily Kuznetsov to an American diplomat in 1962.

The Soviets had undertaken an ambitious intercontinental ballistic missile programme only to discover that they lacked the kind of conventional naval power necessary to break, or at least discourage, the Caribbean blockade imposed by the United States.

From 1963 the Soviet Navy undertook extended patrols into the Atlantic, reaching beyond its formerly limited role of watchdog of the Soviet coastline and auxiliary of the Red Army. At the same time, the Soviets embarked on a naval expansion programme that produced the most modern, if not the largest, fleet of fighting ships in the world.

American Admiral Hyman Rickover recently noted, by way of example, that while no Soviet submarine was more than sixteen years old this could be said of only half of the American submarine fleet, a third of which dated from the Second World War.

The role of discouraging "imperialist adventures" is a highly developed one in the Mediterranean, where at certain times the Soviet fleet is numerically stronger, if it does not have greater firepower, than the United States Sixth Fleet. The United Arab Republic has been the chief beneficiary to date but other regimes have also derived certain advantages at times. When King Idris of Libya was overthrown on September 1, 1969, Soviet ships took up stations along the Libyan coastline, while others shadowed Sixth Fleet and Nato units more closely than usual.

THWARTING THE MARINES

Certainly, there is no reason why the Soviets should not turn the tables on adversaries who have frequently abused their naval supremacy in the past. In a manner of speaking, they are pitting their "progressive gunboats" against the "reactionary" warships of the Americans and the British.

Landings of the type carried out by the United States in Lebanon in 1958 and in the Dominican Republic in 1965 would be more hazardous, if not entirely out of the question, today. On the other hand, a landing by Soviet "marines" to support some "progressive" regime or to help some minority faction in a power struggle is no longer inconceivable.

More generally, and despite what has thus far been the Kremlin's extreme caution, the risk of a local clash turning into a confrontation between the two Super Powers is increasing. The danger is all the greater since the quest for influence for influence's sake quickly becomes a matter of defending established privileges, which in their turn become national security imperatives, to say nothing of upholding the prestige of the flag.

The Soviet Union has still not completed its apprenticeship as a great power.

EXPANSION LIKELY

There was no question of inserting a military clause in the document; Prime Minister Sewoosagur Ramgoolam has offered London specific reassurances on this point. In any case, Soviet initiatives in the region are far too recent for them to have achieved this sort of tangible result.

Soviet penetration began with an oceanographic survey expedition in 1967. The following year, a cruiser and two dispatch vessels of the Soviet Pacific Fleet called at the Iraqi Persian Gulf port of Umm Qasr. The rhythm of these visits has been stepped up since that time, but the permanent strength of the Soviet Navy in the area—apart from the electronic trawlers gathering intelligence data—has never exceeded fourteen vessels, including submarines.

The fact remains that this presence is clearly more than symbolic, and a number of things point to its expansion.

In the first place, while Mr. Heath has reversed former Prime Minister Harold Wilson's decision to withdraw all British forces from east of Suez by 1971, he in fact only plans to maintain limited forces in the area.

Secondly, the route around the Cape of Good Hope has become a trading lane of capital importance for the Western nations since the 1967 closing of the Suez Canal, and whatever happens it will remain vital to shipping since the giant oil tankers would have to continue to take "the long way around" even if the canal were to reopen. These conditions invest the area east of Africa with a new strategic importance.

Considerable funds were allocated for the training and deployment of this newly-created battle fleet. The exercises carried out simultaneously in the Atlantic and Pacific last April 14 to May 6 under the code-name "Ocean" were described by the Soviet Defence Ministry organ Krasnaya Zvezda as "the biggest manoeuvres in military history."

Notwithstanding the "class" colouring that characterizes all official Soviet pronouncements, the role assigned this new naval power bears a striking resemblance to that given the fleets of the great maritime powers of the past.

SHOW THE RUSSIAN FLAG

Admiral Vladimir Kasatonov, Deputy Commander of the Soviet Navy, defined these duties in a recent *Krasnaya Zvezda* interview as "mounting the guard on all the oceans of the world, wherever national interests of the strengthening of our country's international authority demand it."

For Admiral Gorshkov, the Soviet Navy is both "an impressive dissuasive factor in the path of imperialist adventures," and a "symbol of fraternity and aid to friendly peoples," the whole guaranteeing "the interests of the Soviet state on the seas and the oceans."

In short, the Soviets are proving to be worthy heirs to the historical "show the flag" policy devised by the British Admiralty in its imperial heyday. Soviet warships paid official visits to the ports of thirty-six countries in 1969 and the figure for 1970 should be considerably higher.

[From the Sunday Star, Oct. 4, 1970]

POWER OF THE SOVIETS: LAND, SEA AND NUCLEAR

(By Orr Kelly)

In July 1962 the Soviet Navy conducted an ambitious naval exercise in the North Atlantic and Norwegian Sea. Participating were four surface warships, none of them carrying missiles, and about 20 diesel-powered attack submarines.

In April of this year, the Soviet Navy carried out another exercise. This time, there were some 200 vessels involved in global operations coordinated from Moscow.

In 1962, at the time of the Cuban missile crisis, the Soviet Union had only a tenth the number of intercontinental missiles possessed by the United States.

Today, it has surpassed the United States in both number of missile launchers and total megatonnage, and its force appears to be growing rapidly.

In both Czechoslovakia and the Middle East, Soviet military leaders have shown they have the airplanes and the organizational ability to move with great rapidity and without warning. This was true not only of the invasion of Czechoslovakia in 1968 but also of the movement of new types of missiles into the Middle East this spring.

What does it all mean?

Probably even the Kremlin is not sure.

The increasing number of Soviet ships indicates a clear intention to become the world's No. 1 sea power.

In strategic nuclear power, the increase in strength has been equally dramatic. But the purpose is not clear to Western analysts and probably is not clearly agreed upon in Moscow.

RESEARCH GROWING

In conventional land and air power, the apparent effort has been to increase quality of euipment and training—while sacrificing somewhat in numbers.

Although there is some disagreement in this country, the Soviet research and development effort in military equipment and space appears to be growing rapidly, and to many in Washington this is by far the most worrisome aspect of Soviet activity.

Russia's decision to build a "blue water navy" apparently was made as early as the mid-1950s and was reinforced by the successful use of American seapower in the Cuban missile crisis of 1962.

Last April, the global exercise, code-named Okean—the Russian word for ocean—clearly demonstrated that the Soviet navy is fast approaching the U.S. Navy.

Ships involved in the exercise included two new helicopter carriers, the Moskva and the Leningrad, impressive numbers of nuclear-powered submarines, guided missile cruisers of the Kresta and Kynda classes and a large number of modern escort vessels.

During the exercise, long-range bombers flew from the northern Soviet Union nonstop to Cuba. Shortly after the exercise ended, a Kresta class cruiser, a Kanin class destroyer and three submarines, one of them nuclear powered, cruised through the Caribbean and the Gulf of Mexico, within less than 50 miles of the American coast.

Portions of another small Soviet naval task force—the third in a year—have just completed another visit to Cuba and the Caribbean.

But nowhere has the increase in Soviet seapower been more dramatic than in the Mediterranean.

As recently as early 1967, the Soviet presence in what has, since the end of World War II, often seemed like an American lake, normally consisted of a handful of unimpressive vessels.

Since the Arab-Israeli war of June 1967, however, the Soviet fleet has frequently equaled and sometimes exceeded the size of the American Sixth Fleet. Last September there were some 70 Soviet ships in the Mediterranean.

The major difference between the two fleets—and it is a major difference—is that the Sixth Fleet has two carriers and the Soviet fleet has none.

To compensate for its lack of carrier-based air power, the Soviet navy has gone heavily for guided missiles to extend the firing range of its ships. This was a giant step toward catching up.

But a missile-equipped fleet will almost certainly lose in a fight with carrier-based air power. So, to be effective, the fleet equipped only with missiles must strike first, and with devastating force.

The lack of sea-based air power virtually compels the Russians to seek land air bases along the Mediterranean shore of North Africa and on out to the Atlantic. The military necessity to acquire these bases will almost certainly contribute to turmoil around the Mediterranean for years to come, officials here say.

In recent years, Russia has had more submarines than any other nation. But until recently, the subs were designed primarily for defensive purposes in the waters close to the Soviet homeland.

Now, they not only have vastly more submarines than any other nation, but have begun to deploy them far from home—operating for months, for example, in the South Atlantic.

What the world knows about Soviet nuclear power comes almost entirely from the American Defense Department. No other nation has the satellites and other devices for detecting missile tests and installations and for assessing what they mean.

There is every reason to believe that when the Pentagon releases information about Soviet missile tests or deployment it is sure of its facts and tells the truth. There is less certainty that the Pentagon tells all it knows, that it releases enough information to put the facts in perspective or that its interpretation of intelligence is always valid.

The facts made available by the Defense Department support the conclusion that the Soviet Union is pursuing a vigorous program of testing and installing both offensive and defensive missiles.

FOCUS ON SS9

The attention of Pentagon experts has focused for the last five years on the big SS9 missile, which the Russians have been installing at an average rate of about 50 a year and which they are apparently still continuing to install, with the total now approaching 300.

The SS9 was first thought to be a "city killer" because it was capable of carrying a 25 megaton warhead—big enough to destroy a city but too big and expensive for any other purpose.

But the United States doesn't have anything like 300 cities big enough to require such a massive weapon for their destruction.

Why, then, are the Russians willing to pay $30 million each to continue deploying such huge missiles?

One reason may be that they had an SS9 production line and found this the quickest way to catch up with the United States in numbers of missiles.

But another more ominous purpose suggested itself to American experts. If the SS9 were fitted with three five-megaton warheads—a technique the Soviets have been testing for more than two years—then the SS9 might be used in a surprise attack on the American Minuteman missile force. In this sense, it would be a first-strike weapon.

Further confusing the situation, the Russians have recently conducted tests which appear to have perfected a new warhead system for the SS11 missile. Smaller than the SS9, it is a liquid-fueled missile about the same size as the solid-fueled American Minuteman and probably is designed to carry a warhead of about one megaton.

The Russians have about 800 of the smaller missiles, most of them SS–11, but also including an increasing number of the solid-fueled SS–13, and they might have more than 1,000 within the next two years, according to Defense Secretary Melvin R. Laird.

American officials are now convinced, from what they have seen of Soviet SS–11 tests conducted this summer, that two new warheads have been developed for the missile. One is a single warhead with penetration aids designed to help get through defensive radar. The other is a triple warhead like that on the SS–9, but smaller.

These smaller missiles are relatively inaccurate and are thus not a strong threat to the Minuteman force. But if their accuracy were increased—which is technically feasible—they would be.

If the Soviets continue to build SS–9s and equip them with multiple warheads, or if they improve the accuracy of their SS–11s, then their missile force could become a serious threat to the American Minuteman deterrent force.

The most convincing indication that these missiles will not become a major threat to Minuteman (aside from the hopes for an agreement in the strategic arms limitation talks) is the expense involved in going back and fitting the existing 225 SS–9s with triple warheads and in providing hundreds of SS–11s with new guidance systems.

At the same time Russia is expanding its land-based missile force, it is building a missile submarine force patterned very closely after the American Polaris fleet.

The Polaris fleet is considered very much a second strike force—designed to survive any kind of surprise attack and then to strike back with devastating force. But Pentagon experts worry that a Soviet submarine force could also be used as part of a surprise attack by destroying American bombers before they could take off.

Even in the most successful surprise attack, at least some American missiles—especially those on station under the seas—would be expected to survive.

Whether or not the attack was a success would then hinge on how many of the remaining missiles could be intercepted by the Soviet antiballistic missile defense system.

Now installed around Moscow are 64 launchers for the Galosh ABM missile. It is a big missile, like the American Spartan, and is designed to intercept incoming warheads in space, far from the target—thus providing an area defense for the Soviet capital and much of its industrial heartland.

Unlike the American Safeguard system, the Galosh launchers are designed to be reloaded and to fire more than once. American officials have not revealed how many warheads they might attempt to intercept, but the reloading capability indicates it would be at least 128.

The missiles in the Galosh system would be guided by a large phased array radar the Pentagon has nicknamed the Doghouse.

In addition, the Russians have deployed six even larger radar sets facing toward the United States, China and the seas where Polaris submarines are deployed. These radars, given the nickname of Henhouse, would provide early warning of incoming missiles.

The fear of Dr. John S. Foster, Jr., director of defense research and engineering, and other Defense officials is that the numerous SA-5 anti-aircraft missiles already deployed, or some newer form of missile, might be quickly hooked up to the Henhouse radar systems to create a vastly expanded ABM capable of destroying hundreds of surviving American missiles after a surprise attack.

Few American experts seriously believe that the Soviets have set themselves a date and are working toward an actual surprise attack on this country. Much more likely is that they hope to use their large nuclear force for political advantage.

By far the most impressive demonstration of Soviet military doctrine—and the ability to carry it out—was the lightning thrust into Czechoslovakia in the summer of 1968. While some western analysts now believe the invasion demonstrated some serious deficiencies in the Soviet forces—deficiencies that would have become apparent if there had been any serious resistance—the possibility that the same kind of thrust could be directed against West Germany, Romania or Yugoslavia worries western military leaders.

The Soviet army now totals about 2 million men, organized in about 148 divisions. In contrast to an American division of about 15,000 men, the Russians have 10,500 men in a mechanized infantry division, 8,500 men in a tank division and 7,000 men in an airborne division.

While there have apparently been some shifts of strength toward the Chinese border, Soviet military strength still leans heavily toward the west.

The size of both the army and the tank force has declined somewhat in recent years, probably as a result of both budget pressures and a desire to emphasize quality. Since 1960 the army strength has declined from 2.5 million men to 2 million, and the number of tanks has dropped from 35,000 to 32,150.

There is no reason to believe that the Russians are planning a surprise attack on Western Europe. But western military planners are increasingly concerned about the political leverage the large Warsaw Pact forces provide in an age of nuclear parity.

The Soviet fighter airplane force now numbers about 3,400 representing a decline in numbers but an improvement in quality. Most of the planes have relatively short range which means they are useful in a defensive role or for close air support of ground troops.

By the best American estimates, the Soviet Union is spending in the neighborhood of $60 billion a year on military and space projects. This is roughly the same as the United States is spending, without including the costs of the war in Vietnam. Since the Soviet gross national product is about half that of the U.S., military expenditures amount to about 15 percent of the GNP, compared with about 7 percent in the United States.

A significant difference between the expenditures in the two nations, however, is that the Russians pay their soldiers less. So, while a third of the U.S. budget goes to the troops, only a sixth of the Soviet budget is used for personnel costs. This means more money is available for research, engineering development and production of new equipment.

Foster, the Pentagon research chief, has estimated that the Russians are now spending 25 percent more than the Defense Department, the space agency and the Atomic Energy Commission on research, and that their effort is growing by 10 to 13 percent a year while the American effort has been shrinking each year. Foster and many other American experts, both in and out of the Defense Department, agree that this is the one area in which Soviet leadership can be clearly decisive. Foster has gone so far as to say that the United States "can't survive" unless its research and development effort is superior to that of the Russians.

This picture of Soviet strength—growing nuclear and seapower, a stable but increasingly important conventional ground force, and a vigorous research and development effort—serves as the backdrop for the current debate in Congress over the 1971 defense budget and the less visible debate within the administration over the 1972 budget and the five-year defense plan that will determine the shape of this nation's defenses into the mid-1970s.

[From the Chicago Tribune, June 25, 1970]

THREAT OF RUSSIAN NAVY GROWS

(By Willard Edwards)

WASHINGTON, June 24.—This is the first of several reports based on five days of annual global strategy discussions at the United States Naval War college in Newport, R.I., which this reporter participated in.

Rarely does a reporter, usually confined to an observer role, enjoy such a privilege. He and other civilians, most of them honestly meriting the description of distinguished in their fields, were invited to join with military leaders, up to the highest rank, in the frankest of debates on the future security of the nation in a perilous world.

The discussions were "classified." Each participant was cleared for security up to "secret" and pledged to disclose no information gathered at closed sessions. Moreover, the "no attribution" rule was in effect, meaning that no speaker could be quoted by name.

These injunctions permitted a free flow of ideas, an uninhibited exchange of divergent viewpoints. No other nation would permit such a unique confrontation of military-civilian opinion. It was noteworthy that junior officers, in this atmosphere, did not hesitate at times to dispute their superiors. No consensus was reached, but an illuminating insight was provided, valuable to all, into the staggering problems faced by the United States as it seeks to protect its vital interests in the crisis climate which has endured for a quarter century without abatement.

The one major impression that emerged was profoundly disturbing. Others, more comforting, will be discussed in following columns.

Every participant, without exception, was gravely concerned about the growing naval might of Russia in all the oceans of the world and a corresponding surge upward of its martitime fleet strength. This development coincides with cutbacks in United States set forces and a rapidly declining merchant marine.

Russia, spending its defense dollars far differently from the United States, has engaged in a crash naval expansion program. It now has more than 125 ships deployed away from the homeland and is developing deep sea, mobile striking forces in the Mediterranean, the Caribbean, and the Indian Ocean.

Our navy, under budget pressures affecting all the armed forces, is in the process of inactivating more than 100 ships, about one-ninth of its total ship strength.

In merchant shipping, the logical backbone of armed forces in war, the Soviet Union will soon surpass the American merchant marine, now less than one-fifth of the size of our World War II fleet and deteriorating. Russia plans to double its tonnage in the next decade. Seven out of 10 of its ships are less than 10 years old while four out of five United States-flag vessels are 25 years or older.

Under the Nixon doctrine, pronounced by the President at Guam, the United States is retreating to what has been called a "blue water strategy" while Russia is advancing to it. The navy has been told, in effect that the Nixon doctrine places a priority on its role while its effectiveness is being reduced. It has been warned that it "must do more with less."

When will this changing naval balance in favor of Russia lead to soviet attempts to end the historic freedom of the seas? The general feeling is that the year 1974 may be a target date.

Will Russia then conclude that it will be safe to try again in Cuba, fortified by a nuclear and naval capability it did not possess when it sought to convert the island into a missile base in 1962? Its boldness in American waters was demonstrated by a recent invasion of the Gulf of Mexico and missile ship maneuvers within 60 miles of New Orleans.

[From the Chicago Tribune, July 26, 1970]

ADMIRAL FEARS SOVIET MILITARY SUPERIORITY

WASHINGTON, July 25.—Vice Adm. Hyman G. Rickover says the Soviet Union could start history's biggest war tomorrow and "I am frankly not confident of the outcome of such a war would be in our favor."

Admiral Rickover often is called the father of the nuclear submarine and is a longtime champion of an expanded United States Navy.

He said also in congressional testimony released tonight that the Soviet Union will surpass the United States in the total number of atomic-powered submarines by the end of the year and may already have done so.

"FATEFUL TESTIMONY"

In what he called the "most fateful testimony I have ever given," Admiral Rickover scored congressional advocates of reduced defense spending, said America's military posture is seriously deteriorating and declared: "These are cold hard facts yet they are ignored by those who call for what amounts to unilateral disarmament."

Admiral Rickover's comments were made in testimony before the House-Senate Committee on Atomic Energy and released with the opening of Senate debate on the $19.2 billion military procurement authorization bill.

That measure contains funds for a number of new weapons systems—including nuclear submarines and other advanced naval vessels.

"All of the evidence we have from our best sources indicates that the Soviets are maintaining their tremendous pace in submarine design and that by the end of this year they will probably be ahead of us in the number of nuclear submarines," Admiral Rickover said at one point.

Admiral Rickover said that, as of the time of his testimony, the U.S. submarine force was composed of 146 operational submarines including 46 nuclear powered attack submarines, 59 diesel-powered attack submarines and 41 nuclear-powered Polaris ballistic missile submarines.

As of that date, he said, the Soviet Union

had 355 submarines about 75 of them nuclear-powered and about 280 of them diesel-powered.

He said about 20 of the 50 Soviet ballistic-missile-firing submarines are nuclear-powered.

PESSIMISTIC VIEW

But at another point he said that estimate might be too conservative: "If we knew the precise status of all their submarines we might find they are ahead of us right now.

"In a concerted effort to achieve world naval superiority, the Soviets have built the world's largest most modern submarine construction facilities and now have a total submarine fleet—both nuclear and diesel-powered—that is three times larger than the American," Admiral Rickover said.

He said the Soviet Union is concentrating its efforts at building a nuclear submarine fleet of the Polaris type, a vessel capable of carrying up to 16 intercontinental ballistic missiles.

[From the New York Times, Oct 4, 1970]

UNITED STATES SEES SOVIET GAIN IN NUCLEAR-SUBMARINE OPERATIONS

(By Neil Sheehan)

WASHINGTON, October 3.—The controversy over whether the Russians are building a submarine base in Cuba is, in the view of military analysts, obscuring a significant advance by the Soviet Union in nuclear striking power.

For more than six months the Russians have been operating new Polaris-type ballistic-missile submarines off the eastern coast of the United States and possibly in the Caribbean.

This fact alone would have been enough to nullify whatever President John F. Kennedy gained in military strategy by going to the brink of thermo-nuclear war eight years ago to force the removal of land-based Russian missiles from Cuba, regardless of substantial advances in intercontinental-ballistic-missile installations.

And aside from the questions of whether the Russians are building what amounts to a naval base at the Cuban port of Cienfuegos and whether the Nixon Administration should have made an international issue of the matter at this time, the military analysts believe the pattern of Soviet naval activity in the Caribbean clearly indicates that the Russians intend to use Cuba to serve the submarines and to keep them on station off the United States for extended periods.

SIXTEEN MISSILES CARRIED

Each of these nuclear submarines termed the Yankee class by the United States Navy, carries 16 ballistic missiles whose atomic warheads can be launched from under the water at targets about 1,500 miles away.

If these submarines moved in close from their normal cruising range, far out in the Atlantic, the missiles could cover every city from the East Coast to the Kansas-Colorado line and all of the population centers of eastern Canada.

From the Caribbean their range covers an expanse of cities and industry from El Paso, Texas, the Southwest, to Topeka, in the Midwest, to Pittsburgh and Washington.

Closer in, from the Gulf of Mexico, the missiles encompass most of the United States heartland in a fan that swings from the southeastern corner of California to North Dakota and to New York.

The Yankee-class submarines are the first of a fleet the Soviets began building three years ago with the objective of eventually matching the United States' 41 Polaris-missile submarines. They represent the Russians' first advanced submarine ballistic-missile force.

While still not nearly as advanced as the Polaris boats, which can hurl multiple nuclear warheads of about 2,500 miles, the Yankee-class Submarines are an effective counter to the Polaris submarines stations close to the Soviet Union, in the Mediterranean.

Evidence of several nonnuclear submarines has been reported off shore periodically, but the Yankee-class submarines were first detected moving into the western Atlantic six months to a year ago, the military analyst said. Since then two, and possibly three, of them have operated there on and off, they said.

The Pentagon announced last April that one Yankee-class submarine had been detected cruising 1,200 to 1,500 miles off the East Coast. Since then the Defense Department has said nothing about the periodic operations of several Yankee-class submarines much closer to the coast.

None have so far been noticed in the Caribbean, but the analysts pointed out that they could have operated undetected. The analysts believe that the appearance of these boats and a more definite pattern of Soviet naval activity in the Caribbean are directly connected.

Twice this year Soviet naval task forces, including a submarine tender, have visited Cuba for about a month, calling at Cienfuegos and Havana.

The tender that accompanied the most recent task force, which arrived at the beginning of September, has remained in Cienfuegos Harbor although most of the other ships have departed.

The Soviets have gradually displayed more advanced types of submarines during visits to Cuba. Last year only torpedo-carrying submarines that attack ships or other submarines appeared. This year, for the first time, an Echo-II-class nuclear-powered submarine, which can hurl a nuclear warhead 400 miles, came to the surface and joined a visiting task force.

The military analysts believe that all this means that the Russians intend to use the large harbor at Cienfuegos as a sheltered anchorage for a tender that will service the Yankee-class submarines. Aside from the tender, the Soviets need little more than possibly a small facility ashore to house the submarine crews and provide them with recreation.

Recently the Pentagon reported evidence of construction activity ashore at Cienfuegos, and a White House official followed this up with a warning to the Soviet Union against installing a strategic submarine base in Cuba.

Subsequently, after hearing secret testimony from defense intelligence officers, Senator Frank Church, Democrat of Idaho, termed the evidence of construction activity they presented "inconclusive" and . . . against inflammatory charges."

Military analysts say they are not sure what the new construction ashore at Cienfuegos signifies, but they say it could be a small facility for submarine-crew housing and recreation. If it is not, they note that the Russians could accomplish their purposes by keeping a large tender and one or two more ships in Cienfuegos and building nothing ashore.

In short, the analysts think the Russians do not need, and may not want, any large base at Cienfuegos for the Yankee-class boats.

[From the Chicago Tribune, Oct. 25, 1970]

RUSSIA'S FLEET GROWS FROM MOUSE TO MONSTER

(By Arthur Veysey)

LONDON, October 24.—Ten years ago Soviet warships rarely ventured into the North Atlantic Ocean. Ships being transferred from the Baltic Sea fleet at Leningrad to the Arctic Ocean fleet at Murmansk seemed to scurry warily past Norway.

Today Soviet admirals boast: "The Soviet navy can be seen in all parts of the world's oceans." The North Atlantic is its training area.

CHARTS SHOW GROWTH

North Atlantic Treaty Organization charts of Soviet exercises reveal the slow, steady naval penetration.

The Soviet fleet dared its first North Atlantic probe in July, 1961. Eight warships and four submarines with supporting craft assembled halfway down the Norwegian coast and carried out a brief test of its abilities to intercept NATO forces heading for the Arctic and Murmansk.

The maneuvers were repeated the next year on a much bigger scale that involved 20 submarines and dozens of planes. Russia began regular transfer of ships during the year between the Arctic-Baltic fleets and the Black Sea flotilla.

Premier Nikita Khrushchev gave the Soviet navy its first truly important task in October, 1962—to deliver missiles to Cuba. President Kennedy interposed America's Atlantic fleet. The Soviet navy's inadequacies were exposed, and it withdrew.

ORDERS MORE SHIPS

The Kremlin vowed that the humiliation would never happen again. It authorized the navy to build missile ships that could sink NATO warships. It ordered helicopter ships that could search out and destroy NATO submarines and also lift troops ashore.

It decreed the construction of submarines that could range the world and sink the cargo ships which maintain NATO's life. It ordered still more submarines that could lurk off American coasts laden with city-destroying nuclear explosives.

The Soviet Navy grew strong enough within a year to carry out exercises all the way around Britain. Electronic-equipped trawlers listened night and day trying to trail the Scotland-based American Navy Polaris submarines and learn how they maintain constant contact with the White House.

FORMS MIDEAST FLEET

The Soviet Navy had enough new ships by 1964 to form a Mediterranean Sea fleet and also to send warships to Cuban waters. The fleet included the first Russian missile cruiser. The buildup increased in 1965 and 1966.

The first helicopter carrier, the Moskva, gave the Soviet Mediterranean fleet the ability to send troops ashore in 1968.

Young arm officers in Libya deposed the ailing, absent King Idris, in 1969. He had received his throne and the nation's independence as a gift of Britain and the United States. The American and Soviet fleets hurried to Tripoli. Neither intervened, but NATO lost its last harbors and airfields on the southern Mediterranean coast and also Europe's biggest source of oil that did not require long ocean haulage.

The NATO charts from 1967 onward show rapid proliferation of Soviet exercises in the North Atlantic. In 1969 the maneuvers spread across the Atlantic into the Caribbean. Unshown are similar penetrations into other oceans and the lairs of the missile submarines off American coasts.

The American active fleet had 932 ships two years ago. Today it has 743. Proposed Congressional budget cuts could reduce the number to 500.

Monthly, the Soviet fleets become bigger and stronger as the admirals carry out the Kremlin's edict: "Remove the traditional preserves of the American and British navies."

[From the Christian Science Monitor, Nov. 16, 1970]

RUSSIANS IN THE INDIAN OCEAN

It used to be the British who were always vitally concerned lest the Suez Canal be closed and the Royal Navy and the merchant fleet thereby denied the Middle East

route to the Persian Gulf, India, and the Far East.

However, since the canal's forced closure during the 1967 Arab-Israel war it is the Soviet Union, rather than the British and Americans, who seem to stand to gain most if it is reopened. So long as it remains blocked the Soviet Union's so-called "east of Suez" policy has little chance of success.

In the past few years the number of Western books, monographs, and journal articles concerned with the vast, diffuse area called the Indian Ocean has swelled enormously. The reasons for this outpouring have little to do with the domestic and foreign policies of Pakistan, India, and Indonesia, which surround the extensive littoral.

Indeed, one of the ironies of the present situation is the relative passivity and impotence of these countries in comparison to the prestige and presumed power they possessed during the heyday of third world alignment and nonalignment in the 1950's. Instead, the cause for interest and concern among Westerners has to do with the changing relationships in great power behavior and capabilities and the potential effect this may have upon the perceptions and realities of the great power balance.

THREE EVENTS SIGNIFICANT

Three related events are significant.

First, and most important, the Soviet Union has come to be seen as a potential challenger to traditional American and British political and military hegemony over much of the ocean and in many of the surrounding countries.

The second event refers to the decisions by the British Government in the period 1966–70 to pave the way for the eventual withdrawal of the last vestiges of permanent British maritime power from the "east of Suez" area. (The latest announcement of the Heath government that this process is to be partially reversed cannot be seen as having any meaningful long-term implications for the area as a whole. The sums of money the British are prepared to pay for this capability is negligible.)

The British withdrawal is related to the third event, namely, the unwillingness of the United States since 1968 to consider expanding its naval forces in the Indian Ocean to fill the so-called "vacuum" left by the British.

Thus, the assumption is that the Soviet Union will move to replace Western powers in an area that has great economic, political, and strategic significance for the Western alliance and Japan. The Soviet challenge is documented and described in several ways.

The growth of overall Soviet naval strength and the willingness of the Soviet Navy to conduct exercises outside traditional Soviet waters in the Atlantic, the Mediterranean, and the Pacific is seen as a precursor for the eventual establishment of a Soviet naval presence in the Indian Ocean area.

TRADE A FURTHER INDUCEMENT

Increasing Soviet trade with Malaysia and Singapore, major commercial agreements with Iran and continuing good relations with Yemen and South Yemen provide further ammunition for those who wish to draw attention to the Soviet challenge.

In East Africa the Soviet Union has supplied arms to Somalia and Uganda, has offered arms to Kenya and Tanzania, and its Navy has visited several African ports. In connection with these trends, the current British Government has tried to argue that a resumption of arms sales to South Africa is necessary to retain the Simonstown naval base which, in turn, is seen in the strategic context of the growing Soviet "threat" to the Cape route.

What is the validity of some or all of these propositions?

Before attempting to offer any explanations or answers it is important to be clear on two points:

The first has to do with the meaning of the phrase "the strategic importance of the Indian Ocean area."

The second concerns our ability to predict the likely future course of Soviet foreign policy.

Prof. T. B. Millar, of the Australian National University, has written: "Strategy in an extensive oceanic environment does not involve the control of the sea itself, but of specific points of importance in or around it, of access to and routes between them for purposes of trade, or acquisition of supplies, or the movement of military force, or maintaining communications. . . . It has begun to involve competition for control of the ocean bed, where mineral resources may be exploited, and where secret subterranean homes can be found for weapons of destruction or instruments of intelligence."

If we accept Professor Millar's inclusive definition, it can be argued that to control the Indian Ocean for various purposes a nation does not need to deploy huge naval forces and keep them on constant patrol. Rather the strategy would be to seek secure bases in East Africa, the Red Sea, the Persian Gulf, the Indian subcontinent, the Malay peninsula, and Indonesia.

In addition to these requirements it would be esesntial to ensure unrestricted sea access to the area via either the Cape route, or the Suez Canal, or the Straits of Malacca or through the Indonesian archipelago or, ideally, through all four approaches.

RISKS CERTAINLY CONSIDERED

To what extent the Soviet Union can achieve all or some of these objectives will be considered following the second caveat which has to do with Soviet intentions.

Despite the excellence of much Western scholarship on matters relating to Soviet foreign policy, attempts to forecast future Soviet behavior still fall within the purview of the "arts" rather than the "sciences." No one knows with any certainty the degree to which the current Soviet leadership has decided upon a policy of strategic ascendancy in the Indian Ocean.

Some Soviet leaders have surely considered some of the risks involved. An extension of power and presence can often lead to an overextension of commitments, and parallel policy dilemmas; the current economic costs to the Soviet Union of expanding simultaneously its naval forces, its strategic nuclear forces, and maintaining at a high degree of readiness its 30 divisions along the Chinese border must be huge.

To say with any certainty that the Soviet Union has a coherent, long-term Indian Ocean strategy that fits into neat dynamic models of the balance of power is simply not possible.

It is possible, though, to be more precise and accurate about short-run Soviet capabilities, as distinct from Soviet intentions, and thereby make some predictions concerning long-run Soviet capabilities.

CONSTRAINTS NOT PERMANENT

The primary instrument of existing and future Soviet military power in the Indian Ocean must be the air and sea components of the Soviet Navy. As of this moment the Soviet Union's naval capabilities in the area are almost nonexistent.

For a start, the secure access routes are not available; the Suez Canal remains closed; the United States Seventh Fleet dominates the South China Sea and the western approaches to the area; the British still retain a small land, sea, and air capability in Singapore; the Cape route remains a Western enclave.

Second, despite growing relations with the local powers, the Soviet Union has no secure naval base along the littoral.

Third, the Soviet Union has very little experience at operating major naval task forces for long periods of time thousands of miles from its home ports.

Fourth, the current Soviet Navy possesses no sea-based, fixed-wing, air capability and needs to rely on land-based aircraft to conduct vital reconnaissance missions. This limitation seriously constrains the flexibility of Soviet naval forces.

However, these constraints could gradually be removed. If the Suez Canal were opened and the Soviet Union retained hegemony over Egypt, the Soviet Navy would not only have the ability to move from the Mediterranean in to the Indian Ocean, it would also be in a far stronger position to establish bases in South Yemen and thereby control the Red Sea, and perhaps even venture into the Persian Gulf and pose an implicit threat to European and Japanese oil supplies.

If India were to grant the Soviet Union guaranteed base rights, the Soviet Navy could probably build up its own workshops and thereby achieve a certain level of self-sufficiency for an Indian Ocean fleet. If Singapore and Malaysia and Indonesia sought Soviet, rather than Western, help to counter possible Chinese pressures following a United States withdrawal from Southeast Asia, the Straits of Malacca could fall under Soviet control.

If Britain so infuriates black Africa by breaking its adherence to the United Nations arms embargo to South Africa, the probabilities for Soviet naval bases in Mombasa and Dar es Salaam might increase. And so on.

All or none of these events may happen, and it would take a brave man to offer odds. However, one fact cannot be denied. In the short run, say the next five years, the ability of the Soviet Union to establish a meaningful strategic presence throughout the Indian Ocean area is minimal. This does not mean the Soviet Union cannot make extremely important advances in some areas, say the Red Sea or the Persian Gulf.

The preferred strategy for the United States and other interested Western powers should be careful and cautious. Overreaction in favor of withdrawal or escalation can be as damaging as underreaction. Thus while those who call for a major increase in United States naval appropriations to counter the Soviet "threat" should not be dismissed as cranks, they should be made to present their case on the basis of rigorous, objective analysis.

But equally, everyone should fully appreciate the potential direct relationships between the vicissitudes of United States policy in the Middle East and Mediterranean, the impending withdrawal from Southeast Asia, and the ease with which the Soviet Union could make major advances at the West's expense.

In this respect the current Middle East impasse has a deeper significance that far transcends the particular problems of the Arabs and the Israelis.

[From the New York Times, Jan. 18, 1971]

SWIFT SOVIET NAVAL GAINS WORRY UNITED STATES

(By Dana Adams Schmidt)

WASHINGTON, January 17.—United States Navy analysts are increasingly concerned with the swift and potentially menacing growth of advanced Soviet naval technology.

The analysts feel that this development has been obscured by the attention recently given to the expansion of the Soviet fleet of Yankee class nuclear submarines, the Soviet equivalent of the United States' guided-missile submarines.

The Yankee was patently a copy of the United States vessels designed to fire Polaris missiles, the analysts said today. The Russians have built 15 of them and are turning

them out at a rate of eight a year, so that will probably equal the number of guided-missile submarines by the end of 1973 or early 1974.

But the stimuli that led to construction of the Yankee—the appearance of Polaris-armed submarines and the Soviet lack of naval strength during the Cuban missile crisis—also led the Russians to begin a program of research that is now bearing notable fruit, the analysts said.

ADVANCES CITED

The analysts cite these Soviet naval developments since 1968:

A pint-sized destroyer called Manuchka.

A "beautiful" new Kresta class cruiser.

A C class submarine with surface-to-surface missiles fired from underwater.

Gas turbines to give naval craft instant starting capacity and rocket-assisted depth-charge launchers.

Information suggesting that two new versions of the Yankee are being planned or in production.

The United States naval experts say these developments indicate that the Soviet navy has centered what they term an—"advanced technological phase." They traced the evolution of the Soviet fleet from a small coastal force in 1947, when the Russians realized the need for an ocean-going navy. The Soviet Navy began copying United States technology including radar and guns. In 1955, Adm. Sergei G. Gorshrov moved the Russians into a second phase of development by improving existing equipment. Early in the sixties the Soviet Navy moved into a period of technical development intended to surpass the United States Navy.

U.S. VESSELS STUDIED

At the same time the Russians continued to study United States developments with more than 30 intelligence-gathering vessels packed with electronic apparatus.

United States analysts believe that the Russians have decided to bypass the expensive aircraft carrier. Instead they have developed inexpensive "platforms" carrying "surface-to-surface antiship missiles."

The United States does not use missiles of this kind. As one high-ranking naval officer, who is a proponent of the aircraft carrier said: "Our basic missile, which we consider superior, is the pilot, who is reusable."

The Russians began their development of missile ships with the Osa and Komar classes of craft. These vessels are armed with the Styx missile—one of which, in the Egyptian navy, several years ago sank an Israeli destroyer, the Elath. But these vessels, only about the size of a PT boat, were no good for heavy weather or the high seas.

The most recent Soviet missile ship is the Manuchka, about half the size of a conventional destroyer, which employs a new surface-to-surface missile system.

NEW MISSILE SHIPS

Other ships armed with anti-ship missiles developed since the early 1960's include the Kynda and Kresta class cruisers. The Kresta's compact lines are unreservedly admired by American experts. These ships, 492 feet long compared with the 600 feet of American cruisers, are faster, carry more electronic gear and have greater fire power than American models. The Kresta also has a helicopter pad in the stern.

American technicians are also impressed by the Kashin class guided-missile destroyer. It has gas turbine propulsion that enables it to spurt from one knot to full speed instantaneously. The United States Navy is just beginning development of such engines.

Another Soviet alternative to the giant aircraft carrier appears to be helicopter ships of the Moskva and Leningrad classes. American analysts believe that they could also be used for short take-off fighters.

NEW DEPTH CHARGES

The Russians call these ships antisubmarine cruisers. They are equipped with a new type of rocket-assisted depth charge launcher that can throw a depth charge beyond the usual range. The analysts said that the Russians were still behind the United States in antisubmarine technology but were "moving fast."

In the submarine field American experts believe that the Russians are preparing to build submarines even larger than the Yankee class—a North Atlantic Treaty Organization designation—which at 425 feet is already the largest in the world. The larger models may carry a modification of the new missile, the Sawfly, which is expected to travel up to 3,000 miles.

The most interesting submarine developed by the Russians, the analysts say, is the C class submarine. American experts are only just beginning to find out about its capacities.

Pictures suggest that this vessel carries a missile with a shorter range than some earlier models. But, the analysts said, it is probably more accurate. The vessel has a bulbous bow and is believed to carry six to eight millies, which are believed to include the first surface-to-surface missiles fired from underwater.

[From the New York Times, Apr. 8, 1971]

SOVIET DISCLOSES EXTENT OF ITS DEFENSE SPENDING

(By Theodore Shabad)

Moscow, April 7.—The Soviet Union disclosed today that its military establishment was absorbing as much as a fourth of all the funds available for the growth of the nation's economy.

This unusual information on the magnitude of the defense burden was contained in the published text of an economic report delivered yesterday by Premier Aleksei N. Kosygin before the current congress of the Soviet Communist party.

It appeared to be one of the most forthright * * * the economic effect of the maintenance of the country's armed forces.

"The Soviet state in the present international situation," Mr. Kosygin said, "must be steadfastly concerned with strengthening of the country's defense capability. Over the last five years 80-billion rubles [88.9 billion at the official exchange rate] has been spent for defense."

The figure itself was not new, for it represented the total budget allocations in 1966–70 for the maintenance of military personnel and the procurement of weapons systems.

But in the context of national income available for the Premier, it meant that defense activities absorbed 24.4 per cent of the portion of national income available for growth purposes, or 7 per cent of the total national income.

If expenditures for science, amounting to 3 per cent of national income, were to be included in the defense share, it would rise to 10 per cent of national income. This conforms roughly with estimates of Western analysts, who hold that a large proportion of Soviet scientific research and development is for defense purposes.

The Soviet Union is generally assumed to shoulder defense expenditures roughly equivalent to those of the United States. However, because the Soviet Union's gross national product is only about half that of the United States, the share of the military-oriented sector of the Soviet economy is about twice as large as the share of the defense establishment in the American economy.

Mr. Kosygin's disclosure, made in the context of new national income statistics, appeared to be part of an effort by the Soviet leadership to justify the current economic policy of a better deal for the consumer combined with continued emphasis on heavy industry and defense.

Leonid I. Brezhnev, the party leader, appeared to go out of his way in his keynote speech to the congress last week in affirming that increased attention to consumer welfare in the new five-year plan "does not mean that we are slackening our concern for heavy industry," which is the basis of the defense effort.

Mr. Brezhnev and Mr. Kosygin are believed to have had two pressure groups in mind in stressing the need for further development of heavy industry and defense in what has been generally a consumer orientation at the party congress.

On the one hand, the two leaders evidently sought to assure the military and other advocates of basic industries that Soviet defense capability would not suffer as a result of somewhat greater allocation of resources to consumer needs. On the other hand, supporters of even more pronounced aid to the average citizen were advised that a heavy defense burden did not permit such a course as long as international tensions remained.

The party leader and the Premier thus appeared to be placing themselves somewhere in the middle between military and civilian claims on the nation's resources.

Mr. Kosygin's disclosure of the defense burden came about in rather technical fashion in a discussion of national income. In the Soviet Union, national income is treated as a value-added measure representing the difference between the value of goods produced and the costs of production.

In contrast to the traditional breakdown of national income uses that conceal the defense item, Mr. Kosygin presented a new set of categories that identified the defense item as part of the portion of national income available for growth purposes. This is the so-called accumulation, or investment, component of national income uses.

According to Mr. Kosygin's breakdown, the accumulation component over the last five years totaled 328-billion rubles ($361-billion), or about 29 percent of national income, which was 1,166-billion rubles.

Within that accumulation category, the Premier distinguished the 80-billion defense item, amounting to 24.4 percent of total accumulation or 7 percent of national income.

The sanctioned "debate" in the party congress continued today, with selected Soviet officials and foreign Communist leaders addressing the 5,000 delegates in the Kremlin's Palace of Congresses.

[From the Newsweek, June 19, 1971]

A MEDITERRANEAN TIDE RUNS FOR THE RUSSIANS

(By Arnaud de Borchgrave)

Aboard the U.S.S. Springfield last week, a young naval intelligence officer could hardly contain his admiration for the latest Soviet warships steaming in the Mediterranean Sea. "That's a beauty," he said, pointing to a photographic blowup of a Kresta-class guided-missile cruiser. "There's nothing like it on our side." Standing nearby, Vice Admiral Isaac C. Kidd, the commander of the U.S. Sixth Fleet, readily agreed. "A humdinger," he said of the Soviet ship. "Only 3,500 tons. But it's got the punch of a pocket battleship."

Nowadays, the Soviet Union packs quite a wallop in the Mediterranean. On a typical day last week, the wall-to-wall situation room (map) at NATO's surveillance headquarters in Naples bristled with symbols for Soviet men-o'-war: 55 versus the 44 in the Sixth Fleet (map). And Russian political influence in the strategically important inland sea has grown apace with its fleet. Last week,

the Kremlin dispatched Ambassador Mikhail Smirnovsky to the Maltese capital of Valletta in hopes of securing an embassy in the one-time British possession. Both British and American spokesmen professed to see no threat to the NATO installation on Malta, doubting that its newly elected leftist Premier will turn over those naval facilities to the Russians. But there was no mistaking their fear—expressed also by Israeli Defense Minister Moshe Dayan last week—that the successful Soviet penetration of the Mediterranean is bringing about a fundamental change in the balance of power in the area.

There is no question in my mind that the Russians see America's loss of taste for international leadership as the opportunity to become the dominant power in the Mediterranean and, ultimately, in the entire Eurasian land mass and adjacent oceans.

U.S. admirals in the Mediterranean claim to be confident that, in the event of a military showdown, the Sixth Fleet could still overwhelm the Soviet fleet and fulfill its "second strike" nuclear mission against assigned targets in East Europe and southern Russia. This claim to naval superiority is evidently based on the American fleet's two aircraft carriers, ships whose firepower the Soviet fleet cannot match on a ship-to-ship basis. But it is worth remembering that the newly installed Russian tactical air force in Egypt—which has recently been dug into 220 hardened sites—can fly cover for the Soviet fleet in the Mediterranean and, if need be, attack the U.S. flattops. Moreover, some military experts are convinced that the two U.S. carriers have already been effectively neutralized by the latest Soviet guided-missile cruisers to arrive in the sea. Finally, the ships of the U.S. fleet are of much older vintage than the Russian vessels, and at the present rate of deployment, these experts believe, the Soviet Mediterranean fleet will clearly surpass the American armada in potency by mid-1972.

In the eyes of Western Europeans, this expansion of Soviet power is directly related to critical changes in the American home front. The Europeans realize that the bitter taste of the Vietnam war has soured the U.S. on overseas commitments, and they are coming to believe that they may soon have to fend for themselves. But with the proliferation of Soviet power in the Mediterranean and along Europe's oil-supply routes, Moscow hopes to discourage a separate European defense effort as futile, thereby encouraging a trend toward West European neutralism. The combination of neo-isolationism in the U.S. and neutralism in Europe could be the mix that removes the Sixth Fleet from the Mediterranean without a shot being fired.

Raymond Cartier, one of Europe's most widely respected journalists, recently wrote: "America has given Europe a quarter of a century of invulnerability but Europe has not had the foresight to transfer some of its opulence to the problem of its own security. The withdrawal of American forces in the relatively near future is a certainty. The Mediterranean is now blanketed by Soviet naval power lapping against Europe's southern coastline. The northern front has also been outflanked by the same Soviet naval power reaching into the Atlantic."

DISARRAY

If Europe existed as more than a geographic expression, there might be an alternative to U.S. power. But many countries that now might wish to reduce their dependence on one or the other of the two superpowers regretfully conclude that there will be no European alternative for a long time to come. The European monetary union project, a prerequisite for an integrated European defense community, was dealt yet another blow in the Franco-German summit meeting last week when Chancellor Willy Brandt and President Georges Pompidou failed to reach agreement on the status of the floating Deutsche mark. This kind of European disarray, coupled with the fact that the U.S. is already in retreat—at least psychologically—means that things will continue to go Russia's way in an area of vital concern to the entire Western world.

Many Western officials and commentators, convinced that gunboat diplomacy is dead in an age of multi-headed nuclear missiles, have dismissed the Soviet effort in the Mediterranean as wasteful and useless. But the Soviets know better. When Egyptian President Anwar Sadat purged pro-Soviet plotters from his entourage two months ago, Moscow managed to more than offset its losses; it swiftly extracted from Sadat, a new fifteen-year treaty that tied Egypt even closer to the Soviet Union. Among the many reasons that led Sadat to sign the treaty, presumably one was his belief that the massive Soviet presence in the Mediterranean was visible proof of Moscow's commitment to the Arab cause.

VACUUM

The same kind of gunboat diplomacy, Europeans fear, might be used in countries all along the North African and European littorals of the Mediterranean in the years to come. Nonalignment is tantamount to a power vacuum in the Soviet book, and with the withdrawal of Western influence from North Africa, the Soviets are making a determined effort to move in. Morocco, the last remaining monarchy in North Africa, is ripe for revolution—as last week's attempt to remove King Hassan showed—and the Soviets would be happy to help. Europe-oriented Tunisia, squeezed between revolutionary regimes in Algeria and Libya—and heavily dependent on ailing President Habib Bourguiba—would be another likely target.

The Soviet power in the Mediterranean basin will also make itself felt in the critically important Persian Gulf area once the Suez Canal is reopened. The gulf area supplies 60 per cent of West Europe's and 90 per cent of Japan's fuel needs. The British are phasing out of the gulf later this year and the U.S. has no intention—or desire—to fill the power gap. Moreover, London's plan for a gulf federation has collapsed and the oil sheikdoms are about to opt for independence. "A few modern Soviet warships calling regularly at these ports and entertaining impressionable sheiks will work miracles," a longtime gulf resident told me. "Especially if there is no countervailing U.S. force."

It won't be long before the sheiks realize where the real power lies. The Soviets already have twenty new warships on station in the Indian Ocean (as against two U.S. ships). Anticipating the reopening of the Suez Canal, they have also just completed construction of a new naval base at Port Sudan on the Red Sea (in return for free MIG's and tanks for the Sudanese), halfway between the Mediterranean and the Persian Gulf. Should the Soviets successfully expand their Mediterranean presence into this part of the world, they would be able to exercise additional political leverage on Western Europe by controlling its sources of oil.

DÉTENTE

No one suggests that the Soviets don't have a right to be in the Mediterranean in whatever force they wish, and in the Indian Ocean and Persian Gulf for that matter. But what is needed is a credible countervailing force. Instead, America is pulling out, and Europe is dithering. In the past five years, NATO forces in Central Europe have been allowed to run down by 25 per cent (including the loss of 500 aircraft). During the same time, Soviet forces alone, on the same front, have increased by six divisions. Despite U.S. pledges to maintain and improve its strength in Europe, it was revealed two weeks ago that two Air Force squadrons were pulled out of Europe in 1970 without a word being said to America's European allies. "The very prospects of détente," commented the outgoing NATO civilian chief, Manlio Brosio, last week, "have created a climate in Western opinion in favor of unilaterally reducing NATO force levels." Moscow, of course, remains unencumbered by the restraints of public opinion, and whenever anyone in the West tries to halt the drift toward a lax defense posture, the Russians fire off accusations that such talk impedes détente.

Even more important than Soviet intentions, however, is the American trend toward introspection and isolation. "The steady encroachment of Congress on the President's ability to conduct foreign policy," one of Europe's leading policymakers told me recently, "means that a formal pledge isn't what it used to be." Moreover, the release of the Pentagon papers has, in a sense, vindicated those in the U.S. who regard power politics as evil and un-American. But that doesn't mean that the power realities will oblige us by simply disappearing.

Under these circumstances, Europeans are keeping their options open. Even Franco Spain and the colonels in Greece are doing what they can to improve relations with Moscow. For by conveying the impression that over the next few years domestic affairs will enjoy priority over foreign affairs. America is, in effect, telling Moscow: "This is your round in the Mediterranean. Make the most of it." It is an absolute certainty that the Russians will do just that.

[From the New York Times, Nov. 13, 1970]

THE INDIAN OCEAN—A SOVIET SEA?

(By T. B. Millar)

CANBERRA.—The Public accounts Committee of the Australian Parliament has been examining witnesses over a budget allocation for the first stage of a naval base facility at Cockburn Sound near Perth on the West coast of this three-million-square-mile continent. A pacifist geologist solemnly raised with the Committee the question of pollution, while a senior naval officer justified the allocation partly in terms of the growing Soviet presence in the Indian Ocean area.

A prominent East European visitor said here recently that there are two basic reasons why the Soviet Navy is in the Indian Ocean: (1) there is a Soviet Navy, and (2) there is an Indian Ocean. However sophisticated this may or may not be as a rationale, it does not go very far towards clarifying Soviet objectives.

Although it has occasioned a good deal of comment, some highly exaggerated, the Soviet Navy has not yet been out in strength in the Indian Ocean. According to reports, the number of surface ships has been as low as two or three in the whole ocean at any time, or as high as twenty-five or thirty. Submarines of course are less easily counted. The significance of the Soviet vessels lies less in their quantity than in their novelty, in the fact that they have so little competition, and in their being part of a collection or pattern of Soviet activities, strategic, political and economic.

Over the past few years, the Soviet Union has become the principal supplier of arms to nine countries on the Indian Ocean periphery. Through aid to harbour development, it has obtained access to ports and dockyard facilities in places such as Mogadishu and Berbera (Somalia), Hodeida (Yemen), Aden, and Vishakapatnam (India), and to a lesser extent to other key ports such as Mauritius, Singapore, and Port Blair in the Andamans. It has forced its way into the shipping organizations trading between Europe and the Far East and Australia. It is engaged in extensive hydrographic, oceanographic and maritime intelligence activities. It is erecting some kind of military facilities on the island of Socotra at the entrance to the Gulf of Aden (the London Times reported them to be a naval radio station and an ammunition depot).

No one has publicly objected to these developments. The impression one has in Australia is the U.S. Navy would like to engage in some competitive appearances well beyond the Polaris program, but neither the State Department nor the White House sees that a major American interest would be so served.

The British Conservative Government is going to keep small naval and other forces in Malaysia and Singapore and perhaps the Gulf for a few years more. These will be local rather than oceanic. It would like South Africa cooperation in the southwest of the ocean but may be finding the stated price—arms supplies—a hotter potato than it had realized. Japan has a growing trade across the ocean, and almost all its oil comes from the Middle East through the Malacca Strait; but neither the public mood nor the defense vote is such as to provide protection so far from home. France has its Somaliland, Réunion, and other islands, but no major strategic interest in the area.

Of the peripheral countries, only India and Australia has navies of any size. India is too dependent on Soviet arms aid and Australia is too small to protest effectively against Soviet activities which are in any case quite legitimate and pose no apparent threat as yet to anyone. Only if Australia had some support from the U.S. or Britain could it demonstrate local superiority against Soviet incursions into its waters.

Some commentators believe the Russians are in the Indian Ocean to promote the containment of China. This seems too simple, and at best provides but part of the answer, most relevantly with respect to India and Pakistan. The Chinese have a foothold in Tanzania and are irritatingly active among Palestinian and other Arab guerrillas, but China is far from being an Indian Ocean power. To dominate the Suez passage; to have a major influence in the oil-producing states; to be able to exert political pressure, with modest military backing, at key points during times of decision; and to trade profitably—these are the Soviet Union's apparent intentions, or the likely effects of their endeavors.

Do they matter? They do, if you live in the area, are a small state, and see no evidence that any major power is interested in either verbal or practical restraint upon the Soviet Union's undeclared but increasing ambitions.

[From the New York Times, Nov. 13, 1970]

THE SOVIET NAVAL PROGRAM

(By Vice Adm. H. G. Rickover)

The Soviets are embarked on a program which reveals a singular awareness of the importance of seapower, and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong modern merchant marine, and a powerful new navy.

Starting with 200 diesel-powered submarines at the end of World War II, most of which were obsolete, the Soviet Union embarked on the largest peacetime submarine construction program in history, producing over 570 modern submarines in 25 years—most designed for long-range operations. During the same period the United States built 106 submarines. In two years alone, 1955 and 1956, the Soviets completed 150 submarines, one and one-half times the total number of submarines this country has produced in the past 25 years.

They now have the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States.

They are credited with a nuclear submarine production capability of 20 ships a year on a single shift basis. They have the facilities to increase this rate of production considerably. At present, while our Poseidon conversions are going on, the maximum U.S. capacity to build nuclear submarines is less than half that of the Soviets. Upon completion of these conversions—about 1977—the best we could do would still be well below their capacity.

According to the latest unclassified data the Soviets now have a total of 355 to 363 submarines, all built since World War II. Anywhere from 75 to 83 of these are nuclear-powered. The total U.S. force is 141 submarines, 88 nuclear powered, the remainder diesel powered. Most of our diesel units are of World War II vintage.

Today, as a result of the Soviets' large-scale construction program, our lead in nuclear-powered submarines is rapidly disappearing. Based on current force levels and estimated Soviet nuclear submarine building rates, they will be ahead of us numerically before the end of this year.

Of even greater concern than total numbers is the fact that since 1968 the Soviets have introduced several new designs besides converting older designs to improve their capabilities.

One of their current new designs is the Yankee Class nuclear-powered ballistic-missile submarine introduced in 1968. These submarines look very much like our Ethan Allen Class—our latest Polaris type—and are capable of submerged launching of 16 ballistic missiles with a range of over 1,000 miles.

They now have 13 of the Yankee Class in operation; additional units are under construction at a rate of about 12 a year. It is estimated that they will surpass our Polaris fleet of 41 by 1973 or 1974, possibly sooner. Further, it must not be forgotten that the Soviets also have over 30 conventional and nuclear-powered ballistic-missile submarines of the earlier design. Thus, we are faced with the imminent loss of our lead in numbers of sea-based strategic missiles.

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open-ocean operations and is being used to support foreign policy in various areas of the world. In 1969 the tempo of worldwide Soviet submarine operations was at an all time high. This tempo has continued to increase in 1970. During the recent large-scale naval maneuvers that included over 200 ships in the Atlantic and Pacific Oceans.

The Russians are in the Mediterranean. They operate regularly and continually in the North Atlantic and the Norwegian Sea. Russian naval units now are being seen with regularity in the Indian Ocean and off both coasts of Africa. They are in the Pacific, the Arctic, and the Antarctic. The swimming Russian bear is not yet ten feet tall, but he is 5 feet 8 inches and growing rapidly. He has not yet wrested supremacy of the seas from the free world but he is making a very determined effort to do so.

Throughout our history the waters that wash our shores have been friendly. They have given us geographical protection, making it practically impossible for anyone to attack us. They have also given us time to build up our strength when danger threatened.

But the tempo of modern technology has changed all this.

Yankee Class submarines off each coast can blanket practically the entire United States. When the Soviets have the 3,000-mile missile they are presently developing they will be able to do this from either ocean.

Let me first say that on the best evidence available, I believe that today our Polaris submarines are safe from a massive, neutralizing blow. Further, I am not aware of any valid information indicating that the Soviets possess a means to track and destroy our Polaris submarines while they are on station. However, there is no assurance that this situation will prevail for long.

Given the recent Soviet progress in undersea warfare and the sheer magnitude of their nuclear submarine program, the conclusion is inevitable, that unless we are willing to match that effort, they will surpass us in this field in the 1970's.

[From the Baltimore Sun, Dec. 27, 1970]

THE EROSION OF SURFACE NAVAL POWER

(By Paul Cohen)

The effectiveness of merchant ships in ocean transport—and of surface naval vessels to protect them or to blockade them as the circumstances require—was the foundation on which Great Britain built her empire, on which the United States bases the credibility of her international commitments and by which the U.S.S.R. hopes to expand her role in Africa and Asia. That foundation continues to erode under an irresistible tide of technology, the key expressions of which are the submarine and the missile.

To many this is an unbelievable assertion, doubly so because its consequences for international relations as they are currently constituted are so massive and, in general, so detrimental. The skeptics, who know from experience that most evaluations of the future occur more slowly than claimed, or not at all, are inclined to wait for results. In this case results could best come from the test of battle.

And if the balance between the various forces which are deployed on the ocean lies elsewhere than where "tradition" (an increasingly sometime thing) has placed it, the resulting surprises could lead to ill-considered remedies. These could be as divergent as surrender of a major goal, or nuclear war—if the latter is a remedy. Thus, an understanding of the various technical changes which have occurred since the launching of the Nautilus is inescapable if the planning of foreign policy, and of naval building programs, is to be realistic.

REMEMBER BATTLESHIPS

That large surface vessels—merchant as well as naval—will no longer survive the onslaught of the submarines, surveillance systems, homing weapons, and the rest of the paraphernalia of Twentieth Century military technology is a proposition with a massive precedent: The fate of the battleship. Who, among the official hierarchies of both Allied and Axis fleets, believed before the fact that this supreme symbol of naval power would perish because it was not, to the same degree as its enemies, a creature of the new technology?

As if the technical issues were not in themselves sufficiently complicated, their interpretation in a particular theater can be radically modified by geographic and political aspects. In a narrow sea like the Mediterranean, for example, surface fleets may have to deal with submarines, shore-based aircraft, and perhaps with a revived and longer-range form of coast artillery—surface-to-surface missiles. Yet, if a naval contest were to occur in that sea, the most important factor might be the Turkish position on traffic through the Dardanelles. That is why it is clearer to discuss the problem in a narrower framework—the shifting balance between large surface ships and submarines.

As the years go on, the likelihood strengthens that in spite of the most strenuous anti-submarine efforts carried on with the most exotic of available equipment, a submarine fleet of relatively moderate size—perhaps several hundred vessels—can destroy or drive into port any present-day surface navy and merchant fleet. That does not necessarily mean our submarine fleet, for it is armed primarily with anti-submarine weapons. Not all submarine navies, though, design for our hierarchy of missions.

Admitting that the contingency described here is within the bounds of military tech-

nology, can we comfort ourselves with the illusion that such a maritime disaster could be fended off by threatening a resort to nuclear war? When those nations which can deploy large submarine fleets also possess nuclear warheads and the missiles to carry them, whom can we threaten? If the stakes are less than total, if they involve, in some distant corner of the world, a blow to our pride or a loss to our pocketbook, will we not be forced to the same restraint we have shown in Korea and Vietnam?

The threat of nuclear war could be invoked with limited danger to us when a grossly unequal balance existed between American and foreign nuclear power. It was the basis of the sanctuary in which our naval forces largely operated during the Korean and Vietnam conflicts. This sanctuary has of course been to our enormous benefit, but it has also served to confuse us with a false sense of omnipotence at sea.

Today only one nation has in being a submarine fleet of sufficient size to be a major threat. However, as other claimants to world influence expand their operations, they will inevitably discover, if they do not already know, that submarines are a key element in their power base. And submarines, even nuclear submarines, are not all that difficult to build in quantity. Germany built about 1,100 full-sized diesel-electric submarines in addition to hundreds of one- and two-man submarines, during World War II. Not until near the end of the war did she begin to utilize fully the then-available mass production techniques. Although nuclear attack submarines, in their current stage of design, average several times the weight of a diesel-electric, there is no material or technical reason to prevent a major industrial nation from building scores of them per year. Pound for pound, submarines place less stress on a country's production capabilities than do airplanes. Such treaties as today control the tonnage and quantity of submarine fleets are of the moment, not for eternity.

CONVENTIONAL SUB IS THE THREAT

Technology continues to demonstrate its universal availability. The means to obtain U–235 and plutonium become cheaper and more widespread by the year, and so do the means to deliver the warheads. . . .

In another decade there should be at least half-a-dozen countries capable of maintaining both an effective submarine force and a nuclear capability.

The threat under discussion is therefore not the nuclear-missile submarine but rather the conventional attack submarine used in its classic roles—to destroy merchant ships and naval vessels, to hunt and fight other submarines, to mine and scout in enemy waters. And it need not be driven by the nuclear reactor-steam turbine plants which are currently the most economical means of propulsion for large submarines.

The newest attack submarines of the United States and the U.S.S.R. are indeed large—the size of light cruisers. However, the spectacular underwater feats of World Wars I and II were invariably accomplished by submarines displacing less than 2,000 tons. These could operate not only on the high seas, but also in water too confined or shallow to be comfortable for today's giants. A hard core of the submariners continue to believe that, in this respect, not much has changed, and that the most useful attack submarines are closer to the dimensions of the past than the present.

Submarine design, which underwent an earthquake in the mid-Fifties with the introduction of nuclear power, is again in a period of change. As submarines become smaller, the number of feasible propulsion systems becomes larger. They begin to include fuel cells or turbines fed by liquid hydrogen and oxygen, primary batteries, and other systems of quite enough endurance to give anti-submarine forces a severe case of the staggers.

MUST RECOGNIZE SITUATION

It is now all too easy to envision a situation in which a naval war would remain tightly limited, essentially to an all-submarine war. If bulk cargo crossed contested oceans, it would do so in cargo submarines. If planes were flown over these waters, they would take off from bases with local fuel supplies. . . .

Whether the United States gains or loses from the new equilibrium, it must recognize the situation and choose a course of action, however discordant with past programs and traditions, that will capitalize on the continuing developments in underwater and associated technologies, in which it is a leader.

Overall anti-submarine capability is losing ground to submarine capability because, on balance, the latter is benefitting to a greater degree from a variety of expanding technologies. Among these, specifically, are navigation, long-range communications, satellite and undersea surveillance techniques, underwater propulsion systems, life-support systems and homing weapons. Perhaps the cruelest blow to more traditional forms of naval power is the consistent ability of the submarine to benefit on balance from sensor developments, even when these are ostensibly anti-submarine in motivation. Any sensor which can detect a submarine can more easily detect a surface ship. . . .

If it is true that the submarine, with its new armament and technology, now holds the upper hand, what action is indicated?

The naval commitments of this country center about the protection of our ocean commerce on a global scale. If the surface navy sinks under the burden of its several defenses against different weapons, for what purpose do we shift our building programs to produce more attack submarines? We must still move goods between continents.

Cargo airplanes face some sharp limitations, particularly if the transport of jet fuels by surface tankers is interfered with. If submarine tankers replace the surface tankers, the potential for the aircraft is to a degree restored, but it will take considerable analysis to determine to what degree.

FIRST CARGO SUB SUCCEEDED

The only viable substitute for the merchant ship is the nuclear-propelled cargo submarine. In the case of petroleum products and other fluids which make up 60 percent of all ocean-borne cargo, and of the granulated products like food grains and ores which make up perhaps another 10 to 20 percent, submarine transport will cost more than surface transport, but not significantly more by the standards of blockade economics. . . .

The first cargo submarine on record, the Deutschland, handled only dry cargo, and was a great economic success.

Possession of a fleet of cargo submarines does not eliminate the need for a fleet of attack submarines of sufficient size to deal with the enemy submarines, interdict his surface shipping and cover whatever oceans the battle may spread into. In a world which shares essentially the same technology, there is no substitute for numbers. To attempt to compensate for this lack of reliance on superior performance can bring its own subtle frustrations.

This Navy now builds essentially one kind of attack submarine, and in such small numbers that it attempts to crowd into each one virtually all the capability that the technology of a particular design year permits. The result is a vehicle of such gigantic proportions that its very size is interfering with its performance in missions which, particularly in limited wars, will continue to be important.

During his invasion of Scapa Flow, and his subsequent sinking of the Royal Oak, Commander Prien twice grounded his U-boat, and got it off. What would he have done, in those narrow channels, with a craft having 10 times the displacement of the U–47?

Far more units than can be practically envisioned in terms of cruiser-sized submarines are needed. If designs can be considered that are uninhibited by such traditions of nuclear submarine construction as have arisen since the mid-Fifties, and if missions and capabilities are matched, small attack submarines that will be useful in the closing decades of this century are distinctly feasible. "Small," however, does not mean midget. By the standards of the Seventies, the submarines of World War II were small.

VULNERABLE BEYOND SALVAGE

Such suggestions are specifics. The generality is that the large surface vessel—the mainstay of conventional naval and merchant power—has become vulnerable beyond salvage to a variety of weapons of which the submarine, armed with airflight missiles, is king. To the several nations which, in the remainder of this century, can achieve the twin goals of (1) a significant nuclear capability and (2) a large submarine fleet, these conditions present an opportunity to paralyze our nuclear strength and to place large sectors of the world's populations under intolerable economic pressure.

The evils that can arise from international frictions are varied, and so must be the remedies. Few forms of naval warfare have been used more frequently than the blockade, and none, in the past quarter-century, has been as greatly favored by technical developments. The opportunity is now open to hold a good part of the world hostage by blocking its surface fleets. Someone will eventually grasp it. This country, dependent on ocean transport, must have a remedy in hand.

Mr. ALLOTT. Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, under a previous order of the Senate, the distinguished Senator from Tennessee (Mr. BROCK) is to be recognized at this time for 15 minutes, and he is to be followed by the distinguished Senator from New York (Mr. BUCKLEY). I ask unanimous consent that the order be reversed and that the distinguished Senator from New York (Mr. BUCKLEY) be recognized first and that he then be followed by the distinguished Senator from Tennessee (Mr. BROCK).

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

THREAT TO THE 6TH FLEET

Mr. BUCKLEY. Mr. President, as the distinguished Senator from Colorado (Mr. ALLOTT) has pointed out in his remarks, in a period of just 5 years the Soviet Navy has grown from a coastal defense force of negligible importance into the world's most modern naval force. Her surface fleet now exceeds 2,000 ships; and over the past two decades, she has produced 585 modern conventional and nuclear submarines as compared with 110 for the United States. On the other hand, in the past few years, the U.S. Navy, which once sailed unchallenged in every ocean, has grown increasingly obsolescent. Our submarine force has now more or less stabilized at 142 vessels; and since 1968, the number

of ships in the U.S. fleet has declined by about 30 percent. We now have 270 fewer vessels in active service than we had in 1968, and half of this loss has been in surface combat ships.

Russia's transformation into a major naval power, perhaps the major naval power, has important implications around the globe. This morning, however, I will confine my remarks to the impact of these developments on the military situation in the Mediterranean because this is the area in which any United States-Soviet conflict would most likely take the form, in military terms, of a naval conflict.

The growing Russian presence in the Mediterranean and along North Africa poses obvious threats both to the southern flank of Europe and to the Middle East. It is the Middle East, however, which is under the most immediate pressure. It is, in fact, the area which was singled out in the President's state of the world message last February as the one in which a United States-Soviet confrontation was most likely to occur, a confrontation which could spark a third world war.

The Middle East is a region of decisive strategic importance for the global balance of power. It is a crossroads of land and sea communications between the continents. Its oil deposits, by far the largest known on earth, are critically important for the economies, perhaps even the survival, of Western Europe. Thus the critical interest of the West in preventing Russia from acquiring dominance of the Middle East is self-evident.

What is less well appreciated, however, is that the 6th Fleet has been the principal instrument on which we have relied in implementing American policy in this vital area. For over 20 years that fleet has assured the West of the unchallenged control of the Mediterranean Sea. And it has been the power represented by the 6th Fleet which American Presidents have relied upon to back our policy decisions. As of today, however, it is no longer certain that the 6th Fleet can long survive the kind of deterrence required to contain Soviet ambitions in the Middle East.

Since 1965, the Soviet Naval presence in the Mediterranean Sea has increased fourfold. Total Soviet ship-days have grown from about 4,000 in 1965 to 18,000 in 1970. On the other hand, total U.S. ship-days in the same region have declined from about 17,000 to 13,000 over the same period.

This development becomes especially significant when one takes into account the differences in missions of our respective navies. The mission of the U.S. Navy is to assure this country of the use or control of the seas at times and places of our own choosing. On the other hand, the Soviet Navy has an objective which places fewer demands upon their resources. Their objective is simply to deny the U.S. Navy the ability to carry out that mission. For this reason, the types of vessels in each fleet are different.

The United States still has a significant advantage in gross fleet tonnage in the ratio of about two to one; 4 million U.S. tons to about 2 million Soviet tons. However, when one examines the specific numbers and character of the major and minor surface combat vessels of the United States and the Soviet Union, the growing ability of the Soviets to deny the U.S. Navy the use of the seas becomes apparent. While the United States has 249 major surface combatants to the Soviets' 214, Russia has at her command 1,795 minor surface combatants to America's 309. This disparity is especially important because in the patrol craft category, all 160 Soviet patrol craft are equipped with surface-to-surface missiles of the variety which sank an Israeli destroyer in 1967, while none of the U.S. patrol craft are so equipped.

The Russians now routinely patrol the Mediterranean with naval units of a size and number which increasingly challenge the ability of our Navy to support a credible American presence in the area. According to an article published in the New York Times on March 14, 1971, the Soviet Black Sea fleet, which operates in the Mediterranean, is composed of 62 surface craft and 40 submarines, while the U.S. 6th Fleet possesses only 45 surface vessels, and from six to eight submarines. Moreover, the Soviets have acquired basing rights for their surface vessels in Port Said and Alexandria in Egypt; their submarines are reprovisioned at the former French base of Mers-el-Kabir in Algeria; and the movements of 6th Fleet vessels are continuously monitored by Soviet maritime surveillance aircraft operating from the former U.S. Wheelus Air Force base in Libya.

Because of the continuing erosion of the 6th Fleet's ability to meet the Soviet challenge in the Middle East, one major objective of U.S. foreign policy; namely, the preservation of the State of Israel, will become increasingly difficult to carry out. The Russian-built air defenses in Egypt have already deprived the Israelis of their ability to duplicate the preemptive attack on Egyptian airfields which they carried out in 1967. Further, the growing Soviet naval strength in the Mediterranean will significantly weaken Israel's position in bargaining with the Egyptians because it is no longer clear that the United States has the power to deter Soviet intervention on the Arab side in the event of renewed Arab-Israel hostilities. If this inability of U.S. naval forces to support American foreign policy objectives is not reversed by modernization of our forces, the ability of Israel to survive as a nation through the 1970's is called into serious doubt.

The 6th Fleet has also been a vital link in the defenses of Western Europe, a link which has become increasingly vital as one by one the Western Powers have abandoned military bases in Morocco, Algiers, and Libya. Thus any doubts as to the fleet's continuing ability to discharge its mission in the defense of the NATO alliance will have the most important impact politically and psychologically on future decisions made by the member countries. To the extent that their confidence in the security provided by the NATO alliance is eroded, to that extent will they become tempted to make accommodations with the East which would increasingly isolate the United States.

There are the implications of our deteriorating military position in the Mediterranean. We simply cannot afford, at this critical time, to lose sight of the fact that in the last analysis our ability to achieve our essential policy objectives in the Mediterranean basin and elsewhere depends on the plausibility of the military power which we can mobilize in their support. This is what makes it so vitally important that we reverse the damage done to the 6th Fleet in particular, and to our Navy in general, by the budgetary constraints under which it has had to operate in recent years. We simply cannot afford to fall further behind the Soviet Union.

I submit, Mr. President, that the hard realities leave us no choice but to rebuild our defenses to the levels which are required for us to maintain the peace.

Mr. President, this morning after I had prepared my remarks I came across an article in this week's Newsweek magazine entitled "A Mediterranean Tide Runs For the Russians," written by Arnaud De Borchgrave, which supports the details of my position. I ask unanimous consent that it be printed in the RECORD at this point.

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

A MEDITERRANEAN TIDE RUNS FOR THE RUSSIANS

(By Arnaud de Borchgrave)

Aboard the U.S.S. Springfield last week, a young naval intelligence officer could hardly contain his admiration for the latest Soviet warships steaming in the Mediterranean Sea. "That's a beauty," he said, pointing to a photographic blowup of a Kresta-class guided-missile cruiser. "There's nothing like it on our side." Standing nearby, Vice Admiral Isaac C. Kidd, the commander of the U.S. Sixth Fleet, readily agreed. "A humdinger," he said of the Soviet ship. "Only 3,500 tons. But it's got the punch of a pocket battleship."

Nowadays, the Soviet Union packs quite a wallop in the Mediterranean. On a typical day last week, the wall-to-wall situation room (map) at NATO's surveillance headquarters in Naples bristled with symbols for Soviet men-o'-war: 55 versus the 44 in the Sixth Fleet (map). And Russian political influence in the strategically important inland sea has grown apace with its fleet. Last week, the Kremlin dispatched Ambassador Mikhail Smirnovsky to the Maltese capital of Valletta in hopes of securing an embassy in the one-time British possession. Both British and American spokesmen professed to see no threat to the NATO installation on Malta, doubting that its newly elected leftist Premier will turn over those naval facilities to the Russians. But there was no mistaking their fear—expressed also by Israeli Defense Minister Moshe Dayan last week—that the successful Soviet penetration of the Mediterranean is bringing about a fundamental change in the balance of power in the area.

There is no question in my mind that the Russians see America's loss of taste for international leadership as the opportunity to become the dominant power in the Mediterranean and, ultimately, in the entire Eurasian land mass and adjacent oceans.

U.S. admirals in the Mediterranean claim to be confident that, in the event of a military showdown, the Sixth Fleet could still overwhelm the Soviet fleet and fulfill its "second strike" nuclear mission against assigned targets in East Europe and southern Russia. This claim to naval superiority is evidently based on the American fleet's two

aircraft carriers, ships whose firepower the Soviet fleet cannot match on a ship-to-ship basis. But it is worth remembering that the newly installed Russian tactical air force in Egypt—which has recently been dug into 220 hardened sites—can fly cover for the Soviet fleet in the Mediterranean and, if need be, attack the U.S. flat-tops. Moreover, some military experts are convinced that the two U.S. carriers have already been effectively neutralized by the latest Soviet guided-missile cruisers to arrive in the sea. Finally, the ships of the U.S. fleet are of much older vintage than the Russian vessels, and at the present rate of deployment, these experts believe, the Soviet Mediterranean fleet will clearly surpass the American armada in potency by mid-1972.

In the eyes of West Europeans, this expansion of Soviet power is directly related to critical changes in the American home front. The Europeans realize that the bitter taste of the Vietnam war has soured the U.S. on overseas commitments, and they are coming to believe that they may soon have to fend for themselves. But with the proliferation of Soviet power in the Mediterranean and along Europe's oil-supply routes, Moscow hopes to discourage a separate European defense effort as futile, thereby encouraging a trend toward West European neutralism. The combination of neo-isolationism in the U.S. and neutralism in Europe could be the mix that removes the Sixth Fleet from the Mediterranean without a shot being fired.

Raymond Cartier, one of Europe's most widely respected journalists, recently wrote: "America has given Europe a quarter of a century of invulnerability but Europe has not had the foresight to transfer some of its opulence to the problem of its own security. The withdrawal of American forces in the relatively near future is a certainty. The Mediterranean is now blanketed by Soviet naval power lapping against Europe's southern coastline. The northern front has also been outflanked by the same Soviet naval power reaching into the Atlantic."

Disarray: If Europe existed as more than a geographic expression, there might be an alternative to U.S. power. But many countries that now might wish to reduce their dependence on one or the other of the two superpowers regretfully conclude that there will be no European alternative for a long time to come. The European monetary union project, a prerequisite for an integrated European defense community, was dealt yet another blow in the Franco-German summit meeting last week when Chancellor Willy Brandt and President Georges Pompidou failed to reach agreement on the status of the floating Deutsche mark (page 69). This kind of European disarray, coupled with the fact that the U.S. is already in retreat—at least psychologically—means that things will continue to go Russia's way in an area of vital concern to the entire Western world.

Many Western officials and commentators, convinced that gunboat diplomacy is dead in an age of multi-headed nuclear missiles, have dismissed the Soviet effort in the Mediterranean as wasteful and useless. But the Soviets know better. When Egyptian President Anwar Sadat purged pro-Soviet plotters from his entourage two months ago, Moscow managed to more than offset its losses; it swiftly extracted from Sadat a new fifteen-year treaty that tied Egypt even closer to the Soviet Union. Among the many reasons that led Sadat to sign the treaty, presumably one was his belief that the massive Soviet presence in the Mediterranean was visible proof of Moscow's commitment to the Arab cause.

Vacuum: The same kind of gunboat diplomacy, Europeans fear, might be used in countries all along the North African and European littorals of the Mediterranean in the years to come. Nonalignment is tantamount to a power vacuum in the Soviet book, and with the withdrawal of Western influence from North Africa, the Soviets are making a determined effort to move in. Morocco, the last remaining monarchy in North Africa, is ripe for revolution—as last week's attempt to remove King Hassan showed—and the Soviets would be happy to help. Europe-oriented Tunisia, squeezed between revolutionary regimes in Algeria and Libya—and heavily dependent on ailing President Habib Bourguiba—would be another likely target.

The Soviet power in the Mediterranean basin will also make itself felt in the critically important Persian Gulf area once the Suez Canal is reopened. The gulf area supplies 60 per cent of West Europe's and 90 per cent of Japan's fuel needs. The British are phasing out of the gulf later this year and the U.S. has no intention—or desire—to fill the power gap. Moreover, London's plan for a gulf federation collapsed and the oil sheikdoms are about to opt for independence. "A few modern Soviet warships calling regularly at these ports and entertaining impressionable sheiks will work miracles," a longtime gulf resident told me. "Especially if there is no countervailing U.S. force."

It won't be long before the sheiks realize where the real power lies. The Soviets already have twenty new warships on station in the Indian Ocean (as against two U.S. ships). Anticipating the reopening of the Suez Canal, they have also just completed construction of a new naval base at Port Sudan on the Red Sea (in return for free MIG's and tanks for the Sudanese), halfway between the Mediterranean and the Persian Gulf. Should the Soviets successfully expand their Mediterranean presence into this part of the world, they would be able to exercise additional political leverage on Western Europe by controlling its sources of oil.

Détente: No one suggests that the Soviets don't have a right to be in the Mediterranean in whatever force they wish, and in the Indian Ocean and Persian Gulf for that matter. But what is needed is a credible countervailing force. Instead, America is pulling out, and Europe is dithering. In the past five years, NATO forces in Central Europe have been allowed to run down by 25 per cent (including the loss of 500 aircraft). During the same time, Soviet forces alone, on the same front, have increased by six divisions. Despite U.S. pledges to maintain and improve its strength in Europe, it was revealed two weeks ago that two Air Force squadrons were pulled out of Europe in 1970 without a word being said to America's European allies. "The very prospects of détente," commented the outgoing NATO civilian chief, Manlio Brosio, last week, "have created a climate in Western opinion in favor of unilaterally reducing NATO force levels." Moscow, of course, remains unencumbered by the restraints of public opinion, and whenever anyone in the West tries to halt the drift toward a lax defense posture, the Russians fire off accusations that such talk impedes détente.

Even more important than Soviet intentions, however, is the American trend toward introspection and isolation. "The steady encroachment of Congress on the President's ability to conduct foreign policy," one of Europe's leading policymakers told me recently, "means that a formal pledge isn't what it used to be." Moreover, the release of the Pentagon papers has, in a sense, vindicated those in the U.S. who regard power politics as evil and un-American. But that doesn't mean that the power realities will oblige us by simply disappearing.

Under these circumstances, Europeans are keeping their options open. Even Franco Spain and the colonels in Greece are doing what they can to improve relations with Moscow. For by conveying the impression that over the next few years domestic affairs will enjoy priority over foreign affairs, America is, in effect, telling Moscow: "This is your round in the Mediterranean. Make the most of it." It is an absolute certainty that the Russians will do just that.

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

Mr. BUCKLEY. I yield.

Mr. BEALL. I thank the distinguished Senator from New York for yielding, and I congratulate him on his graphic presentation of the apparent dangers to our country due to the lack of modernization of the U.S. Fleet. I think we are all aware of our commitment to the state of Israel, and how important a modern American fleet in the Mediterranean is, not only to our Nation but to all the nations of the free world, to demonstrate the depth of our commitment to maintaining peace in that area.

I share the concern of the Senator from Colorado about the deterioration of the American fleet. I know that most of the ships in the fleet we have today are the same ships that were in the fleet at the time I served in the Navy briefly in 1945 and 1946. I share the concern that we are falling behind in technology, because I think one of the great strengths of our country has been the fact that we maintained a lead in technology over the rest of the world. I share the concern that we are not devoting a sufficient part of our military and naval budgets to the development of new techniques.

I believe that insuring the free movement of shipping is one of the essentials of world peace. To preserve that essential calls for a Navy capable of keeping those sea lanes open. And beyond the basic need of ships and planes, a strengthened Navy calls for a strengthened U.S. Naval Academy.

The most vital strength of America is personified in the vibrant young men who come from all over America to Annapolis in my State.

At a time when "to opt out" is too often the order of the day, it is refreshing and reassuring that so many young men still accept the challenge of the rigors of the Naval Academy.

It has been said that many young people seek a life of service today—a life not dictated by the so-called material aspirations of their parents. That is precisely the life to which the Naval Academy has attracted young men since 1850. A life of service with responsibility. A life of adventure with leadership.

The challenge that confronts every young man in deciding what to do with his life has never been more difficult.

His choice has never been more critical to the future of this Nation.

These are troubled times. If we are to endure and prosper as a free country we must insure that tomorrow's leaders have the toughness of mind, of spirit, and character to overcome not only the difficulties that are upon us now . . . but those that loom on the horizon.

Personal accountability is at the very heart of the way of life we demand of our midshipmen.

The strong of body and mind are selected—to be tested, to be tried, to be challenged. The entrance threshold we set for them is extremely high. Our expectations of them is even higher.

But I have learned of something that deeply disturbs me. Something that even dedication, commitment, personal accountability, and individual strength cannot overcome. It is the high priority the Soviets have given the training of naval officers.

The glitter of June Week pales when we learn that for every Annapolis, the Soviet Union has six higher naval command schools and four higher naval engineering schools; 10 equivalents to our Naval Academy. The Soviet Union also has three super naval academies for which we have no equivalent. These are graduate and post-graduate schools—one at Kiev, interestingly, just for naval politics, and another just for naval medicine.

The awesome responsibility we heap on our Naval Academy to match the product of those Soviet higher naval military schools and the super naval academies calls for redoubled efforts to insure the improved capability of Annapolis to meet the increasing demands of the naval defense of the United States in the 1970's.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a brief description of the Soviet institutions for training naval officers.

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

SOVIET NAVAL OFFICERS SCHOOLS

The Soviet Naval Officers' School System consists of six Higher Command Schools, four Higher Naval Engineering Schools, one Higher Naval Political School, the Naval Academy and the Naval Medical Academy, as well as the Naval Department of the General Staff Academy.

A. 6. HIGHER COMMAND SCHOOLS

3 in the Baltic and North Sea Fleet Commands:

1. The "Ushakov-Frunze" Higher Naval School in Leningrad.

2. The Higher Submarine Navigation School in Leningrad.

3. The Kaliningrad Higher Naval School in Kaliningrad (formerly Koenigsberg).

Black Sea Fleet Command: (1)

The Black Sea "Nakhimor" Higher Naval Schools in Sevastopol.

1 in the Pacific Fleet Command:

The Pacific Ocean "Makarov" Higher Naval School in Vladivostok.

1 in the Caspian Fleet Flotilla Command:

The Caspian "Kirov" Higher Naval School in Baku.

B. 4 HIGHER NAVAL ENGINEERING SCHOOLS

The Higher "Dzerzhinskiy" Naval Engineering School in Leningrad.

The Leningrad Higher Naval School in Leningrad-Pushkin.

The Sevastopol' Higher Engineering School in Sevastopol'.

The Higher Radio Electronics "Povov" Naval School in Leningrad-Petrodvorets.

The Kiev Higher Naval Political School in Kiyev trains political officers for the Soviet naval forces.

The Higher Naval Schools have a five-year study period, including 10 months training at sea. Graduates of the Command Schools are given the rank of junior officers and those of the engineering schools are given an engineering degree in the specialty of their studies.

The Frunze Command School in Leningrad is granting graduate degrees of Candidates of Naval Sciences.

An estimated total of about 1,000 officers including some 300 Naval Engineers graduate annually.

THE LENIN AND USHAKOV NAVAL ACADEMY

The Order of Lenin and Ushakov Naval Academy in Leningrad, headed by Admiral A. Ye. Orel, was founded in 1827. After World War II it was divided into two separate Academies: the Command Naval Academy and the A. N. Krylov Naval Shipbuilding and Naval Armaments Academy.

Recently the two academies were again merged into a single one: the Lenin and Ushakov Naval Academy. Rear Admiral V. Lizarskiy, Chief of the Political (Control) Department of the Academy, explained that this merger was due to the fact that "the (Soviet) Navy had become in the full sense of the term an offensive branch of the long-range armed forces. It was in the new conditions considered to be unpractical to maintain separate training of command and engineering officers."

The staff of the academy currently includes some 50 doctors of sciences and the academy grants doctorate degrees in Naval Sciences. Research in naval affairs by members of the academy staff and the student body is strongly encouraged. Graduates of the academy, many of whom hold high command posts, are encouraged to pursue post-graduate studies and to obtain advanced degrees. A system of obtaining fellowships admits qualified graduates of other higher schools and universities.

THE ACADEMY OF THE GENERAL STAFF, THE NAVAL DEPARTMENT

The Naval Academy of the Department of the General Staff is attended by highly qualified naval officers with outstanding records for post-graduate studies and advanced degrees in Naval Sciences.

Mr. BEALL. I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee (Mr. BROCK) is recognized for not to exceed 15 minutes.

Mr. BROCK. Mr. President, I yield to the Senator from Kansas.

THE NAVY'S ROLE IN NATIONAL SECURITY STRATEGY

Mr. DOLE. Mr. President, an evaluation of current national security strategy leads me to the conviction that our Nation must rely increasingly upon naval forces to deter both strategic and conventional aggression. Sea-based forces provide reliable weapons systems to deter nuclear war and also provide the foundation for collective defense of the free world.

The new foreign policy of the United States, the Nixon doctrine, and its supporting national strategy of realistic deterrence places increased reliance on the U.S. Navy.

The underlying theme in the Nixon doctrine, while recognizing the importance of Western Europe and the Atlantic Alliance to U.S. security interests, is a sharing of security burdens with allies, a strong but tailored U.S. force which is mobile and capable of application in a range of situations and types of response. It must be a force capable of countering Soviet military power and initiatives.

The logical military strategy consistent with our stated national interests, the threat posed by potential enemies, and the new approaches of the Nixon doctrine is sea-based mobility—mobility to shift our forces to where they may be needed, and to support them there so long as their presence is required. Therefore, the Navy must provide this mobility and the means to protect it.

As a maritime nation, it is essential that our sea lines of communication be maintained to our sources of raw materials and to our allies, and that we are capable of controlling vital sea areas. This necessity to control the sea areas is the foundation of our ability to protect U.S. interests. It is in this area where the Soviet Union is now mounting a challenge, second only in danger to their challenge in strategic nuclear arms.

There now exists a state of so-called nuclear parity or nuclear balance between the United States and the Union of Soviet Socialist Republics, but because that balance is tenuous in certain areas a dangerous and potentially fatal situation arises.

President Nixon on February 25, 1971, in his report to Congress on U.S. foreign policy expressed it this way:

> The growth of Soviet power in the last several years could tempt Soviet leaders into bolder challenges. It could lead them to underestimate the risks of certain policies.

We in this Chamber, of course, have the responsibility and the opportunity to help dissuade the Soviet leaders from the temptation of making bold challenging risks with their military power.

We can see to it that the defense-related bills which come before us provide for a prudently sufficient defense posture. But our task is not easy.

NAVY PROGRAM IMPORTANT TO MAINTAIN NUCLEAR BALANCE AND HEDGE IF ARMS LIMITING TALK BREAKDOWN

For example, the Strategic Arms Limitation Talks, SALT, have again gotten underway and there will be the naturally hopeful inclination on the part of many to assume an early and successful outcome.

All of us wish a successful outcome to those negotiations but we must be realistic and not one of us knows at what date success might be achieved. It possibly could be in 12 months or, negotiations could continue for 12 years. Prudence dictates moreover that we recognize and hedge against even the possibility of a complete breakdown in the negotiations on arms limitation.

Some will ask how possibly can we hedge against such an eventuality, and I say the immediate hedge is essentially provided for in the defense programs and defense-related programs as proposed by the administration for fiscal year 1972.

It is not my purpose here to review those programs but, rather, to note that that hedge includes, among other things, the continuation of the program which eventually will convert 31 of our ballistic missile carrying submarines to Poseidon nuclear missile carriers. It is essential to the maintenance of the strategic nuclear balance that we carry forward the Poseidon program.

NAVAL CHALLENGE TO THE CONDUCT OF OUR FOREIGN RELATIONS

Under the Nixon doctrine however there are several implications important

for the Navy which lie beyond the maintenance of strategic nuclear balance.

The Nixon Doctrine also includes the concept of our own mobile conventional deterrent forces capable of maintaining an overseas presence, capable of projecting allied power into conflict areas, and capable of maintaining sea lanes of communication. And the doctrine calls for effective military assistance to our allies.

But in the conduct of our foreign relations there is posed a relatively new threat. Soviet ships of war now sail all the oceans of the world, and in conjunction with modern fishing and merchant fleets, they make the presence of the U.S.S.R. felt even in areas where formerly the U.S. Navy was without challenge. Today we are faced with an expanding Soviet Naval challenge which reaches not only to waters adjacent to our coasts but to the very coastlines themselves and, in fact, inland several hundred miles.

SEA LANES REQUIRED TO CARRY OUT TREATY ARRANGEMENTS

The deployment of military units overseas whether they be Army or Marine or Air Force units requires that sea lanes of communication be established for sustained support of those deployed forces. Despite the acquisition of transport aircraft of huge capacity the vast bulk of material support for overseas forces will be carried by sealift. In Vietnam, for example, I am told sealift accounted for over 95 percent of the resupply. Any decision, therefore to deploy friendly forces to an overseas area requires the assumption that we or our allies will control the sea lanes of communication.

We can see then that to carry out treaty arrangements and military goals under the Nixon doctrine it is essential that we be capable of projecting military power, our own, or our allies or a combination of both. Projection forces include troop landings ashore from ships as well as carrier-based aircraft capable of striking hundreds of miles inland.

SEA LANES REQUIRED FOR NONTREATY OBLIGATIONS

But also we must give consideration to situations in which our interests are involved even though we have no formal treaty arrangement. Such would be the case as with Israel where our national interests results not from a treaty but from common cultural and historic traditions. In such a case as during a so-called Mideast crisis our deterrent forces must be capable of carrying out their assigned missions without support from treaty allies.

For the accomplishment of those missions in the Mideast again we are dependent upon the use of sea lanes of communication. Secretary of Defense Laird expressed the latter point in his Defense report of March 9, 1971, when he stated:

U.S. involvement in world affairs is not based exclusively on our alliances, but rather, our formal and informal obligations derive from and are shaped by our own national interests. To protect our interests, we must insure free use of international air space and free access to the world's oceans.

NAVAL PRESENCE HAS POLITICAL ROLE

I know of no plan which would permit us feasibly to withdraw completely all of our military forces from overseas but we are reducing the size of those forces and as we do so our Navy assumes greater political as well as military significance. In other words, the Navy is ideally suited for the mission of gaining political ends by displaying power in areas of U.S. national interest. Naval forces on station are visible reminders to our adversaries that our military units although reduced or removed can be returned swiftly.

CONCLUSION

Without a viable Navy there would be relatively few options open to the United States in the conduct of foreign policy. The Navy daily plays a role in maintaining the highly tenuous balance of power which is said to exist today. That situation stems from a Soviet challenge which is based on nuclear weapons but also on Soviet conventional seapower.

Under the Nixon doctrine, as U.S. forces are reduced and redeployed from overseas, we must depend increasingly upon our friends in the free world to carry a larger share of defense, and thus the use of sea lanes of communication is of increasing importance to us.

The requirement for an active forceful Navy it must be made clear to all Americans, rests on truly national considerations. These are not interests narrowly based on parochial considerations of geography or politics. We must make a concerted effort to make clear to Americans that if we do not provide our Navy with the kinds of warships and other equipment which can successfully counter the rapidly expanding Soviet naval threat, the United States will not have a credible capability to conduct foreign relations and maintain the Nation's security.

THE BALANCE OF NAVAL POWER

Mr. BROCK. I thank the Senator from Kansas for his remarks. I should like to express my gratitude to the Senators from Colorado, Maryland, and New York for their contribution in this expression of concern.

Mr. President, as they have so ably pointed out, the balance of power between the United States and the Soviet Union has been slowly but steadily shifting in favor of the Soviet Union within the last decade and particularly in the past few years.

This development has critical implications, not only for the security of this Nation, but for the cause of world peace. Recognized, it can be averted. Ignored, it can threaten our very survival as a free people. To illustrate, I would comment on only one element of our strategic capability.

By the beginning of 1971, naval circles in the free world voiced their opinion that the Soviet Navy had considerably improved its capabilities of defense, of strategic offensive operations, and of surface and antisubmarine support.

Despite strong indications of what may already have become an adverse balance of power, the past decade has seen, with a few notable exceptions, our Nation content with a fleet whose annual accomplishment seems limited to growing 1 year older. Cries of alarm are met by a wall of complacent silence.

Yet, no one can deny the positive effect of the presence of the 6th Fleet in maintaining a trembling, tenuous peace in the Middle East, as has been so ably pointed out by the Senator from New York. Were the Soviet Union to achieve our naval superiority in the Mediterranean, would peace still be possible?

Again, military pay increases for personnel gain overwhelming congressional support. Is it really logical to expect our forces to preserve the security of freedom with inadequate and obsolete weapons, no matter how well paid they are? Where is our sense of priorities?

Too many still fail to realize what is happening on the oceans of the world. While the great majority of Soviet warships are of new design and make, the great majority of American warships are no longer adequate for modern requirements. Even as we have to scrap old ships no longer fit to sail, we tend to curtail our shipbuilding program. Consequently, we now face a terrifying prospect of real naval inadequacy.

Among those who are beginning to realize the true situation there is a tendency to manifest surprise as if the growth of the Soviet Navy were a sudden and unexpected phenomenon.

In point of fact, the Soviet Navy in its present alarming proportions and equally alarming future developments, already carefully planned, did not emerge overnight or by accident. It is the result of a long, persistent, patient effort, with some hesitations as to methods and intermediate objectives, but none as to ultimate goals.

Prior to, during, and after World War II, the Soviet Navy was a relatively negligible force and its development is thus really spectacular, especially if one realizes that it was achieved with limited means and in a mere 20 years.

Immediately after the war, in order to build up a fleet capable of confronting any hostile powers and also impressed by the exploits of the United States and Allied navies, the U.S.S.R. launched upon a naval construction program the first phase of which extended from 1945 to 1953, the time of the death of Stalin.

During those years, the Soviet Union built an important but defensive and conventional fleet, which reflected the influence of foreign, particularly German, shipbuilding techniques. In the United States there was complacency. We knew that the Soviets did not have the large ports and extensive facilities, or the technology to build heavy ships that could match our carriers and destroyers.

From 1945 to 1953, the Soviet Union thus built close to 20 cruisers, 70 destroyers, 50 escort ships, more than 200 submarines, several hundred patrol boats, and numerous auxiliary and support craft. This fleet was one adapted for operations in narrow seas and for coastal defense, a defensive type naval force, in short.

The United States remained complacent. Starting with 1955–56, after 2 years of dissension, the Central Committee of the CPSU launched out on a far broader policy of shipbuilding which had these immediate objectives; namely, the building of missiles and the creation of a truly oceanic fleet of submarines and warships capable of operating far from their naval bases and equipped with nuclear or conventional guided missiles.

The founder of the modern Soviet navy, Admiral Gorshkov, himself wrote in 1967 as follows:

> In the middle of the fifties, within the framework of the revolution in military art, the Central Committee of our Party defined the direction to be followed in the development of our Fleet, as well as its role and place in the Armed Forces. It was decided to build an oceanic force capable of fulfilling strategic offensive tasks by stressing submarine and naval aviation equipped with nuclear missiles.

It is interesting to note that it is precisely in 1955, when the real development of the Soviet Navy began, that Admiral Gorshkov was named commander in chief of the Soviet Naval Forces, a post he still holds.

Enormous credit must be given to Admiral Gorshkov. With inadequate facilities and a limited background of naval experience, the Soviet Union built one of the great navies of history in less than two decades. They were able to accomplish such a task because they were flexible enough to take advantage of the shifts in military technology.

The new technology was primarily in two fields—electronic missilery and nuclear propulsion. Abandoning old designs created for the gunboat era, the Soviets forged ahead with smaller vessels which could be produced in their small shipyards, vessels designed specifically, from the hull up, to accommodate missiles. Instead of the old 15,450-ton cruisers of the *Sverdlov* class, the Soviets turned out the new *Kresta* and *Kynda* missile cruisers of 4,800 and 6,000 tons, respectively, and chose not to build regular carriers at all. Only one *Sverdlov* class cruiser was converted to missiles; all other missile-carrying ships are of new design.

I am not going to enter the debate about whether carriers or cruisers represent the best strategy. The point is that the Soviets decided upon the latter, and moved ahead in that field quickly. They were willing to experiment, even though experimentation sometimes means changes, delays, and cost overruns.

In addition to the cruisers, the early sixties saw the construction of the *Krupny* and *Kildin* class guided missile destroyers, as well as the smaller vessels such as the famous *Osa* and *Komar* missile boats, the *Petya* and *Poti* frigates, and the recent introduction of hydrofoils. These smaller vessels are again made possible because of the introduction of newer electronic guidance systems and improved short-range missiles.

Meanwhile, the Soviets have also embraced nuclear propulsion in the development of their submarine fleet. While five nuclear submarines per year are being built in the United States, the Soviet Union is reported to be building on the average one nuclear submarine per month.

The greatest and most recent development in the Soviet Navy is now that of the Y class 8,000-ton submarine which carries 16 ballistic missile launchers of the Sawfly type. They would seem to be the counterpart of the American SSBN-Polaris and have a range of 1,500 nautical miles. The noise during navigation, which has long been the plague of Soviet submarines, appears to have been considerably reduced. These submarines participated in the *Okean* maneuvers and have been spotted in the Atlantic south of Greenland. An attack from these ships hidden in the ocean, 700 to 800 miles away from the coast could destroy a good part of American air and missile bases without being noted in time by alarm systems.

The Soviets still have 10 nuclear submarines of the H–II class, which they began building in 1959–60. A predecessor of the Y class, the H–II carries only three of the long-range Sawfly missiles, as well as other missiles of 350- to 650-mile range.

In addition, it is believed that a number of additional nuclear powered submarines of the ballistic type are under construction or have been recently launched. A large 300-foot long submarine was reported started at the Gorky yard in 1967. The purpose of this huge vessel is unknown, and may even be a prototype of some underwater launching system similar in purpose to our proposed ULMS.

It has also been reported that a new missile carrying class of nuclear submarine, with 16 launching tubes, has been started. In view of the constant modification and improvement of existing models, this is quite possible.

The Soviets have also shown a similar flexibility in the development of their nuclear attack submarines. The new C class may be considered an attack submarine against both sea targets and medium range land objectives. With a top speed of 30 knots—submerged—and cruise missiles of 400 mile range, their mission is to protect missile ships and also to tail the U.S. SSBN/Polaris submarines in order to attempt to neutralize their action. About one such submarine is being started each month.

The C class attack submarines were preceded by the E I class in 1963 and the E II class in 1964. Despite their slower speed, production appears to be continuing.

Finally, the Soviets have also built two classes of antisubmarine type submarines. The existence of the V class was first reported in 1969. Five have been built today, supplementing the 15 N class antisub submarines built between 1960 and 1965. One of these ships, the *Leninsky Komsomol* sailed to the North Pole in the early sixties.

I have gone into detail on the Soviet nuclear submarines to show the amazing variety of design and purpose, each suited for a different aspect of the Soviet strategy of naval flexibility. There is no need to go into detail on the Soviet conventional submarine fleet, except to point out that they have two classes of conventional ballistic missile submarines, three classes of the guided missile types, and eight classes of conventional fleet submarines, with around 300 vessels in all.

Within the past decade, and especially within the past 5 years, the Soviets have been making very good use of their modern navy, demonstrating the shifting balance of naval power. The very presence of the Soviet ships in increasing numbers and always more frequently in waters in which they had hitherto never ventured, is an element in this shift of the balance of power. This presence has been assiduously cultivated throughout the end of the fifties and especially in the sixties. In 1968, for instance, by Soviet admission, Soviet naval forces visited 26 countries and the following year they visited 38 countries.

The strategy of the U.S.S.R. also appears to be one of accumulation of small, local psychological and if need be military victories. As the Senator from New York has pointed out, the fact that a Soviet missile boat of the *Komar* type sank an Israeli ship in 1967 is still mentioned and commented upon in the foreign press. There is no question that all-out confrontation with the United States is still too risky for the Soviet Navy, but in lieu of this, the Soviets strive to undermine as much as possible the prestige of the United States abroad and to enhance its own.

A policy of isolation of the United States in Europe is carried out through the gradual grouping of anti-NATO forces in the Mediterranean and in North Africa. The Soviet Union is actually waging a sort of naval guerrilla warfare of the psychological type, aimed at achieving its ends without having to resort to actual war. It is a war in which an effort is made to neutralize the effectiveness of giant units through potential of constant harassment, by the presence of new, fast, and effective long-range surface and submarine units equipped with guided missiles. It is thereby hoped to demoralize even further pro-Western forces and to capitalize on the attraction exercised by the presence and local success and carefully planned help of what appears to be the new emerging power.

Mr. President, I appreciate the work and planning which has gone into our own naval polices. But, as a member of the United States Senate, it is past time we became aware of the changing nature of the Soviet naval power. As a Nation, we must understand that we need more flexibility in our naval defenses, and that we need not only new ships, but ships of new classes. We cannot expect to meet the new patterns of naval strategy with vessels which were designed and built for World War II. In my opinion, the U.S. Navy must become again second to none; and, indeed, we have very little choice if we hope to remain free and in a peaceful condition.

The time for commitment—and action—is now.

If the Soviet Union achieves through missile submarines and other naval strength the ability to wipe out a major element of our strategic defense and de-

terrent forces, this Nation for the first time in its history can become subject to military and nuclear blackmail.

Nothing could be more dangerous for the prospect of maintaining the peace. Once achieved, a position of military superiority can be abused in the hands of the wrong people.

For ourselves and for our children such a possibility is intolerable.

Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, in view of the fact that Senators who have spoken under the orders today, have not taken the full time allotted to them, I ask unanimous consent that——

Mr. MOSS. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield, yes, and ask unanimous consent, Mr. President, that the order recognizing the Senator from Delaware (Mr. ROTH) be vacated at this time.

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection, it is so ordered.

Mr. MOSS. Mr. President, on June 29——

Mr. BYRD of West Virginia. Mr. President, under the order, the distinguished Senator from Utah (Mr. Moss) is to be recognized at this time.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BYRD of West Virginia. Mr. President, I beg the Chair's pardon, I was in error. I ask unanimous consent that the time allotted to the distinguished Senator from Kansas (Mr. DOLE), at this time, also be vacated, in view of the fact that he has already spoken.

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

THE STATE OF OUR ECONOMY

Mr. MOSS. Mr. President, on June 29 Secretary of the Treasury Connally, the President's newly designated "chief economic spokesman," talked with the press. He said quite a number of things, but one phrase of his struck me particularly and I quote:

> We are going to require some degree of patience on the part of the American people.

Now patience is a great virtue, but there comes a time when it is exhausted. I for one believe that the American people have run out of patience with the economic mismanagement of this administration. For the past 2½ years, this administration has contrived to manage us into mounting inflation and, simultaneously, into mounting unemployment.

I quote from two letters I have recently received—and I know my Senate colleagues have received many like them:

> DEAR SENATOR MOSS: I am sitting at my kitchen table turning to my last resort, you. My husband has been out of work and can find employment nowhere. He has been to many places including those places where civilians are employed by the Federal government. They will not even accept his application. How can we live on $56 a week with three young children growing up and in school? My husband is a man who has always worked very hard for his family and he is at a very low point especially now that it seems that even his country has no need for him.

> DEAR SENATOR MOSS: The intent of this letter is not meant to be of a "crank nature," but rather a representative situation of many, many people throughout the country.
>
> Until May 1, 1971, I have been a taxpayer for approximately 25 years, with an income of $15,000 annually (my wife and I combined) for the last ten years. Of this sum, the Federal, state and local governments receive approximately 20%. I assume this amount qualifies my family of five as "middle class."
>
> On May 1, 1971, I was terminated from work due to a "reduction in work force." Since that day I have looked constantly for employment but to date I have only remote possibilities.
>
> Week by week I see obligations mount which cannot be taken care of until I am once again employed. By imposing the strictest of budgets, my expenditures almost equal my income (not allowing for food). As a menial step to help alleviate my position, I applied for food stamps which were refused on the basis of too much income.
>
> Mr. Moss, I have never asked anyone for anything in my life but I guess there is always one time that a person must.

How shall we answer letters like these?

Shall we quote the administration's "chief economic spokesman," and ask these bruised and bewildered Americans to exercise "some degree of patience?"

If that be the prescription, then patience is going to be in very heavy demand this summer.

Personally, it sounds to me like preaching patience to a drowning man who is going down for the third time.

Throughout our country, day in and day out, solid hard-working citizens are suddenly finding themselves jobless. The bottom is dropping out of their lives, just as if an earthquake had opened up the ground at their feet.

Today this is happening not only to blue-collar workers, but increasingly to white-collar workers as well. No one, from the millhand and the file clerk all the way up to the executive suite, can feel really secure any more.

Engineers and scientists have been hard hit—and they are having great difficulty finding new jobs. Last December the Government set up a computerized "job bank" to match unemployed engineers and scientists with employers who needed them. Within a few months the project was dropped—because, the Labor Department said, of lack of employer interest.

Mr. Daniel T. Carroll, a top executive of a leading management firm, Booz Allen & Hamilton, has said:

> Unless we get geared up for providing new outlets for these men, we will have a lot of 40 and 50-year-old guys around with nothing to do.

While many long-time white- and blue-collar workers are losing their jobs, millions of other Americans are looking for their first jobs, and all too many are looking in vain. Vietnam war veterans, high school graduates, college graduates, even Ph. D.'s—all are finding the doors to meaningful employment closed against them.

Over one in ten of our Vietnam veterans is currently unemployed. Qualified observers have called the job outlook for high school graduates the worst in a decade, and for college graduates the worst since the depression.

Grim as the job situation is for white youngsters, it is even worse for black. Herbert Hill, a top NAACP official, has said:

> A large portion of this June's black graduates will be in a condition of permanent unemployment, while others go into low-paying dead-end jobs. We have here the basic ingredients for large-scale disorders.

For these and other frustrated Americans, the administration's only word is patience. Indeed, Secretary Connally's answers are even dustier than that. In his press conference, he dismissed the goal of 4-percent unemployment as a "myth"—even though as recently as last year the President's own Council of Economic Advisers set 3.8 percent as its goal.

Incidentally, while dismissing 4-percent unemployment as a myth, Mr. Connally created a myth of his own—that today's high unemployment is due to the winding down of the war.

He could better have acknowledged that it is due to the utter lack of planning, the deplorable lack of timely measures to fit veterans and defense workers into civilian life.

So full of negatives was Mr. Connally's debut as the President's chief economic spokesman that he seemed to be bucking for the title of "Abdominable No-Man."

The administration, he said, would not do this and it would not do that. With unemployment at 5½ million and prices still rising, it has chosen to stand pat.

The whole Connally press conference might, in fact, be characterized as one prolonged pause for stationary announcements.

The President, he said, would not institute a Wage-Price Review Board, he would not step up Government spending, he would not call for a tax cut—at least not for Mr. Average American.

The President has, however, chosen to award a major tax break to business in the form of liberalized depreciation allowances. He has argued that this will result in higher rates of investment. To me, this seems most unlikely.

Today, existing plant and equipment is operating at only 72 percent of capacity. This contrasts with levels between 83 and 90 percent maintained throughout the 1960's. With more than a quarter of our present plant and equipment lying idle, it is hard to see businessmen investing in much new plant and equipment, despite the carrot the President has dangled before them.

In full accord with his accent upon the negative, the President vetoed the accelerated public works bill—even though these public works are urgently needed, both in themselves and as a source of constructive employment, I shall vote to override this veto today.

To give credit where credit is due, I am pleased that he has seen fit to sign the Emergency Employment Act. If he

had signed the similar bill last December—instead of vetoing it—thousands of jobless Americans would already be at work. He is late, very late—but better late than never. I for one welcome his conversion, however belated, to the concept of Federal subsidies for State and local public service jobs.

Having made this start, the President should go further. He should immediately release the more than $12 billion in Federal funds duly appropriated by the Congress for public housing, road building, and conservation projects. By impounding these funds, he is in effect keeping more people out of badly needed jobs.

I, myself, think the Federal Government should go further. It should beef up the present programs for aid to the States and cities in their efforts to arrest urban decay, upgrade the environment, and open the way to useful work and a better life for the depressed segments of the American community. Indeed, where necessary and appropriate, the Government should launch new programs for these worthwhile purposes.

Some may denounce this as spendthrift Government extravagance. To me, it seems to make a virtue out of our present necessities—by taking our idle manpower and productive facilities and putting them to constructive use. To me it seems the soundest kind of investment—an investment both in recovery from our present economic doldrums and in the long-term future of our country.

Actions such as these will have a powerful expansionary effect on the economy as a whole. It is, therefore, essential that the Federal Government move immediately to assure price stability. I agree with Chairman Arthur F. Burns of the Federal Reserve Board that inflation will not abate without a national incomes policy and a stronger Government voice on wages and prices. To make sure that the public interest is fully represented, I urge the establishment of precisely what the President has consistently rejected—a Wage-Price Review Board to focus public opinion on decisions critical to the welfare of our economy as a whole.

As to a tax cut, I concur with Chairman Wilbur Mills of the House Ways and Means Committee that we should keep an open mind on that. I would not advocate any such action until we have had the opportunity to study all the mid-year economic data carefully; among other things, we need to know whether the 5.6 percent unemployment rate in June is largely a statistical aberration, as I suspect, or whether it represents real progress upon which we can build. Meanwhile, we should certainly keep our options open.

Finally, let me turn to some more basic considerations. In 1953 a healthy unemployment rate of only 2.9 percent "cost" us an inflation of less than 2 percent. Today we suffer a 5-percent inflation even though unemployment is running twice the 1953 level. While vast human and capital resources lie idle, prices continue to rise. Clearly, our economic system is not working as well as it should, and as it once did. We certainly need to know why, and then to do something effective about it.

I myself am convinced that a part of the answer lies in the power of large corporations arbitrarily to raise prices even in the face of falling demand. In this regard, the vigorous enforcement of a firm antitrust policy may be our best remedy.

Another part of the problem may be the persistence of bottlenecks of particular kinds of skilled labor even in periods of substantial unemployment; here the upgrading of skills through a well-designed training program can make a distinct contribution.

Then, too, there are notoriously inefficient industries and services which feed inflation, and which urgently need streamlining and modernizing. The construction industry and medical services are prime examples.

However well we manage our economic affairs, there may still from time to time be unemployment in the private sector. In such cases, the Federal Government should function as "the employer of last resort," putting people to work in public service jobs during a recession and moving them back into the private economy as it recovers.

I can say one thing for myself. As I read letters such as those I began these remarks by quoting—heartbreaking letters from bewildered Americans who do not know which way to turn—I have come to one very firm conviction. At our level of political and economic advancement, it is high time we decided, once and for all, to put an end to unemployment, an end so decisive that the very word will one day be labeled "obsolete" in our dictionaries.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business not to extend beyond 1 p.m. with statements therein limited to 3 minutes for each Senator to be recognized.

The Senator from Utah is recognized.

(The remarks of Mr. Moss when he introduced S. 2266 and S. 2267 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR STAR PRINT OF S. 2264, A BILL TO AMEND SECTION 601 OF THE FEDERAL AVIATION ACT OF 1958

Mr. MOSS. Mr. President, on Monday, July 12, I introduced S. 2264, a bill to amend section 601 of the Federal Aviation Act of 1958 to require the installation of collision avoidance systems and pilot indicator systems on certain aircraft. Inadvertently, the bill contained a typographical error in stating the maximum certificated takeoff weights at 2,500 pounds. That figure should read 12,500 pounds. I ask unanimous consent that a star print of the bill be printed correcting the error.

The ACTING PRESIDENT pro tempore (Mr. Chiles). Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the distinguished majority leader to make the following unanimous-consent requests:

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR ADJOURNMENT FROM THURSDAY TO 10 A.M. FRIDAY, JULY 16, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 10 o'clock on Friday morning next.

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

ORDER FOR ADJOURNMENT FROM FRIDAY TO 11 A.M., MONDAY, JULY 19, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in adjournment until 11 a.m. on Monday next.

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

ORDER FOR RECESS FROM MONDAY NEXT TO 10 A.M., TUESDAY, JULY 20, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next it stand in recess until 10 a.m. on Tuesday next.

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

ORDER FOR CONSIDERATION OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL ON TUESDAY, JULY 20, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the recognition of the two leaders under the standing order, the Senate proceed to the consideration of H.R. 9382, the Housing and Urban Development Appropriation bill; that time thereon be limited—and this has been cleared with the distinguished minority leader—to 1 hour on the bill, to be equally divided between the manager of the bill (Mr. Pastore) and the ranking minority member, the Senator from Colorado (Mr. Allott); that time on any amendment be limited to one-half hour, to be equally divided between the mover of the amendment and the manager of the bill, the Senator from Rhode Island (Mr. Pastore).

The ACTING PRESIDENT pro tem-

pore (Mr. CHILES). Without objection it is so ordered.

ORDER FOR CONSIDERATION OF S. 934, THE HEALTH MANPOWER BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the vote today on the motion to override the Presidential veto, the Senate proceed to the consideration of S. 934, the so-called health manpower bill; that time thereon be limited to 2 hours and 15 minutes, with the understanding that 1 hour and 15 minutes be under the control of the manager of the bill, the Senator from Massachusetts (Mr. KENNEDY), and that 1 hour be under the control of the distinguished Senator from Colorado (Mr. DOMINICK), with the further understanding that there be a time limitation on any amendment of 30 minutes, to be equally divided between the mover of the amendment and the manager of the bill, with the exception of an amendment by the Senator from Texas (Mr. TOWER), in connection with which there be 1 hour on the amendment to be equally divided between the mover of the amendment and the manager of the bill; provided further that no amendment not germane may be received; and provided further that Senators who control the time on the bill may yield time therefrom to any Senator on any motion, amendment, or appeal, except a motion to lay on the table.

The ACTING PRESIDENT pro tempore (Mr. CHILES) Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1747

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the disposition of S. 934 the Senate proceed to the consideration of S. 1747, the second health manpower bill, and that time thereon be limited to 1½ hours, to be equally divided between the distinguished manager of the bill, the Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Colorado (Mr. DOMINICK); provided further that there be a time limitation on any amendment of 30 minutes, to be equally divided between the mover of the amendment and the manager of the bill; provided further that no amendment not germane may be received; and provided further that Senators who control time on the bill may yield time therefrom to any Senator on any motion, amendment, or appeal, except a motion to lay on the table.

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection, it is so ordered.

REQUEST FOR YEAS AND NAYS TO BE IN ORDER ON CERTAIN BILLS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order at any time to order the yeas and nays on S. 934, S. 1747, H.R. 9270, H.R. 9382, and H.R. 9272.

The ACTING PRESIDENT pro tempore (Mr. CHILES). Without objection, it is so ordered.

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. 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 Senator from Alabama is recognized.

(The remarks of Mr. SPARKMAN when he introduced S. 2269 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

EXPORT EXPANSION FINANCE ACT OF 1971

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 581.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 581) an act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes which were to strike out all after the enacting clause, and insert:

That (a) this Act may be cited as the "Export Expansion Finance Act of 1971".

(b) The Export-Import Bank Act of 1945 (12 U.S.C. 635 and following) is amended as follows:

(1) Section 2(a) of such Act is amended by inserting "(1)" immediately after "SEC. 2. (a)" and by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank, which budget shall also include the estimated annual net borrowing by the Bank from the United States Treasury. The President shall report annually to the Congress the amount of net lending of the Bank, including any net lending created by the net borrowing from the United States Treasury, which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(2) Section 2(c)(1) of such Act is amended by striking out $3,500,000,000" and inserting in lieu thereof "$10,000,000,000".

(3) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(4) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(5) Section 2(b)(1) of such Act is amended to read as follows:

"(b)(1) It is the policy of the United States to foster expansion of exports of goods and related services, thereby contributing to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States. To meet this objective, the Export-Import Bank is directed in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the Government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters. The Export-Import Bank shall, on a semiannual basis, report to the appropriate committees of Congress its actions in complying with this directive. In this report the Export-Import Bank shall survey all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters and indicate in specific terms the ways in which Export-Import Bank rates, terms, and other conditions are equal or superior to those offered from such other governments directly or indirectly. Further, the Export-Import Bank shall at the same time survey a representative number of United States exporters and United States commercial lending institutions which provide export credit to determine their experience in meeting financial competition from other countries whose exporters compete with United States exporters. The results of this survey shall be included as part of the semiannual report provided for under this section. It is further the policy of the United States that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital; that the Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks, in the formulation and implementation of its programs; that loans, so far as possible consistently with carrying out the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment; and that in authorizing such loans the Board of Directors should take into account the possible adverse effects upon the United States economy."

SEC. 2. In connection with section 2 of Executive Order Number 11387, dated January 1, 1968, and any rule, regulation, or guideline established by the Board of Governors of the Federal Reserve System in connection with a voluntary foreign credit restraint program, there shall be no limitation or restraint, or suggestion that there be a limitation or restraint, on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

And amend the title so as to read: "An Act to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes."

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. BYRD of West Virginia. May I ask if this matter has been cleared with the minority?

Mr. SPARKMAN. The Senator from Texas (Mr. TOWER) is the ranking minority member of the full committee, and I went over with him the clearance of it, and also with the appropriate conferees.

Mr. BYRD of West Virginia. Very well.

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to the bill (S. 581), and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. SPARKMAN, Mr. WILLIAMS, Mr. MONDALE, Mr. PACKWOOD, and Mr. BENNETT conferees on the part of the Senate.

ORDER TO CONSIDER S. 2150, ATOMIC ENERGY COMMISSION AUTHORIZATION BILL ON TUESDAY NEXT — UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, the distiguished majority leader earlier asked me to confer with the distinguished senior Senator from Vermont (Mr. AIKEN) on the following unanimous consent request.

I therefore ask unanimous consent, at the request of the majority leader, having cleared the matter with the distinguished Senator from Vermont (Mr. AIKEN), that upon the disposition of the bill making appropriations for the Department of Housing and Urban Development—scheduled for Tuesday next—the Senate proceed to the consideration of the AEC authorization bill, the time on the bill to be limited to 1 hour, to be equally divided between the Senator from Rhode Island (Mr. PASTORE) and the Senator from Vermont (Mr. AIKEN), if that is satisfactory.

Mr. AIKEN. In my book, that is long enough for any bill. The Senator can bring it up then as far as I am concerned.

Mr. BYRD of West Virginia. Would the Senator agree that the time on the bill be divided between the Senator from Rhode Island and the Senator from Vermont?

Mr. AIKEN. The Senator from Vermont is not anxious for it.

Mr. BYRD of West Virginia. Whom does the Senator suggest?

Mr. AIKEN. I will accept it for the time being.

Mr. BYRD of West Virginia. I thank the Senator.

I further ask unanimous consent that the time on the bill be equally divided between the Senator from Rhode Island (Mr. PASTORE) and the Senator from Vermont (Mr. AIKEN), and that the time on any amendment thereto be limited to one-half hour, to be equally divided between the mover of the amendment and the manager of the bill, Mr. PASTORE.

Mr. AIKEN. That will be satisfactory.

Mr. BYRD of West Virginia. I ask unanimous consent, further, that no amendment not germane be received, and that Senators in control of the time on the bill may yield time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That on Tuesday, July 20, 1971, following the recognition of the two leaders, the Senate proceed to the consideration of the HUD Appropriation Bill (H.R. 9382) with debate limited thereon to 1 hour to be equally divided and controlled by the Senator from Rhode Island (Mr. PASTORE) and the Senator from Colorado (Mr. ALLOTT). Provided that time on amendments be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill, with the exception of an amendment by the Senator from Minnesota (Mr. MONDALE) which shall be granted time subsequently. Provided further, that no amendment not germane shall be received, and time may be allotted from the bill to any amendment, motion or appeal except a motion to table.

Ordered further, That following the disposition of H.R. 9382 the Senate proceed to the consideration of the AEC Authorization bill (H.R. 9388) with debate limited thereon to 1 hour to be equally divided and controlled by the Senator from Rhode Island (Mr. PASTORE) and the Senator from Vermont (Mr. AIKEN). Provided that time on amendments be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill, (Mr. PASTORE). Provided further, that no amendment not germane shall be received and time may be allotted from the bill to any amendment, motion or appeal except a motion to table. (July 14, 1971)

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

AGREEMENTS PROVIDING FOR FOREIGN CURRENCIES

A letter from the General Sales Manager of the Export Marketing Service reporting, pursuant to law, on agreements signed providing for foreign currencies (with accompanying papers); to the Committee on Agriculture and Forestry.

TRANSFERS OF AMOUNTS APPROPRIATED TO THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense reporting, pursuant to law, on the transfers of amounts appropriated to the Department; to the Committee on Appropriations.

PROPOSED LEGISLATION REGARDING APPOINTMENT OF PERSONS TO SERVICE ACADEMIES

A letter from the Secretary of the Navy submitting proposed legislation to permit the appointment by the President of certain additional persons to the service academies (with accompanying papers); to the Committee on Armed Services.

REPORT OF THE U.S. TRAVEL SERVICE

A letter from the Secretary of Commerce submitting, pursuant to law, the program report of the U.S. Travel Service for the calendar year 1970 (with accompanying report); to the Committee on Commerce.

REPORT OF THE DISTRICT OF COLUMBIA BAIL AGENCY

A letter from the chairman of the Executive Committee of the District of Columbia Bail Agency submitting, pursuant to law, the annual report of the District of Columbia Bail Agency (with accompanying report); to the Committee on the District of Columbia.

REPORTS OF THE COMPTROLLER GENERAL

A report of the Comptroller General of the United States submitting, pursuant to law, a report entitled "Construction of Watershed Projects Terminated or Delayed Because of Land Rights Problems" (with accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on need for improved administration of the Davis-Bacon Act noted over a decade of General Accounting Office reviews, Department of Labor, dated July 14, 1971 (with an accompanying report); to the Committee on Government Operations.

EXTENSION OF THE INDIAN CLAIMS COMMISSION

A letter from the Chairman of the Indian Claims Commission submitting proposed legislation to extend the life of the Indian Claims Commission (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT CONCERNING THE IMPACT OF THE CURRENT RAIL STRIKE

A letter from the Secretary of Defense, transmitting, pursuant to law, a report concerning the impact of the current rail strike on the movement of goods vital to the national defense (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF THE ENVIRONMENTAL PROTECTION AGENCY

A letter from the Administrator of the Environmental Protection Agency submitting, pursuant to law, a report concerning the development of systems necessary to attain the motor vehicle and engine emission standards established under law (with accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. CHILES):

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Appropriations:

"RESOLUTIONS MEMORALIZING CONGRESS TO APPROPRIATE FORTHWITH THE FULL FUNDING AUTHORIZED BY THE LEAD-BASED PAINT POISONING PREVENTION ACT OF 1971

"*Whereas*, It is estimated that 400,000 children suffer lead-based paint poisoning annually; and

"*Whereas*, It is estimated that over 200 children will die and another 4,000 children

will suffer moderate to severe brain damage this year due to said poisoning; and

"*Whereas,* Said tragedy is solely a product of man and has been been ascertained to be preventable; and

"*Whereas,* The Congress of the United States has enacted the Lead-Based Paint Poisoning Prevention Act of 1971 and that said act would provide for programs of detection, prevention, treatment and education; and

"*Whereas,* Meaningful implementation of said act is of crucial importance to the citizens of the commonwealth; therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby strongly urges that the Congress of the United States appropriate forthwith all funds necessary to implement the Lead-Based Paint Poisoning Prevention Act of 1971; and be it further

"*Resolved,* That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, the Secretary of Housing and Urban Development and the Secretary of Health, Education and Welfare, to Senators Allen J. Ellender and Warren G. Magnuson, to Representatives George H. Mahon and Daniel J. Flood, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS URGING THE GOVERNMENT OF NORTH VIETNAM TO WITHDRAW ALL COMMUNIST TROOPS FROM SOUTH VIETNAM, LAOS AND CAMBODIA AND TO RELEASE FORTHWITH AMERICAN PRISONERS OF WAR

"*Whereas,* The government of the United States is being urged to withdraw all its troops from South Vietnam; and

"*Whereas,* This calls for unilateral action by one of the parties to the conflict and this action should be bilateral and binding on all parties involved in this conflict; therefore be it

"*Resolved,* That the Massachusetts House of Representatives urgently requests the government of North Vietnam to immediately withdraw all communist troops from South Vietnam, Laos and Cambodia and to release forthwith all American prisoners of war; and be it further

"*Resolved,* That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the Government of North Vietnam and to David Bruce, Chief American Legislator at the Paris Peace talks and to the President of the United States, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

RESOLUTION 10: RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES GRANTING CITIZENS EIGHTEEN YEARS OF AGE OR OVER THE RIGHT TO VOTE IN STATE ELECTIONS

"Whereas, the 92nd Congress of the United States of America at its first Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"JOINT RESOLUTION

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE

"Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

" 'Section 2. The Congress shall have the power to enforce this article by appropriate legislation.'

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

"1. The proposed amendment to the Constitution of the United States as herein shown be and the same is hereby ratified.

"2. Duly authenticated copies of this resolution shall be forwarded by the Clerk of the House to the Administrator of General Services, Washington, D.C. and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works;

"ASSEMBLY JOINT RESOLUTION NO. 33—RELATIVE TO FEDERAL DISASTER RELIEF FUNDS

"Whereas, On the ninth day of February, 1971, the President declared a 'major disaster' in the State of California under the provisions of Public Law 606, 91st Congress, as amended (the Federal Disaster Relief Act of 1970); and

"Whereas, Hospitals were among the structures most severely damaged by the earthquake disaster, including the Veterans Administration Hospital in Sylmar, the Los Angeles County Olive View Hospital, the Holy Cross Hospital in Mission Hills, and the Pacoima Memorial Lutheran Hospital in Lakeview Terrace; and

"Whereas, Holy Cross Hospital and Pacoima Memorial Hospital are private, self-supporting hospitals which were constructed in part with funds made available under federal grants; and

"Whereas, Federal grants are not available to repair the damage caused such hospitals by the earthquake disaster, under the provisions of P.L. 91-606; and

"Whereas, Holy Cross and Pacoima Memorial Lutheran Hospitals are severely handicapped, by the inoperable condition of their facilities, in their efforts to raise the necessary funds to support the cost of reconstruction; and

"Whereas, These medical facilities have served the health needs of the public in the Northeast San Fernando Valley area; and

"Whereas, Holy Cross had provided a 24-hour medical doctor attendant emergency service, four major operating rooms, which normally functioned seven days a week, 209 medical surgical beds, and 50 convalescent patient beds; and

Whereas, Pacoima Memorial Lutheran had provided a 24-hour medical doctor attendant emergency, three major operating rooms, 109 medical surgical beds, and a six-bed mental health center; and

Whereas, Holy Cross and Pacoima Memorial Lutheran contributed to the economic life of the area through the creation of 875 jobs; and

"Whereas, The costly task of restoring the availability, accessibility, and caliber of health services equal to or better than that which existed prior to February 9, 1971, may prove prohibitive if dependent solely on private funds; and

"Whereas, This would result in a great loss to the communities of the Northeast San Fernando Valley; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend Public Law 91-606 so that grants can be made available to private hospitals such as Holy Cross and Pacoima Memorial Lutheran Hospitals to repair the damage caused such hospitals by the earthquake disaster; and be it further

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

A resolution of the Governing Body of the Yavapai-Apache Tribe of the Camp Verde Reservation, concerning transfer of Federal surplus lands; to the Committee on Interior and Insular Affairs.

A resolution of the Arkansas Law Enforcement Officers Association, Inc., Little Rock, Ark., in tribute to Senator MCCLELLAN; which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Appropriations, with amendments:

H.R. 9270. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-253).

By Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S.J. Res. 52. A joint resolution increasing the authorizations for comprehensive planning grants and open-space land grants (Rept. No. 92-254).

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

S. 2227. A bill to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library (Rept. No. 92-255);

S. Res. 142. A resolution authorizing the printing of the study entitled "The Human Cost of Soviet Communism" as a Senate document (Rept. No. 92-256); and

S. Res. 150. An original resolution authorizing the printing of the 72d annual report of the National Society of the Daughters of the American Revolution as a Senate document (Rept. No. 92-257).

S. Con. Res. 34. An original concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 91st Congress as a Senate document (Rept. No. 92-258).

H.J. Res. 169. A joint resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes (Rept. No. 92-259).

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

S. Con. Res. 31. A concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document (Rept. No. 92-260).

H. Con. Res. 242. A concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs (Rept. No. 92-261).

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

S. Res. 69. A resolution authorizing the printing as a Senate document of the history of the Senate Committee on Government Operations (Rept. No. 92-262).

EXECUTIVE REPORTS OF COMMITTEES

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

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

Andrew A. Aines, of Virginia; Catherine D. Scott, of the District of Columbia; Martin Goland, of Texas; Louis A. Lerner, of Illinois; Charles A. Perlik, Jr., of Virginia; John G. Kemeny, of New Hampshire; Bessie B. Moore, of Arkansas; Alfred R. Zipf, of California; Joseph Becker, of Maryland; Carlos A. Cuadra, of California; John E. Velde, Jr., of Illinois; W. O. Baker, of New Jersey; Frederick Burkhardt, of New York; and Leslie W. Dunlap, of Iowa, to be members of the National Commission on Libraries and Information Science; and

W. W. Little, of Arizona; Peter J. Bensoni, of Minnesota; Robert W. McVay; of Missouri; Charles E. Schwab, of New York; and Howard L. Hartman, of California, to be members of the Federal Metal and Nonmetallic Mine Safety Board of Review.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GAMBRELL:

S. 2265. A bill to provide for the fair and equitable apportionment of delegate to conventions held for the purpose of nominating candidates for the offices of President and Vice President, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. MOSS (for himself, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. CANNON, Mr. CRANSTON, Mr. FANNIN, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUMPHREY, Mr. JAVITS, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, and Mr. WILLIAMS:

S. 2266. A bill to amend section 734 of title 44, United States Code, to require the Public Printer to furnish recycled material for the official use of the Senate and House of Representatives; and

S. 2267. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the CONGRESSIONAL RECORD. Referred to the Committee on Rules and Administration:

By Mr. INOUYE:

S. 2268. A bill for the relief of Maria Della Barnes. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 2269. A bill to amend title XI of the National Housing Act to authorize mortgage insurance for the construction or rehabilitation of medical practice facilities in certain areas where there is a shortage of doctors. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GURNEY:

S. 2270. A bill for the relief of Magnus David Forrester. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2271. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence. Referred to the Committee on Finance.

S. 2272. A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER (for himself, Mr. HANSEN, Mr. STEVENS, and Mr. PEARSON):

S. 2273. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States. Referred to the Committee on Finance.

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

S. 2274. A bill to create one additional permanent district judgeship in the Middle District of Tennessee. Referred to the Committee on the Judiciary.

By Mr. TAFT:

S. 2275. A bill for the relief of Wolfgang Kutter. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 2276. A bill to amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting the requirements of the Wholesome Fish and Fishery Products Act of 1971. Referred to the Committee on Commerce.

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

S. 2277. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, and for other purposes. Referred to the Committee on Public Works.

By Mr. BAKER:

S. 2278. A bill to provide accelerated assistance for economic emergency areas. Referred to the Committee on Public Works.

By Mr. MAGNUSON (for himself, Mr. HARTKE, Mr. CRANSTON, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. JACKSON, Mr. KENNEDY, Mr. INOUYE, Mr. MATHIAS, Mr. MCCLELLAN, Mr. MCGOVERN, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, and Mr. TUNNEY):

S. 2279. A bill to authorize the Secretary of Transportation to provide for comprehensive regional planning and development of transportation, including therein the undertaking of research and development, the conducting of demonstrations, the construction of transportation systems and facilities, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2280. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and for other purposes. Referred to the Committee on Commerce.

By Mr. HANSEN:

S. 2281. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation for the modification of Seminoe Dam. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2282. A bill for he relief of Milagro de la Paz Posada. Referred to the Committee on Judiciary.

By Mr. FANNIN:

S. 2283. A bill to provide for the construction and improvement of a certain road on the Navajo Indian Reservation. Referred to the Committee on Interior and Insular Affairs.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 2284. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, Mr. BIBLE, Mr. SCOTT, and Mr. PELL):

S.J. Res. 131. A joint resolution authorizing and requesting the President to issue a proclamation to commemorate the 125th anniversary of the Smithsonian Institution. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GAMBRELL:

S. 2265. A bill to provide for the fair and equitable apportionment of delegates to conventions held for the purpose of nominating candidates for the offices of President and Vice President, and for other purposes. Referred to the Committee on Rules and Administration.

NATIONAL POLITICAL CONVENTIONS ACT

Mr. GAMBRELL. Mr. President, approximately 1 year from today the Democratic National Convention will assemble at Miami Beach, Fla., for the purpose of nominating the candidates of that party for the offices of President and Vice President of the United States and the adoption of that party's campaign platform for the presidential elections in 1972. Shortly after that convention, the Republican National Convention will meet for similar purposes.

While both meetings may appear at this time to be a safe distance off, within which any needed imperfections in their makeup can be identified and disposed of, we all recognize that actually the time is very short in terms of the time required to effect reforms and adjustments in a national political institution. The processes of delegate selection are now in the process of formulation within both national political parties, and the actual election or selection of delegates will commence shortly after the first of January 1972, now only a few months away.

Recent developments affecting both of our national political parties, as well as experiences at both party conventions in the past, lead me to conclude that certain basic reforms should be established as a matter of national policy for all national political parties, and should be inserted into the presidential nominating system at the earliest possible time.

There may have been a time when these conventions were the private affair of the political upper crust of this country. Other than the names of the nominees and the party's platform, what took place at the convention was little known and understood by the average citizen, and was thought by many, political leaders and citizens alike, to be no business of the average man.

With the advent of television, and a better informed, and I might say more concerned citizenry, national political conventions have become a better understood mechanism in our system of government. Unfortunately, what these conventions have become known for and understood to be, is, on the one hand, a cut and dried performance with a predetermined grand finale or, on the other hand, a raucous public spectacle more akin to a cowboys and Indians movie.

In either event, the citizen back home hardly has the impression of the serious business of selecting the leadership for the most powerful country in the world, through the orderly workings of a democracy.

In my judgment, the serious and concerned citizens of this country, especially its young people, want to be accorded a full and fair measure of participation in national political conventions, and want these conventions to be conducted on a fair and orderly basis, free of hypocritical showmanship and political opportunism.

Also, in my judgment, the establishment of a clear national policy for fair representation to all citizens at such conventions, with delegates who are selected on a democratic basis will reduce to a minimum the problems of internal and external disorder at these conventions.

It is with this in mind that I have today introduced a bill to be called "The National Political Parties and Conventions Act of 1971." The purpose of the bill is to provide all persons, States, and sections of the country with an equal opportunity for participation in the national conventions and the management of national political parties.

The act provides:

First. For apportionment of delegates to national political conventions among the States represented, on a one-man, one-vote basis, in accordance with total population.

Second. For the apportionment of national committee membership on the same basis.

Third. For the selection of national convention delegates and national committee members by democratic processes.

Fourth. For uniform enforcement of national convention rules among delegates and delegations.

Fifth. That bribery of a convention delegate shall be a felony.

The apportionment, and the processes of selection, of national committee members, and national convention delegates, have been the subject of increasing controversy affecting both political parties. Both the Democratic and Republican Parties are defendants in pending litigation respecting the apportionment of convention delegates. Lower Federal courts have given conflicting answers as to the requirements of law regarding the such apportionment. One can hardly predict with any feeling of certainty what the ultimate answer from the courts might be, and when it will be forthcoming. However, I think it is safe to say that courts will only tell us what is permissable in this respect, but will fail to give any positive guidelines, so that the ultimate question, unless settled by Federal legislation, will continue to irritate and disrupt the proceedings of both parties.

And what is true with respect to the apportionment of delegates at national conventions, is true, and possibly more of an irritation, in regard to representation on the national committees of our national political parties, which control the affairs of these parties in the four year interims between conventions.

The yardstick for apportionment of delegates and national committee members which I have suggested, the one-man, one-vote measure based on total population, is one which is distinctly fair and equal, easy to administer, and one which will keep our national political parties broadly representative, rather than being continually narrowed and self-centered in their points of view.

The requirement of democratic processes, either by primaries or by truly representative conventions, should also be a matter of unequivocal national policy.

It might be said that the subject matter of this bill is the private province of the parties themselves, to be settled within the four walls, to the satisfaction of those who wish to play a major part in party activity. The adoption of this attitude would be to ignore the lessons of recent history in this country which reject the ideas that political party activities are the exclusive playgrounds of public and party officers, and that the people are satisfied to accept whatever political fare may be yielded by the existing system.

There is a broad movement within the country to reform our political parties and political institutions. The reapportionment decisions of the Supreme Court and other Federal courts are well known, and the principle of one-man, one-vote in a representative democracy has become a constitutional mandate. The Supreme Court has also, for many years, recognized that nominating processes which are sanctioned by State law are subject to Federal regulation under the 14th amendment of the U.S. Constitution. The provisions of this bill do not intrude unduly upon the internal affairs of any political party. They simply establish broad guidelines assuring equality and fair play in the nominating and the governing processes.

The National Democratic Party, and many State democratic parties, including that of my own State of Georgia, are in the process of reforming their own rules and procedures. The requirements of a democratic method of delegate selection is one of those which has been adopted by the National Democratic Party.

As chairman of the State democratic party in Georgia I had the opportunity of instituting a complete overhaul of our State party organization, including the processes of national convention delegate selection. What is proposed in this bill is entirely consistent with what is being done in Georgia, and what is being done in the National Democratic Party.

I am not familiar with the organization, structure, nor the delegate selection processes of the National Republican Party. However, I do not see how the Republican Party, or any of its leaders, could possibly disagree with the requirements of this bill if they believe in the democratic process, fair representation, and equal protection of the law.

Other provisions of the bill assure that convention rules and procedures will be clearly established in advance, will be uniformly applied, and strictly enforced. Many times in the past, delegations selected for a convention in good faith, have been excluded from participation under rules, and political compromises developed on the convention floor. The certain knowledge that rules will be equally and uniformly enforced throughout the convention, will further minimize the possibility of disorder and adverse public reaction.

Finally, the introduction of completely democratic processes of delegate selection is very likely to result in the selection of many "little people" and those without previous political identification. If these conventions are to be responsive to public sentiment, and are to gain in public confidence and respect, the selection of such persons is very much to be desired. However, there may be some temptation upon powerful political and economic forces to bring pressures on these independent convention delegates contrary to their own principles, and contrary to the wishes of their constituents. For this reason, the proposed bill makes bribery of a convention delegate a felony, and imposes severe criminal penalties as a means of avoiding corrupting influences in connection with convention activities.

Mr. President, it goes without saying that I believe that legislation of this type is urgently required in the public interest. The average American intensely wishes to have a meaningful part in the selection of his party's candidate for President, and in the establishment of its policies. In viewing the proceedings of our national political parties and conventions, he has a haunting feeling that things are not right, but also feels helpless to do anything about it. These important considerations should not be left to the inadequate processes of the court system to be worked out, and the citizens should not be relegated to "political remedies" which he is powerless to effect. By adopting the simple guidelines set forth in this bill, the average American citizen is put back in the driver's seat in the political affairs of this country, each on an equal basis with the other. Surely no one will quarrel with an objective such as that.

I plan to submit this proposal to the leadership of both parties, and invite any Member of the Senate, of either party, to join me in cosponsoring this bill.

In any event, I hope that those in charge of such matters, will see that the bill receives prompt and thorough consideration. A delay of more than several months in its enactment, is in effect to defer these vital reforms for at least another 4 years.

Mr. President, I send the bill to the desk for appropriate reference and I ask unanimous consent that it be printed in the RECORD.

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

S. 2265

A bill to provide for the fair and equitable apportionment of delegates to conventions held for the purpose of nominating candidates for the offices of President and Vice President, 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 "National Political Conventions Act."

DECLARATION

SEC. 2. The Congress finds that conventions held by national political parties for the purpose of nominating candidates for the offices of President and Vice President constitute an integral part of the process by which such officers are chosen by the people of the United States. It is the purpose of this Act to provide equal protection of the laws and due process of law in that process by requiring that delegates from the several States to such conventions be apportioned among the several States on a fair and equitable basis, by requiring the composition of the national committees of such parties to reflect fairly the distribution of population among the several States, by requiring the promulgation, within a reasonable time before each such convention is held, of the rules under which such convention shall be conducted, and otherwise to improve and protect the integrity of the convention nomination process.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "national political party" means a political party members of which were candidates for election as electors of the President on the official ballot of more than 19 States in the most recent election held for the election of presidential electors;

(2) "national committee" means the organization which manages the affairs of a national political party, or, if such responsibility resides in or is delegated to more than one committee or organization, each such committee or organization;

(3) "democratic process" means—

(A) election by the members of the public who are eligible to vote in Federal elections;

(B) election by members of a political party, if such election is conducted in a manner which protects equally the opportunity of each member of such party, who is eligible to vote in Federal elections, to participate in the selection process; or

(C) selection by a caucus, committee, or convention of a political party if the members of such caucus or committee, or the delegates to such convention, were selected in a manner which protects equally the opportunity of each member of such party, who is eligible to vote in Federal elections, to participate in the process by which such members or delegates are selected;

(4) "convention", except as used in paragraph (3), means a convention held by a national political party for the purpose of nominating candidates for election to the offices of President and Vice President; and

(5) "State" means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Canal Zone.

APPORTIONMENT OF CONVENTION DELEGATES

SEC. 4. (a) Each national political party which meets in convention shall apportion delegates to such convention among the States represented there on the basis of the population of such States as determined by the most recent decennial census.

(b) Each such party shall require that—

(1) delegates be selected by a democratic process;

(2) not more than 20 percent of the delegates from any State shall be chosen from such State at large; and

(3) not less than 80 percent of the delegates from any State shall be chosen from, and by residents of, districts within such State—

(A) the population of which is not in excess of the average population of the districts within such State from which Members of the House of Representatives may be elected; and

(B) which are substantially equal in population.

(c) Any delegate chosen from a district from which a Member of the House of Representatives may be elected shall be held and considered to have been chosen in accordance with the provisions of paragraph (3) of subsection (b), if all delegates to whom such paragraph applies from the same State are so chosen.

(d) Each State shall be entitled to at least one delegate.

APPORTIONMENT OF NATIONAL COMMITTEES

SEC. 5. Each national political party shall provide that its national committee shall be composed of members of the party from the several States selected by a democratic process and so apportioned as to reflect the distribution of population among the several States. One individual may represent more than one State on any such committee if each individual on such committee represents areas of substantially equal population. If more than one individual on any such committee represents the same State, each such individual shall be chosen from districts of substantially equal population within such State.

PROMULGATION OF CONVENTION RULES

SEC. 6. (a) Each national political party shall promulgate rules governing—

(1) the selection and apportionment of delegates to its convention by a democratic process;

(2) the procedure for challenging the right of any delegate or delegation to participate in such convention; and

(3) convention procedures generally.

(b) Rules promulgated under paragraph (2) of subsection (a) shall, in addition to any other provisions, permit the challenge of the right of any delegate or State delegation to participate in such convention by any other delegate or State delegation to such convention whether or not the challenging delegate or State delegation is being challenged.

(c) Rules promulgated by a national political party with respect to its convention shall be applied equally and with uniformity to all delegates and all State delegations.

(d) Rules promulgated under this section shall be promulgated not less than 120 days prior to the date on which the convention convenes, but shall be subject to change after promulgation in accordance with procedures established by the party by which they were promulgated.

PENALTY FOR UNFAIRLY INFLUENCING DELEGATES

SEC. 7. No person shall offer or attempt to offer to any delegate to a convention held by a national political party any inducement in money, property, or other benefit in order to influence any vote of such delegate at such convention, and no such delegate shall accept or receive any such inducement. Violation of the provisions of this section is punishable by imprisonment for not less than one nor more than three years, by a fine not less than $1,000 nor more than $10,000, or both.

JURISDICTION OF FEDERAL COURTS

SEC. 8. In addition to any other District Court of the United States having jurisdiction, the District Court of the United States for the district within which a convention of a national political party is being held, or within which is located the designated site of such a convention, and the District Court of the United States for the District of Columbia shall have jurisdiction to entertain and adjudge any claim of violation of this Act, and any claim of violation of rights under the Constitution of the United States at or in connection with such convention.

EFFECTIVE DATE

SEC. 9. (a) Except as provided in subsection (b), this Act shall take effect upon the date of its enactment.

(b) The provisions of sections 4, 5, and 6(a)(1) shall take effect with respect to any national political party on the earlier of—

(1) the date of the adjournment of its convention next held after the date of enactment of this Act; or

(2) September 1, 1972.

SEVERABILITY

SEC. 10. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

By Mr. MOSS (for himself, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. CANNON, Mr. CRANSTON, Mr. FANNIN, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUMPHREY, Mr. JAVITS, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, and Mr. WILLIAMS):

S. 2266. A bill to amend section 734 of title 44, United States Code, to require the Public Printer to furnish recycled material for the official use of the Senate and House of Representatives; and

S. 2267. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record. Referred to the Committee on Rules and Administration:

Mr. MOSS. Mr. President, I am introducing today, for appropriate reference, two bills that will go a long way toward establishing congressional leadership in the use of recycled materials. Recycling of solid waste is an answer to two of our most pressing environmental problems—the disposal of solid waste from municipal, industrial, and agricultural sources and the depletion of our supply of natural resources. Both of these problems will intensify in the years ahead. We must begin to act now to solve them.

Last year, municipalities across the country spent over $4½ billion to collect 350 million tons of solid waste—nearly 2 tons for every American citizen. This amount is expected to double by 1980.

This solid waste is a veritable gold mine of raw materials. Potentially, we could reclaim 200 million tons of waste paper per year. That represents about 3 billion trees. Recycling of discarded steel, tin, and aluminum could increase our available supplies of these metals by 25 million tons a year. Over 20 million tons of glass annually finds its way into our solid waste; it can be recovered and made into glass products, building materials, and even "glassphalt" for paving streets.

Incredibly, rather than "mining" this rich source of materials, we throw it away. We burn it, causing air pollution, dump it, causing water pollution, or bury it, which causes its own special problems. Less than 6 percent of our landfills are really sanitary, and we are rapidly run-

ning out of space for them around our cities.

Why have we been so shortsighted in neglecting this valuable source of raw materials? Habit and prejudice are two reasons. But there is a further reason for our underutilization of our solid waste resources that should especially concern us here today—Federal policy. The Federal Government, through its procurement and regulatory policies, actually discourages the manufacture of products made from secondary materials. For instance, freight rates, regulated by the Federal Government, are apparently cheaper for primary materials than for scrap. Often, the Federal Government itself refuses to buy products made from recycled materials. A recent survey by the General Services Administration showed that 175 out of 250 Federal paper specifications contained restrictions that effectively preclude the use of recycled paper by the Federal Government.

We can begin to redirect Federal policy in this regard by acting on several fine bills already introduced in this Congress. My distinguished colleague from New York (Mr. JAVITS) has introduced several bills and amendments that would establish the responsibility for the maximum feasible use of recycled materials in Federal grants and contracts. My colleagues from Nevada (Mr. CANNON) and Arizona (Mr. FANNIN) have introduced bills that would do the same for procurement by all Federal agencies. I am proud to be a cosponsor of these measures.

The two bills I am introducing today relate specifically to the day-to-day operations of Congress. It hardly seems logical that Senators cannot obtain recycled paper for their own office use through the Government Printing Office. Yet this is the case. I will shortly send out a newsletter on recycled paper. Normally, paper for this purpose would come out of the annual paper allotment that each Senator receives. But because I wish to use recycled paper, I will have to spend money out of my own pocket to purchase the paper.

Surely, this is an ironic state of affairs. We should encourage—not financially penalize—those who wish to use recycled paper. My first bill would do just that, by making recycled paper available on the same basis as other paper, to those Senators and Representatives who wanted it for office use.

My second bill requires that the CONGRESSIONAL RECORD be printed on paper that has been substantially recycled. The Administrator of the Environmental Protection Agency recently called on the publishers of our Nation's newspapers to clean their own houses by beginning to use recycled paper for newsprint. We in Congress, as publishers of our own journal, should do no less. I should add that a number of newspapers throughout the country are presently using newsprint made from recycled fibers. They have found it very satisfactory.

These bills tackle only a small part of our problems of solid waste management. They tap only a small area of the enormous potential for use of recycled materials. Yet I believe they have a significance far beyond the actual amount of paper involved. These bills would establish Congress' leadership in the use of recycled materials. Because communications from our offices go out to millions of our citizens annually, the impact of our use of recycled paper for correspondence and newsletters will be truly significant. The use by Congress of recycled paper will be an example to businesses and offices around the country, and—not incidentally—to agencies of the Federal Government. Finally, by the use of recycled paper, we can make our own contribution to solving environmental problems. I believe that we ought to make this commitment.

I ask unanimous consent to have the text of these two bills printed in the RECORD.

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

S. 2266

A bill to amend section 734 of title 44, United States Code, to require the Public Printer to furnish recycled material for the official use of the Senate and the House of Representatives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 734 of title 44, United States Code, is amended—

(1) by inserting before "Upon" the subsection designation "(a)"; and

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

"(b) All or any part of the stationery, blank books, tables, forms, and other necessary papers furnished for official use under this section shall contain, upon the request of the individual or committee on whose behalf such papers are requisitioned, not less than 50 percent recycled material. For the purpose of this subsection, the term 'recycled material' means any paper which (1) has served the purpose for which it was originally manufactured, (2) has been scrapped or otherwise discarded as an element of solid waste, and (3) has been recovered in whole or in part and reprocessed into a new raw material used in the manufacturing process of new paper, but such term does not mean those materials generated by the paper manufacturing process and reused within a plant as part of such process."

SEC. 2. The amendments made by the first section of this Act shall become effective thirty days after the date of enactment of this Act.

S. 2267

A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 9 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 911. Congressional Record: use of recycled paper

"Paper used in the printing of the Congressional Record shall contain not less than 50 percent recycled material. For the purpose of this section, the term 'recycled material' means any paper which (1) has served the purpose for which it was originally manufactured, (2) has been scrapped or otherwise discarded as an element of solid waste, and (3) has been recovered in whole or in part and reprocessed into a new raw material used in the manufacturing process of new paper, but such term does not mean those materials generated by the paper manufacturing process and reused within a plant as part of such process."

(b) The analysis of that chapter is amended by adding below item 910 a new item as follows:

"911. Congressional Record: use of recycled paper."

SEC. 2. The amendments made by the first section of this Act shall become effective 30 days after the date of enactment of this Act.

RECYCLED PAPER FOR CONGRESS

Mr. PROXMIRE. Mr. President, I am pleased to have the opportunity to cosponsor the two bills introduced today by the distinguished Senator from Utah (Mr. Moss). Both bills will go a long way toward helping us to reuse our natural resources.

The bills would make recycled paper available for use in congressional offices through the regular paper allotment system and require the use of recycled paper in the printing of the CONGRESSIONAL RECORD.

The Senator from New York (Mr. JAVITS) and other Senators have submitted amendments to require that recycled materials be used in the vast array of Government projects and operations. The bills which Senator Moss submits today start at the other end and would have Congress take the lead in the recycling movement.

Mr. President, it is essential that we conserve our natural resources. Every year, the Federal Government uses over 400,000 tons of paper. Virtually all of this is nonrecycled paper and thus requires the felling of over 6.7 million trees.

It is also essential that we reduce the amount of waste coming into our solid waste disposal facilities. The Office of Solid Waste Management tells us that every American disposes of 6 pounds of solid waste every day, 365 days a year. Between 40 and 54 percent of that waste by weight is paper or paper products. If this paper is reused or recycled, we can substantially reduce our solid waste problem and, hence, the tremendous demands on our land and our vaste disposal agencies.

By using more recycled paper, Congress can encourage the growth of the recycled paper industry. Already three major paper companies have started to manufacture 100-percent recycled paper. Significant economies of scale are certain to follow such advances.

There are other advantages of recycled paper. The manufacturing process creates only 3 pounds of leftover waste per 100 pounds, compared with 35 pounds per hundred in the process of manufacturing primary paper. Recycled paper stretches less on printing presses and has a tighter, firmer fiber knit than does primary paper. Also, the bleaching process for de-inked recycled paper does not produce polluting effluents.

As Senators we can lead the way in the recycling movement. I hope the Senate will act quickly—and favorably—on the two bills put forward by the distinguished Senator from Utah.

By Mr. SPARKMAN:

S. 2269. A bill to amend title XI of the National Housing Act to authorize mortgage insurance for the construction or rehabilitation of medical practice facilities in certain areas where there is a shortage of doctors. Referred to the Committee on Banking, Housing and Urban Affairs.

FHA INSURANCE FOR FINANCING OF MEDICAL PRACTICE FACILITIES

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to authorize FHA insurance for the financing of a medical-practice facility sponsored by one to four doctors. The authority would be limited to such a facility located in a rural area, a small town, or a low-income inner-city area.

Present law authorizes FHA insurance for a group-practice facility sponsored by five or more medical doctors. This bill would expand existing authority to a facility sponsored by fewer than five doctors provided the facility is located in a small town, a rural area, or an inner-city low-income neighborhood where there is a critical shortage of physicians.

The FHA insurance would be available to finance the purchase, construction, rehabilitation, and equipping of a medical facility or a clinic. The loan could not exceed $150,000 nor 90 percent of the replacement cost of the facility, and the amortization period could not exceed 25 years.

Mr. President, the need for such a facility is obvious. The Nation is suffering a serious shortage of medical doctors in small towns and rural areas, and it is surely a Federal responsibility to help remedy this shortage. Many young doctors would be pleased to settle in small towns if they could afford the equipment and facilities that are so necessary for a medical practice. Without some Federal assistance, it is usually impossible for such a facility to be built in small towns or in lower income inner-city areas.

There is no Federal program to help people living in small towns to secure a doctor. Some towns build a clinic with local public funds but most independent-minded young medical doctors find the regulations restrictive and prefer a facility of their own. There are few, if any, incentives for a young doctor to become a practitioner in a small town. Most doctors prefer to practice in a larger city where they can specialize and work with a partnership that shares the load of long hours and affords more free time for the individual—without extensive house calls.

Our committee initiated the legislation in 1966 that authorized FHA insurance for group-practice facilities for five or more doctors and I see no reason why this proposal would not be equally acceptable to the Congress.

By Mr. STEVENS:

S. 2271. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, today I am introducing legislation to amend the Internal Revenue Code of 1954 to permit a deduction for expenses incurred by a taxpayer in making repairs and improvements on his personal residence.

Specifically, my bill would permit the deduction of ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Qualified repairs and improvements would include painting, papering, carpentry work, plumbing, electrical work, roofing and glazing, and similar activity. The deduction allowed a taxpayer under this legislation would be limited to $1,000 in any taxable year. As a further limitation, a deduction would not be permitted for capital expenditures incurred in connection with the taxpayer's personal residence. Also, the deduction would apply only to taxable years ending after the date of enactment of this act.

Mr. President, my bill is designed to accomplish several important purposes. First, it would help to alleviate the tremendous financial burden imposed on residential homeowners, who are subject to ever-increasing property taxes, special assessments, and other levies. This tax relief would be somewhat analogous to that already provided to the owners of rental and business property under existing law. As you know, such owners are permitted to deduct specified amounts for the depreciation of their property. In addition, section 167(k) of the Internal Revenue Code permits a 5-year depreciation of rehabilitation expenditures incurred in connection with rental property occupied by low- and moderate-income homeowners.

The enactment of the bill that I am introducing today would also make homeownership more attractive by helping to alleviate prohibitive repair costs. As a result, more people would have the opportunity to experience the pride of homeownership and the sense of community associated with owning and being responsible for one's own dwelling. Moreover, the quality of life in many areas would be significantly improved since more homeowners would have the economic wherewithal to make improvements and repairs which they have postponed for lack of sufficient funds.

This legislation should also have a beneficial impact on carpenters, plumbers, roofers, painters, electricians, and similar workers all of whom have been adversely affected by the slump in home construction. The beneficial economic consequences to be derived from increased activity in these trades will extend far beyond the workers involved to many manufacturing and service related industries which are heavily dependent upon the consumer dollar. Thus, the "ripple" effect should stimulate new activity in many sectors of the economy.

In my State of Alaska, where residential repair costs are from 25 to 50 percent higher than in the "Lower 48" States, this bill should have a very salutary effect. All of the factors which I have referred to are present but are magnified by our very high costs, often deplorable housing conditions, rigorous natural environment, and high unemployment. As an example, the unemployment rate in my State is usually more than twice the national average, and is even greater in rural Alaska, where it is not uncommon to find villages with from 80 to 100 percent unemployment during certain seasons of the year. In addition, we have more substandard housing than virtually anywhere else under the American flag. In rural Alaska, almost all of the residential dwellings fall far below acceptable standards. The enactment of the legislation which I am introducing today would help to alleviate these conditions by facilitating home improvements and repairs and by stimulating new economic activity and the creation of additional jobs.

Mr. President, for all of the reasons that I have outlined today, I urge favorable consideration for this legislation.

I ask unanimous consent that my bill be printed at this point in the CONGRESSIONAL RECORD.

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

S. 2271

A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"SEC. 218. REPAIR OR IMPROVEMENT OF TAXPAYER'S RESIDENCE.

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement (including painting, papering, carpentry work, plumbing, electrical work, roofing and glazing, and any similar items) of property used by the taxpayer as his principal residence.

"(b) LIMITATIONS.—The deduction allowed a taxpayer under this section shall not exceed $1,000 for any taxable year. No deduction may be allowed under this section with respect to any capital expenditure."

(b) The table of sections for such part VII is amended by striking out

"SEC. 218. CROSS REFERENCES."

and inserting in lieu thereof

"SEC. 218. REPAIR OR IMPROVEMENT OF TAXPAYER'S RESIDENCE.

"SEC. 219. CROSS REFERENCES."

(c) Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following new paragraph:

"(9) REPAIR OR IMPROVEMENT OF TAXPAYER'S RESIDENCE.—The deduction allowed by section 218."

SEC. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

By Mr. STEVENS:

S. 2272. A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes. Referred to

the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, today I am introducing legislation which would authorize the Secretary of the Interior to guarantee loans used to finance the construction of visitor centers and other facilities in areas under the jurisdiction of the National Park Service.

Specifically, the Secretary would be authorized to guarantee up to 90 percent of the actual cost of a particular improvement. However, a $25 million ceiling would be placed on the aggregate unpaid principal amount of outstanding loans guaranteed under the act. Moreover, a loan could not be guaranteed until the Secretary finds—First, that the concessioner is unable to obtain the necessary funds without a loan guarantee; second, that the proposed improvement is economically sound; and third, that the proposed improvement is necessary and appropriate for the public use and enjoyment of an area administered by the National Park Service. In order to insure the necessary financing, a revolving fund would be created, with contingency borrowing authority vested in the Secretary of the Interior in the event that at any time, the moneys in the fund were not sufficient to pay an amount owed by the Secretary on account of a loan default.

The introduction of this bill is necessitated by the fact that because the legal title to all improvements erected in areas administered by the National Park Service vests in the U.S. Government, it is very difficult to obtain private capital on a long-term basis to construct such improvements. Moreover, the present economic situation makes it difficult to obtain the necessary financing.

Mr. President, I believe that the establishment of visitor centers and related facilities in areas not now served by these improvements would promote public use and enjoyment of our national parks, wilderness areas, wildlife refuges, and other areas of this type. Since the act stipulates that new facilities and services could be instituted only if they are consistent with the preservation and conservation of areas administered by the Park Service, the natural environment of these withdrawals would not be impaired.

In my State of Alaska, which has numerous areas of great natural beauty, tourism would be stimulated with a concomitant beneficial impact on our entire economy. At the same time, many thousands of Americans would be able to experience the scenic beauty and splendor of Mount McKinley National Park, the Glacier Bay and Katmai National Monuments, and other areas administered by the Park Service in my State Similar public enjoyment and economic benefits would result in many other parts of the United States. For all of these reasons, I urge the prompt enactment of the bill that I have introduced today.

I ask unanimous consent that this legislation be reprinted at this point in the CONGRESSIONAL RECORD.

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

S. 2272

A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes

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

POLICY AND PURPOSE

SECTION 1. It is hereby declared to be the policy of Congress to encourage private persons and corporations to provide and operate facilities and services for the accommodation of visitors in the areas administered by the National Park Service of the Department of the Interior, but only to the extent that such facilities and services are necessary and appropriate for the public use and enjoyment of such areas, and are consistent with their preservation and conservation. However, it is recognized that as legal title to all improvements erected in areas administered by the National Park Service vests in the United States Government, private capital to construct these facilities is not available from conventional sources for long-term financing.

It is the sense of the Congress that the Secretary of the Interior should adopt such policies and take such action as may be necessary or appropriate to implement the foregoing policy, and, in furtherance of that policy, it is the purpose of this Act to authorize the Secretary of the Interior to guarantee loans obtained by concessioners to finance such facilities. To the degree consistent with the best interests of the parties, these loans should be obtained from sources local to the area served.

DEFINITION

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "concessioner" means a concession contract with the Department of the Interior, who is authorized to provide and operate, under the supervision of the National Park Service, facilities and services for the accommodation of visitors in areas administered by the National Park Service.

(3) The term "concession contract" means the contract to provide and operate facilities and services granted to the concessioner by the Department of the Interior.

(4) The term "improvement" means any facility used or to be constructed, repaired, or improved in an area referred to in paragraph (2), including equipment to be purchased and used in connection therewith by a concessioner pursuant to the request and subject to the approval of the Secretary, for the purpose of enabling the concessioner to furnish accommodations or to perform services to the public, as such accommodations and services are defined in the concession contract.

(5) The term "financing" shall mean any loan, advance of credit, or bonds or notes issued under a trust indenture.

(6) The term "lender" includes the original maker of any loan and his successors in interest, or the purchaser of a bond or note, except that in the case of a loan or advance of credit involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustees, but does not include the holders of the bonds or notes issued under such trust indenture.

(7) The term "actual cost of an improvement" means, as of any specific date, the aggregate (as approved by the Secretary) of (a) all amounts paid by or on account of the concessioner on or before that date, and (b) all amounts the concessioner is then obliged to pay from time to time thereafter, for an improvement.

(8) The term "possessory interest" means the rights of the concessioner in improvements recognized in the concession contract.

GUARANTEE OF LOANS

SEC. 3. (a) When the Secretary determines that not less than 10 per centum of the cost of the improvement will be furnished by the concessioner from sources other than the lender whose financing is to be guaranteed, the Secretary is hereby authorized to guarantee such lender against loss of principal and interest on any financing made by such lender to any concessioner. Such guarantee shall be made on such terms and conditions, and pursuant to such regulations as the Secretary may prescribe, but in no case shall be the Secretary pay, pursuant to any such guarantee, an amount in excess of 90 per centum of the actual cost of an improvement.

(b) The faith of the United States is solemnly pledged to the payment of each guarantee made pursuant to this Act.

(c) The aggregate unpaid principal amount of outstanding loans guaranteed under this Act shall not exceed $25,000,000.

GUARANTEE RESTRICTIONS

SEC. 4. No loan shall be guaranteed under this Act, unless the Secretary finds—

(1) that the concessioner would be unable to obtain the necessary funds for the improvement without such guarantee, and in the amount thereof;

(2) at or prior to the time the guarantee is made, that the improvement with respect to which the financing is or will be executed is economically sound; and

(3) that the improvement for which the financing is, or will be executed is necessary and appropriate for the public use and enjoyment of an area administered by the National Park Service.

FINANCING GUARANTEE FUND

SEC. 5. (a) There is created a National Park Service Guaranty Fund (hereinafter referred to as the "fund"), which shall be used by the Secretary as a revolving fund for the purpose of carrying out the provisions of this Act. Moneys in the fund shall be deposited in the Treasury of the United States to the credit of the fund, or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

(b) The Secretary is authorized to fix a guarantee fee in connection with each financing guaranteed under this Act. Such charge shall not be less than one-quarter of 1 per centum per annum, nor more than one-half of 1 per centum per annum of the average principal amount of the financing outstanding. Fee payments shall be made when payments are first advanced under the loan agreement or trust indenture and on each anniversary date thereafter. All such fee payments shall be computed and shall be payable to the Secretary under such regulations as the Secretary may prescribe.

(c) All moneys borrowed by the Secretary under section 7, and all fees collected in connecton with financing guaranteed under this Act, shall be deposited in the fund.

DEFAULTS ON FINANCING

SEC. 6. (a) In the event of an act or failure to act which gives the lender the right to mature any financing guaranteed under this Act (any such event being referred to herein as a default), and if there is a failure on the part of the concessioner to remove and remedy the default within thirty days thereafter, the lender shall have the right—

(1) in the case of a default in respect to the payment of principal or interest or the payment of any amount to provide for the payment of guarantee charges to the Secretary, to demand payment at or before the expiration of sixty days after any such default; or

(2) in the case of any other default, including but not limited to a substantial default or continued unsatisfactory performance under the concession contract to demand at any time during the continuance of such default, payment by the Secretary of the unpaid principal amount of such financing and of the unpaid interest thereon to the date of payment. Upon the making of any such demand, the lender shall assign the financing instrument and any obligations evidencing the same to the Secretary. The Secretary may at any time during the continuance of any default notify the lender in writing that a default exists, specifying the same, and that by reason of such default the Secretary intends to terminate the guarantee sixty days after such notice is received by the lender. The lender shall be entitled to demand payment by the Secretary as above provided at any time during such sixty-day period, whether or not the default is removed and remedied, and if the lender shall fail to make such demand, the guarantee may be terminated by the Secretary on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary shall accept the assignment and promptly pay to the lender the unpaid principal amount of such financing and unpaid interest thereon to the date of payment; except that in any case in which the Secretary has given notice of intention to terminate the guarantee pursuant to the foregoing provisions, the Secretary shall not be required to accept such assignment if, prior to the expiration of such thirty-day period, he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(b) In the event the Secretary shall accept the assignment of a financing agreement upon the default of a concessioner pursuant to subsection (a), he shall take such action against the concessioner or any other parties liable under the financing agreement thereunder as, in his discretion, may be required to protect the interests of the United States and of the lender as they may appear. In any event, and in addition to all other remedies which may be available to the Secretary as a matter of law, or pursuant to the concession contract or the financing agreement, the payment made by the Secretary to the lender under subsection (a) shall constitute a primary lien against the entire possessory interest of the concessioner under the concession contract of such concessioner, without any limitation to the improvements which were acquired by means of the defaulted obligation. The Secretary shall require as a condition of entering into the guarantee herein provided for, that the concessioner shall agree—

(1) default in the financing shall constitute a default under the concession contract;

(2) the Secretary shall have the right, in addition to the rights granted under the concession contract, to offer for sale not only the possessory interest of the concessioner, but all other property of the concessioner which may have been pledged to secure the loan, with any excess of the proceeds of such sale over any amount paid by the Secretary pursuant to subsection (a) to be paid to the concessioner.

If the Secretary shall determine that the interests of the United States do not require the sale of the possessory interest of the concessioner, he may make such agreement with the concessioner as, in the opinion of the Secretary, will result in remedying the default.

(c) Any amount required to be paid by the Secretary pursuant to subsection (a) shall be paid in cash.

BORROWING AUTHORITY

SEC. 7. If at any time the moneys in the fund are not sufficient to pay any amount the Secretary is required to pay by section 6 (a), the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligation in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the fund, and redemptions of such notes and obligations shall be made by the Secretary from the fund.

INCONTESTABILITY OF GUARANTEES

SEC. 8. Any contract of guarantee entered into by the Secretary under this Act shall not be terminated, canceled, or otherwise revoked for any reason, except as provided in section 6, and shall be conclusive evidence that the financing complies fully with the provisions of this Act; and any contract of guarantee so entered into shall be incontestable from the date on which it is entered into, except for fraud, duress, or mutual mistake of fact.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary for the administrative expenses incurred in carrying out the provisions of this Act.

By Mr. TOWER (for himself, Mr. HANSEN, Mr. STEVENS, and Mr. PEARSON):

S. 2273. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States. Referred to the Committee on Finance.

ESTABLISHMENT OF A 12.5-PERCENT DOMESTIC EXPLORATION INVESTMENT TAX CREDIT

Mr. TOWER. Mr. President, I have warned repeatedly during the past few years that this Nation would experience dangerous shortages of energy resources unless corrective actions were taken. Much to my regret and alarm, few such actions have been taken and these few have been inadequate. Consequently, we continue on a collision course with dangerous energy shortages.

The causes and dimensions of these shortages have been abundantly documented in numerous recent reports and statements by representatives of government and industry. Because of these reports, there has been a growing awareness that a serious national energy problem exists.

I would like to focus upon a particular consequence of our energy resource shortages which I find appalling. That is our increasing reliance upon Middle East sources of crude oil to make up the growing deficiency between our ability to produce and our consumer demand.

Estimates of the magnitude of our future reliance on Middle East sources vary. But, practically all the reports conclude that, during the next 15 years, we will be forced to rely increasingly upon imports of crude oil from the Middle East to meet larger portions of our burgeoning energy demands.

Secretary of Interior Rogers C. B. Morton reached this conclusion in his June 15 testimony before the Senate Committee on Interior and Insular Affairs. He estimated that by 1985 our total oil consumtpion would approach 24 million barrels per day and that the United States could be forced to import approximately 12 million barrels of crude oil per day from Middle East sources. He concluded that:

> Unless a marked and early improvement occurs in exploration and discovery success and . . . investment in oil producing activities in the United States, there appears little chance that domestic production can keep up with the strong upward trend in demand.

He predicted that by 1985 we will be forced to rely upon the Middle East for at least 45 percent of our supply of crude oil.

A more pessimistic view of our growing reliance on Middle East oil was presented by Mr. M. A. Wright, chairman of the board of Humble Oil & Refining Co. On May 17, he told the Florida Governor's Conference on the Big Swamp that—

> After the next year or so, essentially all of the growth in U.S. petroleum demand will have to be met with imports from the Eastern Hemisphere. Unless we make a substantial effort to increase domestic supplies of all forms of energy, by 1985 foreign imports will supply over half our demand for petroleum and most of this will come from the Middle East.

He attached a chart to his statement which showed that by 1985 imports of liquid petroleum products could be 62 percent of our consumption.

I find these projections by the Interior Secretary and an eminent industrial leader most alarming. Unfortunately, these two projections cannot be considered to be either unique or without foundation.

Increasing reliance on Middle East sources is a totally unacceptable solution to our crude oil supply problems.

We must not allow ourselves to rely on any foreign sources to meet our needs for one of the foundations of our national security. And because of its long history of turmoil and unrest, the Middle East is the least desirable of free world sources.

Our national security objectives regarding supplies of crude oil were officially established in 1959 by Presidential Proclamation No. 3279. These criteria were reaffirmed by the President's Task Force on the "Oil Import Question" in February 1970, and more recently by the "Report on Crude Oil and Gasoline Price Increases of November 1970" issued by the Office of Emergency Preparedness in April 1971.

The criteria are as follows:

First. The need to guarantee supplies

sufficient to meet the needs of U.S. military forces and defense industries.

Second. The need for a sufficient supply of crude oil and its derivatives to meet essential civilian demands, and sustain economic growth.

Third. The need to foster exploration and development so as to insure a depletion of reserves to an extent which would not jeopardize the capability of the petroleum industry to meet future demands, without undue reliance on foreign sources of questionable reliability.

The Cabinet Task Force Report of 1970 also recommended that imports from Eastern Hemisphere sources not exceed 10 percent of our domestic consumption.

In summary, then, these objectives explicitly recognize that we must encourage continued exploration in order to insure sufficient producing petroleum reserves to meet both our military and essential civilian needs; that we should maintain a producing capacity sufficient to guarantee future economic growth; and that we should not become overly dependent upon foreign sources of questionable reliability.

These objectives were hammered out over an extended period of time. They have been honored by several administrations. They recognize that petroleum is a vital ingredient to our national defense and to our continued economic health.

I cannot stress strongly enough the importance I place upon the maintenance of these objectives. If the projections of the experts come true, we will have knowingly violated these national security and economic goals. Unless we act now to reverse the current trend, our military capability of our national economic health will be seriously jeopardized, perhaps irrevocably.

Of course, the percentage of our total energy requirements which will be satisfied by oil will probably decrease in the future as other sources of energy are developed. Nevertheless, our need for oil will continue to be tremendous. Secretary Morton, in his June 15 testimony, projected that by year 2000, oil will still provide 35 percent of our energy needs, down from the present 44 percent. This translates into a volumetric increase in crude oil requirements from 15 million to 33 million barrels per day, since our energy needs will rise substantially.

Secretary Morton's projected decrease in the percentage of our energy requirements which will be met by crude oil may be overly optimistic, for his projections are based on assumptions which could be erroneous. The projections assume that we will have developed the necessary technology and machinery by the year 2000 to utilize various exotic means for energy production such as the breeder reactor, solar and thermal cells, oil shale, and coal gassification and liquifaction to name a few of the possibilities. Past estimates of the speed of development of this type of technology and equipment have been notoriously inaccurate, and we have no basis for assuming the new estimates to be more accurate. Development of this type technology and equipment often requires more time than at first anticipated.

I can appreciate the difficulty in making such estimates. Many of the problems are unknown and unforeseen at the time of the estimates. But we should be aware that these estimates may be too optimistic. If so, we may be forced to ask crude oil for longer periods of time and in greater quantities than presently estimated.

The essential point is that we are heading into an intolerable situation in which we are becoming increasingly dependent upon Middle East sources to supply our essential petroleum needs and that political realities in the Middle East make this source insecure.

The Middle East has a long history of turmoil and unreliability. I could compile a lengthy list of uprisings which have resulted in the disruption of the flow of oil from this area.

In addition there have been recent events in the Middle East which could make these sources even less secure than in the past.

For example, the Soviet Union has increased its capability to disrupt oil shipments through the Mediterranean Sea. Time magazine reported in its June 28 issue that the Soviet Union had dramatically increased the size of its fleet there. At the present time, the fleet of the Soviet Union very nearly equals our own, it was reported. This means that our strength in the Mediterranean is being challenged. The Mediterranean sealanes are of vital strategic importance in the shipment of crude oil.

Another recent event which increases doubts about the reliability of Middle East oil was the signing of the 15-year treaty between the Soviet Union and the United Arab Republic. Dr. Fayez A. Sayegh, a permanent observer of the League of Arab States and a leading spokesman for the Arab world, recently warned that the signing of this treaty represented an indication of further deterioration of Arab-American relations. He stressed that the significant feature of this treaty was that the UAR had abandoned its policy of nonalinement, and he implied that other Arab countries may be tempted to do the same.

Perhaps the singly most important development which highlighted the insecurity of Eastern Hemisphere oil was the dramatic display of bargaining strength and unity by the members of the Organization of Petroleum Exporting Countries in their recent negotiations with the oil company concessionaires. This organization is often referred to as OPEC, and is composed of the following countries: Abu Dhabi, Gatar, Kuwait, Saudia Arabia, Iraq, Iran, Algeria, Libya, Venezuela, and Indonesia. Nigeria is expected to join soon.

This list includes practically all the major producers of crude oil in the free world besides the United States. The importance of this organization is exhibited by the fact that we presently draw 55 percent of our total imports, equivalent to about 11 percent of our total oil consumption, from these OPEC members.

The tough and unified bargaining stance taken by the OPEC countries represented a reversal of several of our traditional concepts concerning Middle East oil.

First, this was essentially the first time that these countries united to bargain for their common good. In the past, these countries had bargained on an individual basis, often exhibiting a lack of trust in each other. Their overall stance had made it relatively easy for the oil companies to bargain effectively with one at a time.

Second, the demands made by the OPEC countries and finally obtained by them were extremely tough. They extracted large percentage increases in their participation in the profits derived from the production and transportation of oil within their own countries.

Third, their main bargaining weapon was the threat of an embargo on all oil shipments from these countries. This was a most powerful and effective weapon. Until 1970, few believed that any Middle East country would voluntarily reduce or terminate its oil production. Most believed that none of these countries would deprive itself of the substantial revenues derived from this production. But in 1970, Libya stopped producing a sizable percentage of its oil, and the myth was shattered.

In order to appreciate the relative bargaining strength of the OPEC, it is necessary to examine the increased reliance of Western Europe, Japan, and the United States on Middle East oil. In 1950, the primary sources of energy for Western Europe and Japan was coal. Now over one-half of the total energy supplies of these large industrial nations is supplied by Middle East oil. As to the magnitude of the Middle East sources, the 10 OPEC countries control over 80 percent of the known oil reserves in the world.

We presently import only 3 percent of our needs from Middle East sources. This figure, though small, is deceptive. Middle East oil constitutes 93 percent of the fuel oil consumed on the east coast of the United States. And I have already stressed the trend of increasing reliance upon imports from the Middle East to meet future oil deficits. Some areas of the United States are already overreliant on Middle East oil, and it is now predicted that we shall become overreliant as an entire nation.

The result of the OPEC bargaining was that the balance of power tipped in favor of the oil exporting countries. Under the terms of the resulting contract, oil revenues to these countries will be increased by approximately $8 billion over the next 5 years. Large portions of this increase in cost to the oil companies will probably be passed to the consumers.

The critical aspect of these negotiations was the use of the threat of embargo on oil shipments from these countries. This threat can, and probably will, be used again. Most of the oil consuming countries will be powerless to do anything but to capitulate to the demands of the exporting countries.

The United States does not have to cower before threats of embargo. We

have enough indigenous oil reserves to satisfy our needs for several decades to come at projected rates of consumption. It has been reliably estimated that there remains to be discovered more oil in the United States than we have yet discovered throughout our history. The U.S. Geologic Survey has estimated that approximately 430 billion barrels of recoverable oil await discovery in the United States. It has been estimated that we will consume an average of 21 million barrels of oil per day over the next 15 years. If this estimate is accurate, we will consume approximately 105 billion barrels of oil the next 15 years. So, we have adequate undiscovered reserves of oil to meet all our needs.

But, the mere possession of undiscovered oil reserves does not give us a viable alternative to increasing reliance upon Middle East oil. Our undiscovered reserves must be converted into producing oil fields.

Converting undiscovered reserves into producing reserves can be accomplished only through massive investments in exploration. Estimates of the required investments range into the tens of billions of dollars.

Yet, at the present time, our exploration investment is minimal and the level of our domestic exploration activity is at a 28-year low.

The reason for the depressed level of exploration activity can be attributed to the overall negative attitude of the public and government toward the domestic petroleum industry. This negative attitude has been manifested by a combination of Government policies which appear to have been especially designed to inhibit and discourage domestic exploration activity rather than encourage it.

For example, the Tax Reform Act of 1969 reduced the depletion allowance from 27½ to 23 percent. It has been estimated that this placed an additional cost on the industry of approximately $700 million per year. Thus, at the very time when the oil industry desperately needed help, this tremendous tax burden was added. This dampened domestic exploration.

Another example was the attitude of the administration to the 1970 25-cent barrel increase in the price of domestically produced oil. Most of the oil community felt that the President's criticism of this modest 8-percent increase was unwarranted. The costs of seeking and developing oil reserves have been rising at a much more rapid rate than the sale price for crude oil. From 1960 to 1970, the wholesale price of all commodities rose by 16.3 percent while the price of crude oil rose only 7.6 percent, according to Department of Commerce figures. Meanwhile, the costs paid by the producers for the services and materials used in exploring for oil have increased. A sampling of costs shows that since 1960 oilfield wages have risen by 42 percent, machinery by 30 percent, and oil well casing by 19 percent. By combining these statistics, we can obtain an indication of the decreased buying power of a barrel of crude oil. Applying the Government's price deflaters in order to state crude oil prices in constant 1958 dollars, the real price of crude oil has eroded by 46 cents per barrel, or 16.5 percent in the past 10 years. So, by using various comparisons, the price and the buying power of a barrel of crude oil has substantially decreased.

With this background in mind, imagine the shock of the petroleum community when the President publicly denounced a modest price increase for domestically produced crude oil.

The industry was further shocked when the President called for a full-scale investigation of the price increase by the Office of Emergency Preparedness. The purpose of the investigation was to determine whether this modest price increase was justified on national security grounds. I encouraged the oil industry to take this opportunity to place in the public record the abundant data which would justify this increase. The industry responded well.

The report concluded that the increase was justified on long-term national security grounds, but did so only "reluctantly." There was considerable data to support this conclusion, and I see no reason for it having to be reached "reluctantly."

There are two main negative aspects to this unfortunate episode. First, the President publicly singled out one industry to criticize over a small price increase. This increase fell far short of even maintaining the price of oil on a parity with other prices affecting the industry. A second negative aspect was the grudging attitude of the Office of Emergency Preparedness in reaching its decision "reluctantly," which only served to undermine the image of the industry.

Another example of the overall negative attitude which overshadows the oil industry was embodied in the President's "clean energy" message to Congress of June 4. The President is to be complimented for recognizing the existence of a national energy problem. Moreover, he correctly recognized that the energy problem was one which involves all energy resources and must be dealt with as a whole. These were new concepts for the upper levels of government.

But, the President failed to adequately emphasize that for at least the next 30 years the petroleum industry would be supplying over half of the energy consumed in the United States. Rather, he stressed the importance of developing new energy sources. I support the development of new energy sources, but this development will take many years and for the immediate future we must give the attention required for the adequate development of our petroleum reserves.

The petroleum industry needs encouragement if it is to properly supply the tremendous quantities of oil we require over the next 30 years. Yet, the President's message offered only one identifiable incentive to the petroleum industry. This incentive was his direction to the Department of Interior to accelerate the leasing of Federal offshore lands for oil and gas exploration. This acceleration is certainly required. One of our most accessible petroleum reserves may lie under these lands. But more incentives are desperately needed.

In the interest of our Nation's well-being, bold, tangible, recognizable incentives are needed to encourage investments in exploration for new reserves of oil and natural gas.

The most important single incentive to the oil industry is adequate price. We must not merely allow reluctantly the price of oil to rise. We must encourage the price of domestically produced oil to rise. And I stress that doing so would be in the long-term consumer interest, for it would insure energy supply.

Dr. Paul W. McCracken, Chairman of the President's Council of Economic Advisers, correctly noted the role played by price. In his testimony before the Senate Committee on Interior and Insular Affairs on June 14, he said that the key issue is to determine the price necessary to bring forth needed supplies of domestic crude oil.

I believe it is evident that the present price is too low. Our producing reserves are declining more rapidly than they are being supplemented. Our surplus producing capacity is now less than our imports. Therefore, our own producing reserves are no longer sufficient to sustain normal consumption should our imports be disrupted. Our energy supply situation is bad and is worsening.

In providing policies designed to bring forth adequate supplies of this essential commodity, we must not be overly cautious. If the remedies we employ are later found to be overly effective in bringing forth supplies of crude oil, we can adjust them. It may very well be that the increases in the price of domestically produced oil may have to be in the order of dollars instead of pennies per barrel. The prospect of price increases of this magnitude should not alarm the consumer. A $1 increase in the price of crude oil only translates into an increase of 2.3 cents per gallon of gasoline at the pump. I believe the consumer should be willing to pay this small increase to avoid possible rationing or disruption of supplies. I feel confident that price increases of this magnitude will result in increased exploration activity.

Tax incentives encourage exploration, too. Our history has shown that this form of incentive works. We must devise new and imaginative tax incentives designed to stimulate exploration for new reserves of oil and natural gas.

In this connection, I am introducing today a bill which would establish a 12.5-percent domestic exploration investment tax credit. This tax credit would reduce a year's income taxes by 12.5 percent of any money spent that year in exploring for or developing new domestic reserves of oil and natural gas. The tax credit would be a temporary one and would expire automatically 10 years from enactment of the bill.

The intent of this legislation is to stimulate investments for exploration of new domestic reserves of oil and natural gas. It is intended to help reverse the present dangerous trends which would result in our growing reliance upon insecure Middle East sources of crude oil, and to guarantee the consumer the energy supplies he requires.

I recognize that revenue-raising legis-

lation must originate in the House of Representatives. However, this legislation should provide a platform from which needed discussion on the subject may emanate.

I urge prompt consideration of this legislation. We must act now to reverse the depressed level of domestic exploration activity so this Nation will not be dependent upon insecure Middle East sources for the bulk of our crude oil supplies which are so vital to our national security and our economic health.

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

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

S. 2273

A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part A of part IV of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. EXPLORATION AND DEVELOPMENT EXPENDITURES FOR NEW DEPOSITS OF OIL AND GAS RESERVES.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount subject to the limitations of subsection (b)) equal to 12½ percent of the amount of expenditures paid or incurred by the taxpayer during the taxable year for—

"(1) the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas, and paid or incurred before the beginning of the development stage of such deposit, or

"(2) the development of a deposit of oil or gas if the existence of oil or gas in commercially marketable quantities in such deposit is ascertained after the date of the enactment of this section,

if such deposit is located within the United States (as such term is defined in section 638).

"(b) LIMITATIONS.—

"(1) DURATION.—The credit allowed by subsection (a) shall apply only to expenditures paid or incurred within the 10-year period beginning on the first day of January of the year in which this section is enacted.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income) and section 38 (relating to investment in certain depreciable property).

"(c) CARRYBACK AND CARRYOVER OF UNUSED CREDITS.—

"(1) ALLOWANCE OF CREDIT.—If the amount of the credit determined under subsection (a) for any taxable year exceeds the limitation provided by subsection (b) (2) for such taxable year (hereinafter in this subsection referred to as 'unused credit year'), such excess shall be—

"(A) an exploration or development credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) an exploration or development credit carryover to each of the 7 taxable years following the usused credit year,

and shall be added to the amount allowable as a credit by section 40 for such years, except that such excess may be a carryback only to a taxable year ending after the first day of January in which this section is enacted. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraph (A) or (B)) such credit may be carried, and then successively to each of the other 9 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(2) LIMITATION.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not, when added to the amount of the credit under subsection (a), exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of—

"(A) the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property); and

"(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to tax years preceding the unused credit year.

"(d) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

SEC. 2. The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Exploration and development expenditures for new deposits of oil and gas reserves.
"Sec. 41. Overpayment of tax."

Mr. HANSEN. Mr. President, I am happy to join the distinguished senior Senator from Texas (Mr. TOWER) as a cosponsor of his bill to allow a 12½-percent tax credit for expenditures on exploration and development of domestic oil and gas reserves.

As the able Senator who is so well versed in the problems of the oil and gas industry has pointed out, this Nation now faces energy problems of serious proportions and the only realistic and reliable solution for the next decade and probably longer lies in the development of our own abundant domestic resources of energy.

Inasmuch as some three-fourths of the energy requirements of the Nation—99 percent of the energy that powers U.S. transportation—comes from oil and gas, the only sensible and practical solution is, in my opinion, a greatly stepped-up program of exploration for and development of the deposits that I am assured still exist in the continental United States and Alaska, both onshore and offshore.

Recognizing the impending crisis for what it is, the Senate Interior Committee only today has approved a study plan to implement a study already approved by the Senate of national fuels and energy policy.

The plan has now been released by the committee for comment and suggestions and I was happy to note that Senator HENRY M. JACKSON, chairman of the committee, agreed with me that legislation such as this bill or others that could accelerate development of domestic energy resources should not be delayed by the committee study.

Senator JACKSON, in fact, has introduced a bill of his own, along with Senator FRANK E. Moss, chairman of the Subcommittee on Minerals, Materials and Fuels, intended to speed development of commercial production of gas from coal. Several Senators joined me earlier in another bill intended to hurry coal gasification projects. The President in his energy message to Congress also emphasized the need for more funding for coal gasification research and development as well as stepped-up development of a fast breeder reactor. And the Secretary of the Interior has just announced a prototype oil shale leasing program.

But these are all programs of long leadtime that can and must supplement the fossil fuel on which we now depend and on which we will continue to rely for a good many years.

So the legislation now proposed for added incentives for discovering new domestic supplies of oil and gas is of urgent and vital importance to the Nations' welfare, progress, and national security in the interim period before these supplemental fuels are available and nuclear power becomes a real factor in the overall energy picture.

As any objective study or examination will reveal, oil and gas have been and still are real bargains in America. As many of us have contended for years, the unrealistic wellhead pricing of natural gas has been the principal factor in the rapidly increasing use of this cleanest and most convenient fuel at rates greater than new supplies are being discovered.

The able Senator from Texas (Mr. TOWER) and I have introduced legislation to decontrol the wellhead price of gas for interstate use and the Federal Power Commission has instigated proceedings to approve applications for reasonable price increases to encourage exploration and development of new supplies.

In addition, the Joint Committee on Atomic Energy has asked the Congress to approve an increase of $2.6 million for fiscal 1972 in the nuclear gas stimulation program which has already proven its technological success.

The need, though, is now to reverse the dissipation of both our oil and gas reserves and the increasing reliance on foreign sources.

A threatened energy crunch last winter was prevented by the fact that Texas and Louisiana still had a margin of producing capacity to make up a substantial shortage of imported oil and residual oil. Also by the ability of the major U.S. refiners to hurriedly convert to production of heavy heating oils on which the east coast depends.

After quotas on this type of oil were eliminated some 6 years ago, the east coast by the fall of 1970 was importing more than 90 percent from foreign sources. Events in the Middle East and North Africa resulting in a crude oil and tanker shortage resulted in a world market price increase that about doubled residual prices. Action by the Organization of Petroleum Exporting Countries, including our main supplier, Venezuela, brought further increases in crude and oil product prices.

The import of such heavy reliance on foreign sources of the principal fuel sup-

ply of a major metropolitan area was brought home by these events but were soon forgotten after the wolf went away.

But, as Assistant Secretary of the Interior for Natural Resources, Hollis M. Dole, said:

> The wolf was indeed at the door earlier this winter; he has merely gone away for a time. But he will surely be back, and he may bring the whole pack with him.

Mr. President, this Nation cannot afford to forfeit its world industrial leadership by default. But there is no surer way this could happen than for the United States to lose its energy self-sufficiency.

There would be no need for enemy submarines or any overt act of warfare to bring this Nation to its knees. All it would take would be the individual or concerted political decisions of those who control most of the world's oil production. Some three-fourths of the known world oil reserves are in the Middle East and North Africa. Even in our own Western Hemisphere, American oil properties have been expropriated or nationalized and others are threatened.

Whether these supplies should be cut-off or not, no one but a dreamer can foresee them staying cheap once the United States must rely on them.

The only answer is U.S. self-sufficiency in its essential fuel needs and those needs must surely be furnished by oil and gas for a good many years.

The incentive bill which I cosponsor with the distinguished Senator from Texas (Mr. TOWER) will, in my opinion, offer an immediate stimulant to a waning oil and gas exploration and development program, quickly reverse the downward trend of oil and gas reserves and maintain self-sufficiency in our principal energy source.

By Mr. HART:

S. 2276. A bill to amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting the requirements of the Wholesome Fish and Fishery Products Act of 1971. Referred to the Committee on Commerce.

Mr. HART. Mr. President, several in the Congress this year have proposed legislation to expand the fish inspection authority of the Federal government. It is hoped that through the intensified inspection efforts contemplated by such proposals, the Nation will be assured of a safe and wholesome fish supply. On the other side of the ledger, however, these bills will impose a heavy financial burden on many fish processors. This expense will result not from hiring inspectors, a cost the Government will bear, but rather from complying with new processing standards established under the legislation. Assuming these standards are effective, it is going to be expensive for some to upgrade facilities in order to meet them.

It is extremely difficult to estimate what the costs to industry actually will be. Obviously they will vary from plant to plant depending upon individual conditions. In some cases, the costs of improving facilities, vessels, and equipment may be such that companies will elect to close their doors rather than meet the expense. In other cases, mergers may take place. But in either case the result may be an unfortunate trend toward economic concentration, with the accompanying threat of a reduction in competition within the fishing industry.

Such an eventuality would play a cruel hoax upon the consumer we are seeking to help, and it is a result which we must seek to avoid. Both technical and financial assistance to the industry from the Federal Government may help ease this transition to more rigorous processing procedures. As a result I am introducing a bill which would amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting the requirements of the new fish inspection legislation. The proposal would give the Department of the Interior specific authority to provide technical assistance and loans to commercial fish establishments to enable them to comply with these requirements. It would increase the fisheries loan fund by $15 million for that purpose.

The health of the marketplace is nearly as important as the health of the consumer who shops there. I earnestly hope that this technical and financial assistance program will enable us to pass meaningful inspection legislation without producing an adverse effect on competition within the fishing industry.

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

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

S. 2276

A bill to amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting the requirements of the Wholesome Fish and Fishery Products Act of 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121; 16 U.S.C. 742c) is amended—

(1) by inserting before the period at the end of subsection (a) the following: "or new or operating establishments processing fish and fishery products subject to regulations issued under the Wholesome Fish and Fishery Products Act of 1971 and subject to the enactment of such Act";

(2) by inserting immediately after the word "gear" in the first sentence of subsection (b)(4) the words "and establishments processing fish and fishery products", and by inserting before the period at the end of such sentence the phrase "and commercial fish processors";

(3) by inserting immediately after the word "applicant" in subsection (b)(5) the words "for a loan relating to vessels or gear", and by adding at the end thereof the following new sentence: "The applicant for a loan relating to an establishment processing fish and fishery products shall have the ability, experience, resources, and other qualifications necessary to operate and maintain the establishment in a sound, businesslike manner."; and

(4) by amending the last sentence of subsection (c) of such section to read as follows: "There is authorized to be appropriated to the fisheries loan fund the sum of $35,000,000 to provide initial capital.".

SEC. 2. Section 7(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1122; 16 U.S.C. 742f(a)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) a new paragraph to read as follows:

"(4) provide technical assistance to the commercial fishing industry in developing economically feasible technical improvements to meet any standards of sanitation and quality control for the processing of fish and fishery products promulgated under the Wholesome Fish and Fishery Products Act of 1971 and any other provisions of such Act, upon the enactment of such Act, and to assure that the processing of all fish and fishery products fully complies with such standards;".

By Mr. BAKER:

S. 2278. A bill to provide accelerated assistance for economic emergency areas. Referred to the Committee on Public Works.

Mr. BAKER. Mr. President, I introduce and ask that it be appropriately referred a bill entitled the "Accelerated Assistance to Economic Emergency Areas Act" which originated as a substitute to the accelerated public works program added to S. 575 in the House. While this bill contains a public works acceleration provision it is a substantially more comprehensive program of assistance than was embodied in the title I of S. 575, and it is targeted to reach those areas most critically in need of assistance.

The concept of economic emergency areas which is basic to this bill first came to my attention through the testimony of Gov. Dan Evans of Washington in hearings held in Seattle several weeks ago. The magnitude of the problem in Seattle and the frustration of the people involved both in government and business there vividly and pointedly indicate the need for such legislation. The prospect of plant closures due to the impact of environmental legislation, economic dislocations, and obsolescence due to technological developments provides sufficient justification for the creation of a continuing authority with ready funds and expertise to meet this type situation on an emergency basis.

I am gratified and encouraged by the deep and sympathetic concern of Senators RANDOLPH, COOPER, and MONTOYA and all the members of the Public Works Committee for the unemployment problem and particularly for the problems of those insular areas of critical need such as Witchita, Kans., Seattle, Wash., and sections of Los Angeles, Calif., to name but a few. I am confident that with the passage of the Public Works and Economic Development Act and Appalachian Regional Development Act extensions the committee will turn its full attention immediately to the task of developing this piece of legislation.

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

S. 2278

A bill to provide accelerated assistance for economic emergency areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, an act to establish an economic disaster relief authority in the Office of the President to assist communities and areas of critical unemployment on an emergency basis.

SEC. 101. This Act may be cited as the "Accelerated Assistance for Economic Emergency Areas Act of 1971."

DESIGNATION OF ECONOMIC EMERGENCY AREA

SEC. 102. Upon the application of the Governor of any State, the President may designate any area or community specified therein as an Economic Emergency Area eligible for assistance under this Act if he determines that the area or community meets the requirements of section 103 of this Act, is an identifiable area of impact which is suffering from high unemployment due to the loss of a major source or sources of employment and would be significantly benefitted by assistance under this Act.

SEC. 103(a). An area or community, without regard to political boundaries, shall be eligible for designation under this Act, if, due to the loss, removal, curtailing or closing of a major source or sources of employment, it has suffered a sudden and abrupt increase in unemployment which has caused, or threatens to cause within a short time, the unemployment rate of the community to exceed 6% and which additionally has either caused or threatens to cause:

(1) the unemployment rate in the area to exceed by 50% the national average of unemployment for six months of any twelve-month period in which said application is made; or

(2) the unemployment rate of the area or community to increase 100% within a twelve-month period;

Which unemployment will be more than temporary in duration.

(b) Any area designated under this section shall remain eligible for a period of 18 months and so long thereafter as in the determination of the President is consistent with the intent of this act.

STATE COORDINATING OFFICER

SEC. 104. The Governor shall at the time of making his application for assistance name and appoint a State Coordinating Officer, who shall:

(a) Assist the Federal Coordinating Officer in making an appraisal of the projects and programs which will have the most substantial and immediate impact upon the unemployment problem;

(b) Coordinate the administration of participation by State and local authorities and organization;

(c) Work with the Federal Coordinating Officer in the coordination of programs;

(d) Take such other action, consistent with authority delegated to him by the Governor, and consistent with the intent of this Act, as may be deemed necessary or appropriate in the implementation of the Act.

FEDERAL COORDINATING OFFICER

SEC. 105. Whenever the President designates an Economic Emergency Area, he shall appoint a Federal Coordinating Officer for such area. The Coordinating Officer, within the designated area, shall:

(a) Prepare within 60 days of his appointment an appraisal of programs and projects which will have the most immediate and substantial impact upon the unemployment problem of the area;

(b) Coordinate the administration of Federal employment development efforts in the area or community;

(c) Work with the State Coordinating Officer appointed by the Governor in the coordination of programs;

(d) Take such other action, consistent with authority delegated to him by the President and the provisions of this section, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

EMERGENCY SUPPLEMENTAL FUNDS

SEC. 106 (a). In order to enable the people, state and local authorities, or any organization, authority, or association representing the economic emergency area or any portion thereof, to utilize Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which because of economic emergency they cannot immediately qualify, or for which there are insufficient funds available to meet the needs of the designated area under the Federal grant-in-aid Act authorizing such programs, the President is authorized to make available funds from the Economic Emergency Assistance Fund, established by this Act, to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid Act, and for the purpose of increasing the Federal contribution to projects under such programs above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid Act is proposed to be made under this section, no such Federal contribution shall be made until the responsible Federal official administering such Act certifies that such program or project meets the applicable requirements of such Act and could be approved for Federal contribution if funds were available under such Act. Funds provided pursuant to this Act shall be available without regard to any limitation on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid program shall be accepted by the Federal Coordinator with respect to a supplemental grant for any project under such program.

(b) The Federal portion of such costs shall not be increased in excess of the percentages specified in section 112 of this Act.

(c) The term "Federal grant-in-aid programs" as used in this section means those Federal programs which will provide assistance in creating, maintaining or developing local employment, consistent with the appraisal of projects and programs made by the Federal Coordinator pursuant to section 105 of this Act, or which in the judgment of the Federal Coordinating Officer will provide support facilities necessary to such programs.

ACCELERATED PUBLIC WORKS

SEC. 107. Upon the application of any State, or political subdivision thereof, Indian tribe, or private or public non-profit organization or association representing all or any portion of the area designated under this Act the President upon the recommendation of the Federal Coordinating Officer is authorized—

(a) To make grants or direct loans from funds available in the Economic Emergency Assistance Fund for the Federal portion of the cost of the acquisition or development of land and improvements for public works, public service, or the acquisition, construction, rehabilitation, alteration, expansion or improvement of such facilities, including related machinery and equipment within a designated economic emergency area if the Officer finds:

(1) that such project is consistent with his appraisal of projects having most immediate and significant impact upon the unemployment problem; or

(2) that such project is a necessary support project for programs or projects instituted or to be instituted pursuant to this Act; and

(3) that the project is approved by the State.

(b) The Federal portion of such costs shall not be increased in excess of the percentages specified in section 112 of this Act.

LOAN GUARANTEES

SEC. 108(a). In order to assist private profit-making corporations, firms or associations to carry out projects which are consistent with the appraisal of the Federal Coordinating Officer and which will create, maintain, or develop jobs in the designated area through the modernization, diversification, construction or improvement of facilities in the designated area, the President is authorized, upon the recommendation of the Federal Coordinating Officer, to guarantee to non-Federal lenders making loans to such entities for such projects, payment of principal of and interest on loans made by such lenders, which are approved under this section.

(b) Any loan guarantee under this section with respect to any project may apply only to so much of the principal amount thereof as, when added, to the amount of any other Federal grant or loan with respect to such project, does not exceed 90% of the cost of such project.

UNEMPLOYMENT ASSISTANCE

SEC. 109. The President is authorized to provide to any individual unemployed as the result of an economic emergency, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment. Assistance under this section shall be administered through the State Unemployment authority under the supervision of the Federal Coordinating Officer. The President is authorized for the purposes of this subsection and in furtherance of the purposes of this Act, to provide reemployment assistance services under other laws to individuals who are unemployed as a result of an economic emergency.

TEMPORARY MORTGAGE OR RENT PAYMENTS

SEC. 110. The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who as a result of financial hardship caused by an economic emergency, have received written notice of disposition or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser.

INCOME MAINTENANCE LOANS

SEC. 111. The President is authorized to provide loans to individuals unemployed as the result of an economic emergency of an amount not to exceed 75% of that individual's average monthly income during the last 24 months immediately preceding termination of his employment or $1000.00 per month whichever shall be lesser; provided that said maximum shall be adjusted by deducting therefrom any amount paid to or on behalf of any individual eligible for assistance under this section under any other provision of this Act or any amounts paid to that individual in lieu of wages from any source during the period of eligibility.

Such loans shall be available to eligible individuals for a period of one year or for the duration of his period of unemployment whichever is the lesser.

Loans made under this section shall bear interest at the rate of three percent per annum and shall be repayable monthly during a term of ten years to commence one year following reemployment.

SEC. 112. Grants under sections 106 and 107 of this Act shall not exceed 80 per centum of the cost of any such program, except that where the State and local government have exhausted their effective taxing and borrowing capacity for such purpose and

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therefore do not have economic and financial capability to assume the additional financial obligations required, the Federal contribution may be 100 per centum of the cost of any such program.

SEC. 113. Priority in employment created, maintained or developed by programs and projects assisted under this Act shall be given to individuals eligible for assistance under this section.

SEC. 114. Any Federal agency charged with the administration of a Federal grant-in-aid program is authorized, upon request by the applicant State or local authority, or by the Federal Coordinating Officer, to modify or waive, for the duration of the designation of the area under this Act, such administrative procedural conditions for assistance as would otherwise prevent or delay the giving of immediate assistance if the inability to meet such conditions is a result of the economic problems confronting the area or if in the discretion of the person or persons charged with the administration of the program such waiver is warranted in order to effectuate the intent of this Act, which is to provide emergency employment assistance.

TECHNICAL ASSISTANCE

SEC. 115. The Secretary is directed to provide technical assistance in accordance with section 301 of the Public Works and Economic Development Act of 1965, as amended, to economic emergency areas designated under this Act, and to provide to the Federal coordinating officer technical assistance which would be useful in quickly developing, assessing, and implementing job creation projects and job maintenance investments.

ECONOMIC EMERGENCY ASSISTANCE FUND

SEC. 116. There is hereby established in the Treasury of the United States, a revolving fund (to be known as the "Economic Emergency Assistance Fund"). There are authorized to be appropriated to said fund $750,000,000 and such sums as may be necessary to replenish the fund to be available without further appropriation to the President, Secretary, Federal coordinating officer for the purposes of the Act.

SEC. 117. There are authorized to be appropriated to be available to the President and Secretary, such sums as may be necessary for loan guarantees under section 108 and technical assistance under section 115 of this Act.

By Mr. MAGNUSON (for himself, Mr. HARTKE, Mr. CRANSTON, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. JACKSON, Mr. KENNEDY, Mr. INOUYE, Mr. MATHIAS, Mr. MCCLELLAN, Mr. MCGOVERN, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, and Mr. TUNNEY):

S. 2279. A bill to authorize the Secretary of Transportation to provide for comprehensive regional planning, and development of transportation, including therein the undertaking of research and development, the conducting of demonstrations, the construction of transportation systems and facilities, and for other purposes. Referred to the Committee on Commerce.

NATIONAL TRANSPORTATION ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill to authorize the Secretary of Transportation to provide for comprehensive regional planning for, and development of, transportation, including therein the undertaking of research and development, the conducting of demonstration, the construction of transportation systems and facilities, and for other purposes. This proposal is substantially similar to legislation which I introduced in the last Congress, S. 2425, and which passed the Senate in October of 1970 as an amendment to the Federal-Aid Highway Act. The major change has been provision for greater representation of urban areas. Several Senators are joining me in sponsoring this measure. They are: Senators HARTKE, CRANSTON, HART, HATFIELD, HOLLINGS, HUGHES, INOUYE, JACKSON, KENNEDY, MATHIAS, MCCLELLAN, MCGOVERN, MONDALE, MOSS, PASTORE, PELL, MUSKIE, and TUNNEY.

Mr. President, I ask unanimous consent that, at the end of my remarks and those of other Senators regarding this legislation, the text of the bill and a summary of the legislation be printed in the RECORD.

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

(See exhibits 1 and 2.)

Mr. MAGNUSON. Mr. President, the legislation which I introduce today authorizes and directs the Secretary of Transportation to designate transportation regions in the United States. Within each region transportation commissions would be established with representatives from State and local governments and one representative from the Department of Transportation. Each commission would be charged with the responsibility for its region in developing comprehensive plans for a balanced and integrated system of transportation designed to meet the social and environmental needs of the entire region as well as to provide a framework for the orderly movement of people and goods. Each commission would also be provided with the authority to follow up its plans with research and development and demonstration projects as well as the construction of appropriate facilities.

Growth and social values need not be incompatible—indeed, they must be made compatible if America is to survive. The need to reconcile these two factors is nowhere more urgent than in the field of transportation. Although we devote nearly 20 percent of our gross national product to the movement of goods and people, we still do not have a balanced transportation system or an institutional framework to assure its development. What we do have are independent modes of transportation overseen by various regulatory and promotional agencies whose jurisdictions overlap and whose policies frequently conflict. No one is more conscious of this than the members of the Commerce Committee, who are continually involved in all aspects of transportation policymaking. The result is a costly and inefficient "nonsystem" of transportation—a "nonsystem" that threatens to break down in the near future, as well as a "nonsystem" that imposes fearful environmental and social costs on the American people.

Rather than continue our present policies of fragmented agencies and uncoordinated transportation facilities, this act will encourage the development of transportation systems that integrate the various transportation modes into one smoothly functioning network that efficiently meets the particular needs of each region and the Nation. Each region, of course, will have a different pattern of needs and a different set of transportation solutions. Federal financial assistance for the construction of transportation facilities would ultimately hinge on the thoroughness with which each commission has planned a system for its region.

It is obvious that we cannot continue building highways in the innocent belief that more roads will relieve congestion. Already, highways and parking facilities occupy as much as two-thirds of the land area in our major cities. And even if we had room for more cars, the cost of accommodating them has become almost unbelievable. How can we talk about building 10- and 12-lane freeways through our cities when it now costs more than $6 million per mile to build a four-lane freeway in a major urban area? The land upon which these luxuries are built frequently costs as much as $40,000 per acre to acquire, or as high as $50 per square foot in downtown Manhattan. And even if we are prepared to expend such huge sums, how will we prevent a traffic jam following the ribbon-cutting ceremony?

No one would disagree with the view that the automobile has provided Americans a unique standard of mobility, and no one would argue that the automobile should be completely abandoned as a useful form of transportation in certain situations.

Efforts in other countries can be instructive to us. This country has placed much too much reliance on the automobile. There can be no argument that the auto is a marvelous thing—it has made greater independence and freedom of movement a reality for millions of Americans. The Europeans are years, in some cases, decades, ahead of us in recognizing that transportation will not be realistically available to the entire public and our environment will not be as pleasant if we place undue reliance on the automobile. Many countries in Europe are well along in developing new transport systems or revitalizing the old. Regional transportation planning is a concept which the Europeans have found to be workable and the techniques are being applied now—there is a Paris regional plan for the period ending in 2000, there is a plan for the Copenhagen region, and others. Planning cannot be divorced from politics; to make it compatible with political reality, many Europeans agree, it is necessary to devise a broader based, regional entity with adequate authority and sufficient funding.

At a time when further mobility through highway construction is doubtful, however, we continue to spend fully 90 percent of Federal, State, and local transportation funds on highway construction. In 1969, for example, $18 billion in public funds were spent for highways, and only $2 billion for all other transportation facilities combined. Knowing what are the sources of pollution, of urban decay, of dwindling wilderness and cluttered open spaces—

and adding to this the scant prospects for further mobility through new highway construction—nothing could be worse than our present set of transportation priorities.

Solving the transportation problem and developing transportation policies to minimize social and environmental costs, however, will involve fundamental changes in the institutional structure of transportation planning and policymaking. It is crucial for Congress and the American people to realize that nothing can be accomplished through the simple denunciation of automobiles within our cities. Such action alone cannot and will not solve the transportation problems of the cities, nor will it help to meet an equally pressing problem: how to move Americans and the goods they consume between cities. We must abandon more than over-reliance upon the automobile—we must abandon the notion that any single mode of transportation can be relied upon to solve the problems of mobility in a prosperous and populous society.

Mr. President, we do not need to accept damage to our environment as the price of moving goods and people, and we do not need to accept paralysis of our transportation network as the price of population growth. What we do need to accept is that our present transportation "system" is really not a system at all; that it lacks balance, coordination, and integration; that it has grown, in the words of one expert, "willy-nilly since the Pilgrims began walking up from the beach." Regardless of how well this "nonsystem" may have worked in the past—and I would add that it has worked deceptively well—today it provides us with high rates of pollution, land consumption, noise, and accidents. Tomorrow it will not even provide us with mobility, unless we plan intelligently now.

To plan intelligently, we must understand that our population is becoming increasingly concentrated in what transportation specialists call "corridors"—chains of cities and high-density suburbs that stretch for hundreds of miles. The northeast corridor, for example, stretches from Washington to Boston, with an average population density of nearly 650 per square mile—a density that rises to more than 5,000 per square mile in the major cities within the corridor. By 1975—just 5 years from now—three-quarters of the American people will live in cities along such corridors, and half will be packed into the three largest corridors alone. These corridors are not confined to the Northeast: they also exist, for example, on the California coast, in the Great Lakes region, in Texas, in Florida, and in the Pacific Northwest.

The high-speed rail experiment currently operating in the northeast corridor is a hopeful prototype for one mode of transportation in one corridor. But satisfying the transportation needs within and between corridors will involve coordination of different modes and the development of new technology—each adapted to the particular needs of individual regions. No longer can we build freeways up to the gates of cities who do not want them. No longer can we build new airports without regard to ground transportation, land-use planning, and the total transportation equation of the region involved.

Solving the total transportation equation of our transportation regions cannot be the job of a bureaucracy in Washington. The social, environmental, topographical, and demographical factors to be considered will vary too widely from one region to the next. The Federal role should be one of evaluation and funding assistance. Individual cities can only solve a limited range of transportation problems unless they coordinate their transportation policies with a regional planning authority, for each city is no more than one link in a long chain. Individual States are hampered by the restrictions of artificial boundaries. The need for a new authority, for a regional planning body, is obvious and urgent.

Mr. President, I am under no illusions that the sweeping changes envisioned by this legislation will be easy to accomplish. But this bill represents an attempt to begin making progress toward these goals. We know that the bill will be amended, and we will try to consider all suggestions for its improvement. The committee will seek the advice of those people who are concerned about transportation and social policy, and who have expertise in such matters.

It is our present plan to commence hearings on this and related legislation on September 21. I am hopeful that all interested parties will so advise the committee so that our hearings on this measure can be as complete as possible.

EXHIBIT 1

S. 2279

A bill to authorize the Secretary of Transportation to provide for comprehensive regional planning and development of, transportation, including therein the undertaking of research and development, the conducting of demonstrations, the construction of transportation systems and facilities, 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 "National Transportation Act of 1971".

FINDINGS OF FACT

SEC. 2. The Congress finds—

(1) that the development of a balanced and efficient transportation system adequate to meet the current and future transportation needs of the United States is essential to the commercial life, national defense, postal service, and general welfare of the people of the United States;

(2) that present transportation facilities, transportation planning, and transportation development are inadequate to meet the minimum current and future transportation needs of the people of the United States;

(3) that the preservation and enhancement of the environment, the conservation of natural resources, including scenic, historic, and recreation assets, and the strengthening of long-range land-use planning is vital to the health and welfare of the people of the United States, and that the planning and development of transportation facilities should be consistent with these goals; and

(4) that systematic and coordinated planning and development of balanced transportation facilities within and between all regions of the United States must be encouraged and should be vigorously pursued as provided in this Act.

STATEMENT OF PURPOSE

SEC. 3. The primary purpose of this Act is to provide for the planning and development of a balanced transportation system throughout the United States. In furtherance of this purpose this Act is designed to enable regions of the United States to plan for and provide, with the aid and support of the Federal Government, coordinated transportation planning and development within and between such regions. It is the intent of this Act to enable such regions to undertake planning, research and development programs, demonstration projects, construction of transportation systems and facilities, which will lead to improved transportation capabilities related to the needs of regional development and compatible with national social, environmental, and ecological values; and also to encourage diversity of approaches and experimentation which will be suitable and productive for the regions of the country.

ESTABLISHMENT OF REGIONS

SEC. 4. The Secretary of Transportation (hereinafter referred to as the "Secretary") is authorized and directed, within six months of the effective date of this Act, to designate appropriate "transportation regions" within the United States where he determines that there is a geographic, demographic, and economic relationship between the areas within a prospective region.

REGIONAL COMMISSIONS

SEC. 5. (a) Upon designation of transportation regions, the Secretary shall invite and encourage the States and local governments wholly or partially located within such regions to establish appropriate regional commissions.

(b) Each such commission shall be composed of one member from each participating State in the region, one Federal member, hereinafter referred to as the "Federal cochairman" who shall be the Secretary or his designee, one member from each Standard Metropolitan Statistical Area (as defined by the Office of Management and Budget) with a population of one million or more, and one member from each Standard Metropolitan Statistical Area with a population between two hundred thousand and one million persons except that such member's vote will have one-half the value of other members' votes. Each State member may be the Governor, or a person who shall be appointed by and serve at the pleasure of the Governor, or such other person as may be provided by the law of the State which he represents. Each SMSA member shall be selected by the appropriate elected officials of local governments within the Standard Metropolitan Statistical Area. The non-Federal members of the commission shall elect a cochairman of the commission from among their number. Notwithstanding the foregoing provisions relating to non-Federal membership, in the event the Secretary finds that an existing regional commission embraces within its functions and purposes the field of transportation development, the Secretary may, at the request or with the consent of the appropriate States and eligible SMSA's accept such regional commission, as the transportation regional commission for the purposes of this Act.

(c) Decisions by a regional commission shall require the affirmative vote of the Federal cochairman and of a majority or at least one if only two, of the non-Federal State members. In matters coming before a regional commission, the Federal cochairman shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter and the non-Federal members shall consult with representatives of appropriate local subdivisions within their respective jurisdictions.

(d) Each non-Federal member of a re-

gional commission shall have an alternate, appointed by the appropriate official or officials of the jurisdiction represented, or as otherwise may be provided by the law of the State or local governments within the Standard Metropolitan Statistical Area which he represents. The Secretary shall appoint an alternate for the Federal cochairman of each regional commission. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the non-Federal or Federal member for whom he is an alternate.

(e) If any one State or part thereof is designated a transportation region, the Secretary may establish a commission for such area in a manner agreeable to him, to the Governor of such State, and to the local elected officials of governments included within the boundaries of the eligible SMSA's.

FUNCTIONS OF REGIONAL COMMISSIONS

SEC. 6. In carrying out the purposes of this Act each regional commission shall with respect to its region—

(1) develop plans, research and development programs, and demonstration projects for balanced and coordinated regional transportation development, and establish a priority ranking for such plans, programs, and projects, and in accomplishing the objectives of this clause each regional commission shall—

(A) evaluate the relative benefit of the plan, program, or project in serving the essential transportation needs of the affected area;

(B) evaluate the prospects that the plan program, or project on a continuing rather than a temporary basis will improve the economic, environmental, and social development of the area served by the plan, program, or project; and

(C) with respect to its planning function—

(i) initiate and coordinate the preparation of long-range overall transportation plan for such region, such plan to designate the priority of a transportation need of the affected areas and identify transportation resources of the affected area;

(ii) develop comprehensive and coordinated plans utilizing the long-range overall transportation plan as a guide, and establish priorities thereunder, that give due consideration to other Federal, State, and local transportation planning in the region; and relate transportation development to other planning and development activities and needs of the region, including but not limited to preservation and enhancement of the environment;

(iii) prepare specific plans for the development of improved and compatible transportation systems within such region; and

(iv) conduct investigations, research, surveys, and studies to provide data required for the preparation of plans;

(D) with respect to research and development programs—

(i) initiate research and development of intercity systems aimed at immediate improvements in intercity passenger service using existing facilities and available equipment;

(ii) initiate research and development of safe and reliable high-speed prototype intercity passenger systems, susceptible of early demonstration;

(iii) initiate research and development of equipment for use in urban areas for the purpose of providing at an early date a prototype demonstration system providing high-speed passenger transportation for such areas;

(iv) initiate research and development of transportation systems that provide compatibility between urban and intercity systems; or

(v) initiate research and development of any other transportation systems essential to the needs of the affected area;

(E) with respect to demonstration projects or any other projects, insure that such projects reflect the priority of the transportation needs of the affected area as determined by the commission in accordance with this section; and

(F) cooperate with Federal, State, and local agencies in the conducting or sponsoring of research and development programs and demonstration of other projects required to improve regional transportation;

(2) review and study, in cooperation with the appropriate agencies involved, Federal, State, and local public and private transportation plans, programs, and projects and, where appropriate recommend modifications or additions which will increase their effectiveness and compatibility in the region;

(3) provide a forum for consideration of transportation problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences;

(4) formulate and recommend, where appropriate, interregional companies and other forms of interstate and interregional cooperation to carry out recommended programs for improved transportation, and work with Federal, State, and local agencies in developing appropriate model legislation;

(5) prepare legislative and other recommendations with respect to both short-range and long-range transportation programs and projects for Federal, State, and local agencies and the methods of their implementation;

(6) provide for and encourage financial participation by State and local governments and private industry to the maximum extent practicable including, but not limited to the provision of land;

(7) shall not approve the construction of any project in any Standard Metropolitan Statistical Area unless elected public officials of the area have been consulted and their views considered with respect to the proposed location and design of the project; and

(8) shall provide for the construction of transportation systems and facilities, as necessary, in accordance with plans and procedures developed pursuant to this Act. Financing may be arranged independently by the Commission itself or in cooperation with Federal, State, or local governments.

ADMINISTRATIVE POWERS OF REGIONAL COMMISSIONS

SEC. 7. (a) To carry out its duties under this Act, each regional commission is authorized to:

(1) adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business and the performance of its functions;

(2) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible; and

(3) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, town, city, municipality, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

(b) In order to obtain information needed to carry out its duties, each regional commission shall:

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable, a cochairman of such commission, or any member of the commission designated by the commission for the purpose, being hereby authorized to administer oaths when it is determined by the commission that testimony shall be taken or evidence received under oath;

(2) arrange for the head of any Federal, State, or local governmental department or agency (who is hereby so authorized, to the extent not otherwise prohibited by law) to furnish to such commission such information as may be available to or procurable by such department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for public inspection.

EXPENSES OF REGIONAL COMMISSIONS

SEC. 8. (a) Not to exceed 90 per centum of the administrative expenses of each regional commission may be paid by the Federal Government. The remaining 10 per centum of such costs or expenses shall be paid by the States included in each region and Standard Metropolitan Statistical Areas represented on the commission. The share to be paid by each such government shall be determined by the regional commission. The Federal cochairman shall not participate or vote in such determination. In determining the amount of the non-Federal share of such costs or expenses, the Secretary shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services.

(b) Each regional commission may appoint an executive director, who shall be responsible for the day-to-day management of the operations conducted by the commission. The executive director shall receive ocmpensation at a rate not to exceed the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code.

(c) Each regional commission may employ, in addition to an executive director, such technical, clerical, or other personnel on a regular, part-time, or consulting basis as may be necessary for the discharge of its functions. Regional commissions for regions comprising two or more States shall not be bound by any statute or regulation of any participating State in the employment or discharge of any officer or employee.

PERSONAL FINANCIAL INTERESTS

SEC. 9. (a) Except as permitted by subsection (b) hereof, no non-Federal member or alternate and no officer or employee of a regional commission shall participate personally and substantially as a member, alternate, officer, or employee, through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization (other than a State or political subdivision thereof) in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. Any person who shall violate the provisions of this subsection shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply if the non-Federal member, alternate, officer, or employee first advises the regional commission involved of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the commission may expect from such non-Federal member, alternate, officer, or employee.

(c) No non-Federal member of a regional commission, or his alternate, shall receive

any salary, or any contribution to or supplementation of salary for his services on such commission from any source other than his State or local government constituency. Any person who shall violate the provisions of this subsection shall be fined not more than $5,000, or imprisoned not more than one year or both.

(d) Notwithstanding any other subsection of this section, the Federal cochairman and his alternate on a regional commission shall not be subject to any such subsection but shall remain subject to sections 202 through 209 of title 18, United States Code.

(e) A regional commission may, in its discretion, declare void and rescind any contract or other agreement pursuant to this Act in relation to which it finds that there has been a violation of subsection (a) or (c) of this section, or any of the provisions of sections 202 through 209, title 18, United States Code.

APPROPRIATIONS

SEC. 10. There are hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1972, $500,000,000 for the fiscal year ending June 30, 1973, and $2,000,000,000 for each fiscal year thereafter through the fiscal year ending June 30, 1976, for the purposes of carrying out the provisions of this Act. Appropriations authorized under this Act shall remain available until expended.

FINANCIAL ASSISTANCE TO REGIONS

SEC. 11. (a) The Secretary shall apportion the sums appropriated pursuant to this Act for each fiscal year among the major transportation regions in the following manner:

(1) one-third in the ratio which the total area of each region bears to the total area of all regions;

(2) one-third in the ratio which the total population of each region bears to the total population of all the regions as shown by the latest available Federal census; and

(3) one-third in the ratio which the population in municipalities and other urban places, of five thousand or more, in each region bears to the total population in municipalities and other urban places of five thousand or more in all the regions, as shown by the latest available Federal census. For the purpose of this provision, Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(b) In no case shall the total Federal contribution to the cost of any plan, program, or project hereunder be more than 90 per centum of the total cost of such plan, program, or project. In determining the amount of the non-Federal share of such costs, the Secretary shall give due consideration to all contributions, both in cash and in kind, fairly evaluated, including but not limited to land, space, equipment, and services.

(c) The Secretary shall authorize the release of funds hereunder to a region on the basis of the establishment of an acceptable regional commission and the existence of plans, programs, or projects, which are approved by such commission and comply with this Act. Any funds which are apportioned to a region under subsection (a) of this section which, by agreement between the regional commission and the Secretary, are not needed by that region may be expended for plans, programs, or projects in another region, as determined by the Secretary, except that no region shall receive more than 25 per centum of the total funds appropriated pursuant to this Act for any fiscal year.

(d) Funds available for expenditure hereunder for any region may be utilized for plans, programs, or projects involving only such region or in cooperation with other regions, or through payment of funds authorized hereunder to departments or agencies of the Federal Government for conducting such plans, programs, or projects.

(e) Each regional commission is authorized in its discretion to transfer not to exceed 20 per centum of any funds which are apportioned to the region under subsection (a) of this section to the Secretary for the conduct of such research and development in the field of transportation as he may deem desirable. In utilizing such funds the Secretary is authorized to enter into contracts with public or private agencies, institutions, organizations, corporations and individuals without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5a).

RECORDS AND AUDIT

SEC. 12. (a) Each regional commission receiving assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the plan, program, or project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the plan, program, or project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

ANNUAL REPORTS

SEC. 13. (a) Each regional commission established pursuant to this Act shall make a comprehensive and detailed annual report each fiscal year to the Secretary with respect to such commission's activities and recommendations for plans, programs, and projects. The first such report shall be made for the first fiscal year in which such commission is in existence for more than three months. Such reports shall be transmitted to the Secretary not later than September 30 of the calendar year following the fiscal year with respect to which the report is made.

(b) The Secretary shall make a comprehensive and detailed annual report to the Congress of his activities, including a summary of the annual reports from each region, under this Act for each fiscal year beginning with the fiscal year ending June 30, 1972. Such report shall be printed and shall be transmitted to the Congress not later than January of the year following the fiscal year with respect to which such report is made.

POWERS OF SECRETARY

SEC. 14. In performing his duties under this Act, the Secretary is authorized to—

(1) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics needed to carry out the purposes of this Act: and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(2) call together and confer with, from time to time, any persons, including representatives of labor, management, transportation, consumers, and government, who can assist in meeting the problems of area, regional, or national transportation, and make provision for such consultation with interested departments and agencies of the Government as he may deem appropriate in the performance of the functions vested in him by this Act;

(3) employ experts and consultants or organizations therefor as authorized by section 3109 of title 5 of the United States Code, compensate individuals so employed at rates not in excess of $150 per diem, including traveltime, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently, while so employed: *Provided*, That contracts for such employment may be renewed annually; and

(4) establish such rules, regulations, and procedures as he may deem appropriate in carrying out the provisions of this Act.

MISCELLANEOUS

SEC. 15. (a) Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing.

(b) Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(c) All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized and no provision hereof shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any region, State, or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

EXHIBIT 2

SUMMARY OF PROPOSED LEGISLATION

1. *Designation of Transportation Development Regions*—The bill would authorize and direct the Secretary of Transportation to designate Transportation Regions made up of clusters of states, urban areas or parts thereof that have broad natural, demographic, or economic relationships.

2. *Regional Transportation Commissions*—Each region so designated would be invited to establish a Regional Transportation Commission. Federal funds would be available to help staff and operate such commissions.

3. *Use of Existing Regional Bodies*—The Secretary of Transportation could designate as a regional transportation commission an existing regional commission that includes transportation activities within its jurisdiction.

4. *Membership*—The regional commission would be composed of one member from each member state, one Federal member, who shall be known as the "Federal co-chairman," and members representing SMSA's of over one million population and SMSA's of between 200,000 and one million. The Federal member may be the Secretary of Transportation or his designee. The non-Federal members would choose a co-chairman to represent them.

Decisions by a regional commission shall require the affirmative vote of the Federal cochairman and of a majority of the non-Federal members.

5. *Functions of the Commissions*—The regional commissions shall each have the following functions:

Develop overall transportation programs; conduct surveys and studies; develop comprehensive and coordinated plans and programs; accomplish research and develop-construct new transportation systems and facilities; provide a forum for considering transportation problems; formulate and recommend appropriate forms of interregional cooperation; provide for financial participation of States, local governments and private industry.

In making its planning, development and other decisions the Commission is required to consider various factors including impact on the environment, the need for integrated and balanced transportation, the economic and sociological affects, and Federal, State and local land use planning goals.

6. *Project Costs*—The legislation would authorize federal expenditures up to 90% of the costs of transportation projects and programs approved by the regional commissions and for administrative expenses. The state and local shares may include cash, land, space, equipment and services.

No region shall receive more than 25% of the total funds appropriated for any single year.

The regional commissions may spend their funds within their own areas or for projects between two or more regions. They may also pool their funds or make a portion available to the Secretary for the conduct of pooled research and development projects in the field of transportation.

The bill would authorize expenditures of $200,000,000 for FY '72; $750,000,000 for FY '73; and $2,000,000,000 for each fiscal year thereafter through FY '76

WHY IS THIS BILL NEEDED?

1. Each mode of transportation today is developed, for the most part, without reference to other modes and with not enough attention to the nation's sociological, economic, and environmental aspirations. So we need a comprehensive approach to transportation planning—one that will mesh the urban mass transit system with intercity high speed ground or air transportation and will accomplish that integration without disrupting the area's ecology and still meet the special transport and shipping needs of the poor and aged.

This bill would provide the broad authority and the localized focus needed to arrive at answers that fit the unique character of the areas involved.

2. The movements of people and goods are not confined to, or defined by, arbitrary boundaries of states, yet transportation problems are too localized, too myriad and often too complex to admit of national solution. To be effective government must be able to focus its attention and energies on the problem area, finding solutions that meet local needs through the application of national goals.

This bill requires the Secretary to define the problem area or region after reviewing geographic, demographic, and economic relationships. Each such region would have a commission made up of Federal, state and urban representatives. The Commission would have authority and sufficient financial support to plan, conduct R & D, and construct projects and facilities.

3. A major handicap to efforts to improve transportation is the large number of interested political subdivisions affected by transport decisions. All the technological advances in the world will fail if the appropriate political and governmental framework is not available.

This legislation would establish a broadly representative governmental entity aimed at transport questions in a particular interrelated area.

4. Transportation has given the United States its shape—the existence of good harbors and the point where rail lines connect has determined the location of cities; the automobile has made the suburbs inevitable; transport rates and service have contributed to the clustering of businesses in certain business and industrial centers. All this has occurred without much human predetermination, but with the exception of natural geographic features man could have decided to shape the country differently. And with ingenuity and planning he still could.

The regional transportation commissions which would be established by this bill could make the attributes of transportation work for the people of the community through proper planning and experimentation.

Mr. HARTKE. Mr. President, I am delighted to join with the distinguished chairman of the Committee on Commerce (Mr. MAGNUSON) in proposing legislation to create a national transportation policy. As chairman of the Subcommittee on Surface Transportation, I attended and was privileged to chair most of the committee's hearings on similar legislation last year. Those hearings convinced me that we must have a restructuring of our institutions in order to deal more effectively with the difficulties of traveling and shipping goods between points in this country.

It was helpful recently to visit selected transportation facilities in Europe. Shortly after my return, I made a speech reporting on that trip; a speech which I think is relevant to this proposed legislation. I ask unanimous consent that the speech be printed in the RECORD.

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

STATEMENT OF SENATOR VANCE HARTKE BEFORE THE ASSOCIATION OF BAY AREA GOVERNMENTS SPECIAL CONFERENCE ON TRANSPORTATION AND PLANNING, SHERATON PALACE HOTEL, SAN FRANCISCO, CALIF., JUNE 19, 1971

We in the United States like to think of ourselves as being the world's most advanced country in terms of technological achievement. Americans are unsurpassed, we believe, in their ability to identify problems for their solution. And in many cases we are correct in that appraisal, but there is one problem area, that of facilitating people movements from one place to another where the Europeans seem to have done more. While we are busily sending men to the moon, many nations are increasing their efforts to reduce everyday transportation difficulties for their citizenry. In the United States we are beginning to recognize that, in too many instances, air travel is restricted by crowded conditions in the airways as well as by clogged traffic conditions on the ground. Traveling on the earth's surface, while it is still the way most of us travel most of the time, is an excruciating daily experience. In considering our transportation problems a review of actions in foreign lands can be most educational. Indeed, I highly recommend a journey to Europe to inspect European progress—it's a mind opening experience.

As chairman of the Senate Subcommittee on Surface Transportation, I am vitally concerned with improving all forms of transportation. Our subcommittee has periodically received reports about European nations and their transportation facilities. Some have averred that the nationalized transport systems in Europe are antiquated, are overloaded with unnecessary employees and fail to serve the public, others have claimed that we could do well to emulate the Europeans. I have now had an opportunity to examine, admittedly only briefly, some of the European endeavors in transportation. I would like to provide you, very briefly, with my impressions of the trip from which I returned within the past few days.

Many European transportation problems are not unlike problems in many areas in the United States. The major difference of course is that in Europe most distances are much shorter than they are here and necessarily, there must be less reliance on airplanes as a means of intercity travel. Several areas of our country, however, are not dissimilar. Europeans, like Americans, are finding that the automobile is ubiquitous. Traffic jams in Paris are legend and the same is true in Germany, Great Britain and elsewhere. Indeed, those who traveled to the Paris air show could not help but be struck by the irony in their journey. What should have been a 25 minute auto trip to the Le Bourget airport from Paris to see airplanes which could travel twice the speed of sound became a 90 minute endurance test. In the same time it would take the Concorde (the French and English SST) to travel 650 miles or more, persons trying to reach the air show inched their way about one-half mile.

In addition to the ever present automobile, the Europeans also have severe space limitations, a situation not uncommon to many parts of this country. In many cases European countries also tend to lack massive amounts of money for improving transportation. This condition is true in the United States for some modes, but not for others—the money could be available if we are ready to make the commitment.

There is no question that Europeans like Americans face some very trying times as far as improving transportation is concerned. My trip has convinced me, however, that the Europeans are making a very significant effort to improve their transportation network. Progress is, of course, fragmented in that there are several different jurisdictions at work all with varying degrees of money and interest in particular problems. But we can still learn a great deal.

Of tremendous importance are the comprehensive planning efforts that are being undertaken by some jurisdictions. While the United States talks about the need for a comprehensive transportation program there is already in existence a Paris regional plan which sets forth a transportation plan involving all modes. The plan was framed under the direction of an agency representative of the political subdivisions within the region. Proposals apply to all transportation forms affecting travel or the transportation of goods in and out of the Paris region. The region extends well beyond the city limits and suburbs of Paris and includes several other cities. The regional agency has produced a plan setting forth both 5-year goals and long-range goals for the year 2000. Included in the plan are proposals for the construction of more highways around but not through the heart of Paris and connecting Paris with other cities within and outside the region.

The plan contemplates at least one new airport and sets forth the goals for improving the existing urban mass transportation system and expanding that system. It includes bus transportation and proposals for intercity rail travel. The approach is very systematic. The Parisians have researched past traffic patterns quite thoroughly and made projections for the future. The characteristics of travel including average distances traveled for different modes are all considered in one general plan. The regional agency also has power to move ahead in the construction of facilities but has of necessity limited its efforts to meet the restrictions imposed by the lack of sufficient funds. Even with these restraints, France has made some important advances. Running between the Arc d'Triumphe and a new development called La Defense is a spanking new subway train. The French have gone to great pains to make the conditions at the terminals of this subway very pleasing to the senses. The whole system is almost completely automated. The latest developments in ticket purchasing and handling are employed. The cars themselves are rubber tired, are very pleasant to ride on, are fast and yet are very quiet. The La Defense end of the new service will eventually be a multi-modal facility as well as a general shopping and business center. This new facility will eventually be expanded to include other major stops some of which will be new towns. It is the first leg of what will eventually be an express system designed to complement the present multi-terminal metro system designed for shorter distances.

Copenhagen and Stockholm are other areas which have highly developed transport

plans on a regional basis. Copenhagen has closed a small number of streets to the automobile and is making other efforts such as doubling parking rates to reduce the autos in the central city area. Merchants who earlier objected strongly to these measures have now become supporters of the proposal. The chief planner for the Copenhagen area has made clear his view that, while the automobile is essential and certainly a pleasant mode of transportation, most people would agree that they would rather not have automobile domination in the center of their city. One thing of great interest to me about both Stockholm and Copenhagen is the interest in developing new towns and new cities. Both of these areas have recognized that to make a new town successful, it is vitally important to provide public transportation that is paid, punctual, and accessible. When new towns are planned, an integral part of the plan is the careful consideration paid to the need for adequate transportation to and from the new towns. These countries are using transportation to promote town development rather than as a service to be added as an afterthought.

In addition to the extensive efforts to improve transportation planning, the Europeans have surpassed the United States in efforts to improve transportation technology. For example, the United States has for years been discussing the advisability of introducing a tracked air cushion vehicle. But the French already have one in operation on an R&D basis. Testing has been in progress since September 1969 on a 11.2 mile long, full scale track elevated 16 feet above the ground located near Orleans, a small city south of Paris. This vehicle rides on a cushion of air and is capable of speeds up to 190 miles per hour but cruises at about 155 miles per hour. The French are accumulating very valuable data from experimentation with this vehicle. This particular mode of transportation may have some drawbacks such as, for example, the rather high cost of construction, and, for some systems, perhaps an unacceptable noise level.

It is possible, however, that experimentation will overcome those problems. Another difficulty is that fact that the track or guideway is elevated—this could present the kind of eyesore that would be unattractive to many Americans. Even this could be eliminated perhaps. Despite any problems, I found the ride to be a very fascinating experience. The vehicle which holds about 80 passengers has no difficulty in achieving the speed of 155 miles an hour and did so without much sensation of high speed. This vehicle could very possibly find usefulness in transportation between city centers and airports, and perhaps elsewhere.

Great Britain is embarked upon an endeavor linked more closely to the conventional. The British Railways Board has determined that, as far as the bulk of transportation in Great Britain is concerned, the railroad must play an even more major role in the future than it does today. The British are convinced that by increasing the speed of the conventional passenger train they will be successful in relieving the strain on other modes of transportation and will provide very acceptable traveling conditions. The British are well along on an ambitious program of trying to increase the speed of trains without making any drastic changes in the existing roadbeds or tracks. They have developed a locomotive and cars which they believe will make it possible to travel on conventional track and roadbed at speeds of 150 miles per hour and to do so routinely. The British undertook their program with the belief that no one really understood exactly what the dynamics of train operations really were. Near Derby, England, the British Rail Corporation has established a new 200,000 lb. laboratory for testing the systems and structure of the advanced passenger train (APT) and other high speed projects.

Design work on the APT has been completed and the British hope to have a prototype in operation sometime in October of 1971. The new train will be powered by gas turbine engines which drive generators which in turn will power electric motors at each set of wheels. This arrangement allows for more flexibility in that the body of the vehicle can actually tilt to offset the dynamics set up when the vehicle proceeds around curves at high speeds. The British are proceeding full speed ahead with the development of this train and plan to replace their entire existing system sometime within the next 15 to 20 years. They are convinced that the additional speed will more than pay for itself. It is noteworthy here that the British railways board has for the past two years reported a profit on its passenger service.

Another British effort of note is their national research and development corporation established solely for the purpose of taking on research and development projects which are too risky for private enterprise or which for some general reason are not receiving private attention. This corporation has developed its own tracked air cushion vehicle which should be in operation soon.

One more thing that I must mention is the entirely pleasant experience it is to ride on European passenger trains. These conventional trains do not travel at spectacular speeds but at 80 or 90 mph. They provide excellent transportation service from city center to city center. When a train is scheduled to leave at 1:30 it will almost assuredly begin moving at 1:30. The equipment in many cases, Great Britain in particular, is not necessarily new, but the service is superb. I think Amtrak could attract considerable additional ridership if it adopted European practices.

It seems to me that the Europeans are demonstrably well ahead of the United States in addressing many transportation problems—particularly those problems of greatest concern to most people. The United States, it seems quite clear, is well behind these other countries but if we take the initiative and if we are not fearful of innovative approaches we can do something about our current transportation debacle. Right now in the Senate Commerce Committee we are considering legislation which would establish regional transportation commissions which has some similarity to the agencies of Paris and Denmark. I am hopeful that we can move ahead in our consideration of this vital legislation. This country must take both a broad overview of transport problems, while at the same time creating an atmosphere within which local conditions are given appropriate consideration in the solution of transport needs. In addition to drastically improving our planning process we should give very careful attention to accelerating our R. & D. efforts. Here, we can save vast amounts of money by learning from what other countries have already done. If we can save time by considering ideas developed elsewhere I see no reason why we should not do so. Our goal should be the improvement of transportation services and in this area I think we have yet a lot to learn. No delay can be justified.

By Mr. MAGNUSON (by request):

S. 2280. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and for other purposes. Referred to the Committee on Commerce.

ANTIHIJACKING ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

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

S. 2280

A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, 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-Hijacking Act of 1971".

SEC. 2. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States; while that aircraft is in flight, which is from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard."

SEC. 3. Section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472), is amended as follows:

(a) By striking out the words "violence and" in subsection (1) (2) thereof, and by inserting the words "violence, or by any other form of intimidation, and" in place thereof;

(b) By redesignating subsections (n) and (o) thereof as "(o)" and "(p)", respectively, and by adding the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n)(1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterwards found in the United States shall be punished—

"(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"(B) by imprisonment for any term of years or for life, if the death penalty is not imposed.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he:

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.";

(c) By amending redesignated subsection (o) thereof by striking out the reference "(m)", and by inserting the reference "(n)" in place thereof; and

(d) By amending that portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Sec. 902. Criminal Penalties." by striking out the following items:

"(n) Investigations by Federal Bureau of Investigation.

"(o) Interference with aircraft accident investigation.";

and by inserting the following items in place thereof:

"(n) Aircraft Piracy Outside Special Aircraft Jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.".

SEC. 4. The amendments contained in this Act shall become effective one day after fulfillment of the following conditions:

(a) the entry into force for the United States of the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague, Netherlands, December 16, 1970; and

(b) the publication in the Federal Register by or on behalf of the Secretary of State of a notice referring to this Act and stating that the Convention has entered, or will enter into force for the United States on a date specified in that notice.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 4, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for introduction and referral to the appropriate Committee is a draft bill

"To amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft, and for other purposes."

The purpose of this proposed legislation is to implement for the United States the Convention for the Suppression of Unlawful Seizure of Aircraft (the Anti-Hijacking Convention).

On September 11, 1970, President Nixon signalled the need for strong international agreements to deter the worldwide threat of hijacking. He stated:

"It is imperative that all countries accept the multilateral convention providing for the extradition or punishment of hijacking which will be considered at the international conference which will be held under the auspices of the International Civil Aviation Organization. I affirm the support of the United States both for this convention and for the Tokyo convention, which provides for the prompt return of hijacked aircraft, passengers and crew. I call upon other governments to become parties to these conventions."

The United States was an active participant in the development of the Anti-Hijacking Convention. A Diplomatic Conference on Air Law, under the auspices of the International Civil Aviation Organization (ICAO), prepared this Convention. Seventy-seven States participated in that landmark Conference which culminated in the signing of the Anti-Hijacking Convention at The Hague, Netherlands, on December 16, 1970.

The Anti-Hijacking Convention represents a singularly significant development in international law. The Convention ensures that contracting States will subject hijackers to severe punishment, regardless of where the act of hijacking takes place. The major provisions of the Convention are described in Senate Executive A, 92nd Congress, 1st Session (copy enclosed). Executive A contains: (1) The message from the President of the United States transmitting the Anti-Hijacking Convention to the Senate; (2) The report on the Convention by the Secretary of State; (3) An Article-By-Article Analysis of the Convention; and (4) The text of the Convention itself.

The implementing legislation we propose would amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to bring the laws of the United States into line with the key provisions of the Anti-Hijacking Convention. The definition of "special aircraft jurisdiction of the United States" in section 101(32) would be extended to certain "other aircraft" not now within that definition. The concept of the period during which an aircraft is "in flight" in section 101(32) would be extended and clarified as well. The legislation also proposes several changes to the criminal provisions in section 902 dealings with hijacking. These include creating a new criminal sanction for the crime of "international" hijacking established by the Convention (sec. 902(n)), conforming the definition of the "domestic" crime of aircraft piracy to the Convention's concept (sec. 902(i)(2)), and adding new section 902(n) to the crimes in section 902 that are investigated by the Federal Bureau of Investigation.

As now defined in section 101(32), the special aircraft jurisdiction of the United States extends to civil aircraft of the United States, to aircraft of our national defense forces, to other (such as foreign registered) aircraft within the United States, and to other aircraft outside the United States if they last departed from, or are next scheduled to land in, this country. The legislation we propose extends the special aircraft jurisdiction to two more classes of "other aircraft": (1) An aircraft outside the United States would be included when "an offense" (as defined in the Anti-Hijacking Convention) is committed aboard, if the aircraft lands in the United States with the alleged offender still aboard; and (2) An aircraft would be included when leased without crew, if the lessee has his principal place of business or permanent residence in the United States. Thus, the United States criminal jurisdiction over an alleged hijacker would be extended, and would apply to an aircraft without regard to its next scheduled destination or last point of departure.

As now described in section 101(32), an aircraft is in flight "from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends." The legislation we propose conforms the description to the definition contained in the Anti-Hijacking Convention, "from the moment when all its [the aircraft's] external doors are closed following embarkation until the moment which any such door is opened for disembarkation." This amendment recognizes that an aircraft need not be airborne to come within the special aircraft jurisdiction, to invoke the applicable criminal provisions of section 902, or to invoke the provisions of the Convention.

A new subsection (n) added to Section 902 would establish Federal jurisdiction over the offense of aircraft piracy when the offense is committed outside the "special aircraft jurisdiction of the United States" and the offender is afterwards found in the United States. New section 902(n) further incorporates the definition of "an offense" in the Anti-Hijacking Convention. This subsection would carry out the obligation of the United States under the Convention to subject hijackers to severe penalties when they are later found in the United States, without regard to where they commit the offense.

The present definition of the offense of "aircraft piracy" contained in section 902(i) would be amended in line with the concept of "an offense" in the Anti-Hijacking Convention. This would be done by specifically including "any other form of intimidation" as an element of the offense of "aircraft piracy". Our proposed legislation would give the responsibility of investigating offenses under new section 902(n) to the Federal Bureau of Investigation, in addition to the responsibility they now have as to sections 902(i)-902(m).

Finally, the legislation we propose would specify the conditions that must be met before the Act becomes effective. Fulfillment of these conditions will ensure the existence of the necessary constitutional basis for this proposed legislation.

On April 15, 1971, the President transmitted the Anti-Hijacking Convention to the Senate for its advice and consent to ratification. We urge that the Congress promptly enact this legislation to ensure early implementation of the Anti-Hijacking Convention in the United States.

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

Sincerely,

———, ———,
Acting Secretary.

By Mr. HANSEN:

S. 2281. A bill to authorize the Secretary of the Interior to engage in a feasibilty investigation for the modification of Seminoe Dam. Referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, I rise today to introduce legislation authorizing the Secretary of the Interior to conduct a feasibility study on the modification of Seminoe Dam on the North Platte River in Wyoming.

Seminoe Dam was completed by the Bureau of Reclamation in 1939 to store water for irrigation purposes. It is one of the major storage facilities on the North Platte River. However, the North Platte dams and reservoirs were built at a time when irrigation, rather than flood control, was of prime concern.

This year the States of Wyoming and Nebraska have suffered greatly as a result of flooding on the North Platte River. Millions of dollars of damage has been caused by the flood. The events of this year have caused concerned citizens and officials at the local, State, and national levels to seek methods of preventing similar disasters in the future.

A most effective method of relieving this problem is to provide for additional storage capacity in Seminoe Reservoir allowing greater flexibility in operation to prevent flood problems similar to the ones experienced this year.

The design of Seminoe Dam is such that it could be raised by approximately 15 feet, and the storage capacity of the reservoir thus increased more than 300,000 acre-feet. This modification would require a relatively small amount of money and the benefits which would accrue through increased flexibility in the operation of the entire system of reservoirs would seem to justify the costs involved. Not only would flood control operations be more effective, but increased benefits could also be realized by recreation users throughout the reservoir

system and to a limited degree also by irrigation water users and perhaps industrial users.

Mr. President, I ask unanimous consent that this bill be referred to the appropriate committee and that early and favorable action be taken on it.

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, Mr. BIBLE, Mr. SCOTT, and Mr. PELL):

Senate Joint Resolution 131. A joint resolution authorizing and requesting the President to issue a proclamation to commemorate the 125th anniversary of the Smithsonian Institution. Referred to the Committee on the Judiciary.

125TH ANNIVERSARY OF THE SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, it has been 125 years since the English scientist, James Smithson, bequeathed a sum of money to the United States to found the Smithsonian Institution. As a result of that generous gift, more than 13 million Americans have passed through the Institution and have been enlightened, inspired, and delighted.

Today I am introducing a joint resolution, authorizing the President to issue a proclamation to commemorate the 125th anniversary of the Smithsonian Institution. The Board of Regents of the Smithsonian, of which I am a member, recommend that Sunday, September 26, be proclaimed by the President of the United States as a special day to honor the founding of the Smithsonian Institution and its scientific and cultural achievements. It seems only fitting that the creation of this great institution be celebrated with appropriate ceremonies.

This resolution, cosponsored by Senators FULBRIGHT, BIBLE, SCOTT, and PELL, states that the Smithsonian Institution has indeed fulfilled the mandate set forth by James Smithson in 1835 when he stated that it was "an establishment for the increase and diffusion of knowledge among men." The scientists and scholars of the Smithsonian have been in the forefront of the expansion of knowledge since the founding of the Institution and have made important contributions in fields ranging from astrophysics to zoology and from the history of art to the history of technology.

This Institution, designated to be founded in Washington, D.C., has been an addition that has greatly enhanced our Nation's capital. It has aided the enlightenment of the public, both tourists and local residents, for many decades.

The Smithsonian continues to be a living and growing institution adding to the knowledge of our past, to the understanding of the world around us, and to our preparation for the future. In view of these immeasurable contributions, I ask support of the resolution to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 925

At the request of Mr. BENTSEN, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 925, a bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing.

S. 1408

At the request of Mr. MUSKIE, the Senator from North Dakota (Mr. BURDICK) and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 1408, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1814

At the request of Mr. HARTKE, the Senator from Idaho (Mr. JORDAN) and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 1814, a bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code.

S. 1824

At the request of Mr. NELSON, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1824, a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices.

S. 1839 AND S. 1840

At the request of Mr. CANNON, the Senator from Nevada (Mr. BIBLE) and the Senator from Utah (Mr. MOSS) were added as cosponsors of S. 1839 and S. 1840, bills relating to the Federal Government's purchase of recycled materials.

S. 1874

At the request of Mr. MAGNUSON, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 1874, a bill to provide for the establishment of projects for the dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes.

S. 2039

At the request of Mr. BUCKLEY, the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Nebraska (Mr. CURTIS), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GURNEY), and the Senator from South Carolina (Mr. THURMOND), were added as cosponsors of S. 2039, a bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys.

S. 2097

At the request of Mr. PERCY, the Senator from New Jersey (Mr. CASE) and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors of S. 2097, a bill to establish a Special Action Office for Drug Abuse Prevention within the Executive Office of the President for the purpose of concentrating the resources of the Nation in a crusade against drug abuse.

S. 2110

At the request of Mr. STEVENS, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 2110, a bill to prohibit importation of petroleum from any country which expropriates, nationalizes, or seizes American owned petroleum property without adequate compensation after January 1, 1971.

S. 2135

At the request of Mr. NELSON, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 2135, a bill to extend for 5 years the period within which certain special project grants may be made; and

At the request of Mr. KENNEDY, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 2135.

S. 2161

At the request of Mr. HARTKE, the Senator from Tennessee (Mr. BAKER), the Senator from Minnesota (Mr. MONDALE), and the Senator from Michigan (Mr. HART) were added as cosponsors of S. 2161, a bill to amend chapters 31, 34 and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2163

At the request of Mr. MATHIAS, the Senator from Vermont (Mr. PROUTY) was added as a cosponsor of S. 2163, a bill to provide for the payment of tuition, subsistence, and educational assistance allowances to certain eligible veterans.

S. 2198

At the request of Mr. TUNNEY, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of S. 2198, a bill to authorize the National Summer Youth Sports Program.

S. 2223

At the request of Mr. HUMPHREY, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

S. 2258

At the request of Mr. GRIFFIN, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 2528, a bill to permit coordination and cooperation in accelerated research and development of devices and equipment to meet Government standards for exhaust emissions and abatement of pollution.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of Senate joint resolution 62, to authorize the display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE RESOLUTION 149—SUBMISSION OF A RESOLUTION TO AUTHORIZE ADDITIONAL COPIES OF TRIBUTES TO THE LATE SENATOR RUSSELL, OF GEORGIA

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE submitted the following resolution:

S. Res. 149

Resolved, That there be printed concurrently with the usual press run six hundred additional copies of Tributes to the late Senator Richard R. Russell, of Georgia, for the use of the Senate Committee on Rules and Administration.

SENATE RESOLUTION 150—REPORTING OF AN ORIGINAL RESOLUTION RELATING TO THE PRINTING OF THE ANNUAL REPORT OF THE DAR

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution:

S. Res. 150

Resolved, That the seventy-second annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1969, be printed, with an illustration, as a Senate document.

SENATE RESOLUTION 151—SUBMISSION OF A RESOLUTION RELATING TO ARMAMENTS LIMITATION

(Referred to the Committee on Foreign Relations.)

Mr. HUMPHREY. Mr. President, I submit for appropriate reference a resolution which I believe can be of some help in approaching an arms limitation agreement.

I urge, Mr. President, that the Senate accept a revised version of my original resolution on armaments limitation. The original resolution, Senate Resolution 87, outlined suggestions for halting the arms race. Specifically, it called upon the President "to propose at the negotiations with the Government of the Union of Soviet Socialist Republics for the purpose of entering into an agreement—

First. To ban or limit to a very low level the deployment of antiballistic missile systems by the Government of the United States and the Government of the Union of Soviet Socialist Republics.

Second. To bind those Governments to conduct further negotiations to achieve a limitation on offensive strategic weapons.

This part of my amendment appears to be on its way to implementation. From the President's own remarks it looks as if an ABM agreement will be worked out by the end of this year at SALT. We are also led to believe that some formula for the limitation of offensive weapons will also be reached between the two governments.

For this reason, Mr. President, I find it most appropriate that the following resolution be accepted by the Senate and the President.

I ask unanimous consent that the 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:

S. Res. 151

To Effectuate a Mutual Freeze on Nuclear Weapon Deployment During the SALT Talks

Resolved, Whereas, both the Governments of the United States and the Union of Soviet Socialist Republics "have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABM's). They have also agreed that, together with concluding an agreement to limit ABM's, they will agree on certain measures with respect to the limitation of offensive strategic weapons."

Now, therefore be it Resolved that the Senate call upon the President

1. to propose that the United States and the Union of the Soviet Socialist Republics enter into a mutual freeze on the deployment of both offensive and defensive nuclear weapons for the duration of these negotiations with the understanding that the continued observance of the freeze requires comparable self-restraint by both parties.

2. to inform the Congress fully and promptly of all developments in the arms race which could affect the strategic arms limitation talks (SALT), and to consult regularly with the Senate on those developments.

Mr. HUMPHREY. For the same reason that I advocate a suspension of our MIRV program, I also urge a freeze on the deployment of other offensive and defensive nuclear weapons. We should do everything feasible to encourage the speedy conclusion of arms control agreements without impairing our own security.

By seeking a freeze on deployments of nuclear weapons, we are doing in a more concrete way what actually may be occurring in fact. The latest Pentagon reports indicate that the Soviet Union probably is not pushing ahead at an accelerated pace with its SS–9 program. The recently discovered holes which we once were told were for a larger more powerful missile may now be an indication that the Russians are stepping up their defensive, second-strike capacity by hardening missile silos.

There is speculation that the Soviet Union may be doing something else, but there are ways to find out. One way is to freeze our own nuclear deployment program and insist that the Soviet do likewise.

This freeze could be monitored by national surveillance facilities available to both the United States and the Soviet Union. As a double safety measure, there should be a constant review by the Congress and the President of Soviet activities. I suggest, as a result of the helpful suggestions made at the time of my testimony before the Senate Subcommittee on Arms Control, International Law and Organization, that we make checks at regular six month intervals on the general nuclear strategic situation. On the basis of those findings, as reported by the President to the Congress, a joint decision can be made on whether to continue the freeze.

Mr. President, I ask unanimous consent that my prepared testimony which discusses this resolution in greater depth be printed at this point in the RECORD along with the prepared testimonies of Dr. Herbert Scoville and Professor Marshall Schulman. Dr. Scoville's remarks before the subcommittee substantiate with most effective arguments my own position; and Professor Shulman's statement provides an expert opinion of Soviet behavior patterns and perceptions of the U.S. military activities.

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

STATEMENT OF SENATOR HUBERT H. HUMPHREY

Mr. Chairman, I appreciate having this opportunity to testify before this Subcommittee concerning specific questions of arms control. My testimony is based on the legislation which I introduced on March 25th and today and the report which I prepared with the assistance of Congressmen Harrington and Fraser on the multiple independently targeted re-entry vehicle.

This report puts in succinct form the basic issues of MIRV as they relate to the overall strategic defense posture of the U.S. and to prospective arms control agreements. The recommendations made in the report are incorporated in the MIRV amendment I am introducing today. The amendment to the Military Procurement Authorization bill, S. 939, reads as follows:

"SEC. 502. The Secretary of the Treasury shall place, in a special account established by him, all funds appropriated pursuant to this or any other law for the further testing or deployment of multiple independently-targeted re-entry vehicles (MIRV's). Such funds may be used for the purposes for which they were originally appropriated only if the President and the Congress jointly determine at any time that the Government of the Union of Soviet Socialist Republics' testing and deploying of its own MIRV system and other action necessitate the further testing and deployment of the United States' MIRV as a guarantee of the United States' retaliatory capability. Upon certification of the Secretary of the Treasury by the President that such a determination has been jointly made by the President and the Congress, such funds shall be available immediately for the purposes for which they were appropriated."

Both the amendment and the report are intended to help serve as a constructive evaluation for legislators and government officials. I would hope that they are considered carefully, especially since the reopening of SALT talks at Helsinki has created a most propitious climate for halting the arms race. I will read pertinent excerpts of the report prepared under the auspices of the Members of Congress for Peace through Law, and wish to file the entire report with the Committee.

On May 20, the President read a joint Soviet-American statement on the Strategic Arms Limitation Talks. The statement read that the governments of both countries had "agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missiles." There was also an expressed agreement to agree on "certain measures with respect to the limitation of offensive weapons."

The main significance of this statement is that it indicates that both sides in the SALT talks are committed to an agreement. It indicates that both the United States and the Soviet Union are willing to negotiate a formula for limiting the deployment of the antiballistic missile.

Were this agreement to be put into effect within the next year, the implications for other weapons systems and the entire arms race would be enormous. Specifically with respect to the multiple independently-targeted re-entry vehicle (MIRV), the original purpose for which this weapons system was conceived would no longer be valid.

Not only would the original purpose be called into question but any future intent in support of a continuation of the MIRV program would be highly tenuous. It would be highly probable that the MIRV program would have to be completely reassessed.

While an agreement on ABM or on offensive weapons has not yet been worked out, there is every hope that it will. What is necessary, therefore, during the period of negotiations is that both the governments of the United States and the Soviet Union exercise a supreme amount of self-restraint in order to create the climate most conducive to agreement.

MIRV is a highly destabilizing weapons system which may become superfluous if agreements on ABM and offensive weapons ceilings are successfully concluded at SALT. It has been ascertained that the United States has at present a considerable lead time over the Soviet Union in its MIRV program, mainly because it began work on MIRV before the Soviet Union. The Soviet Union, on the other hand, could have an advantage if it were to continue to deploy the SS–9 missile installed with a MIRV system comparable to our own.

What can generally be determined through a comparative qualitative analysis of the strategic nuclear position of the United States and the Soviet Union is that the two countries have reached a position of nuclear parity. This situation coincides with what has been accepted as the basic aim of our strategic forces. In order for the United States to observe a policy of nuclear sufficiency, our forces must be able to maintain a second-strike capability and eliminate all incentive for the Soviet Union to strike the United States first. This study will show how continued testing and deployment of MIRV during this year does not contribute significantly to the criteria for a policy of nuclear sufficiency.

Sufficiency, with the rough balance in strategic nuclear weaponry that the word implies, has as a result become a measure of safety and should become the prime determinant for our defense needs in the future. Now that sufficiency has been achieved, it would be counter-productive for the United States to try to regain its former position of superiority, considering present Soviet capabilities. It is, therefore, in the interests of the United States and a speedy conclusion of an agreement or agreements on arms control that the United States halt the testing and deployment of MIRV.

COSTS

The costs for MIRV were touched upon in yesterday's hearings and are essential in the Senate's consideration of MIRV and the entire Defense budget. It must be proved that the enormous costs involved are really justifiable, both in terms of economic and strategic efficiency.

The Authorization bill for Military Procurement, Research and Development for FY 1972 calls for approximately $635 million for the Minuteman III MIRV program and $530 million for Poseidon conversion.

These figures do not include some parts of MIRV-related programs. The Department of Defense proposed FY 1972 budget for "Continued procurement of Minuteman III and Minuteman force modernization is $839 million; for "Conversion of SSBN's to Poseidon configuration, continued procurement of Poseidon missiles, and associated effort," the DOD budget proposal is $803 million.

The true figure for MIRV programs, therefore, lies somewhere in between. The DOD estimates the total system cost for MIRVing the Minuteman III at $5,997.8 million and the total cost for Poseidon at $6,855.5 billion.

These figures by themselves are meaningful in that they show the enormous expenditures involved for a particular weapons system program.

Even more meaningful is the idea that these expenditures have provided us with little additional security. They have, on the contrary, proven to be considerably destabilizing with respect to our ability to halt the arms race.

THE CASE AGAINST MIRV

Aside from costs, there are equally important strategic considerations which argue against the continuation of our MIRV program at this time.

What is the Soviet ABM threat? Soviet deployment of a line of air defense missiles and associated radars in the 1960s, the so-called Tallinn lines, was at first believed to be the beginning of a nation-wide ABM system. After lengthy debate, the U.S. intelligence community assessment, affirmed by Secretary Laird in 1969, was that the Tallinn system is an advanced bomber defense. Department of Defense officials, most notably research head Dr. John Foster, continue, nevertheless, to spread alarm about the Tallinn line by stating that it might have some ABM capability or could be upgraded to have such capability. The simple rejoinder to this view is to ask why the U.S. is not itself converting our Nike Hercules anti-aircraft defenses (SAMs) to ABMs, instead of dismantling them. If a Russian ABM defense of population is so easy, why have President Nixon and Secretary Laird repeatedly stated that with all U.S. technology we do not know how to build an ABM system which will protect population?

The actual Soviet ABM system consists of 64 Galosh ABM missiles constructed around Moscow between 1964 and 1968. In 1968 the Soviets ceased further ABM deployments but in April, 1971, Secretary Laird announced that the Russians have apparently resumed ABM related construction in the Moscow area. The extent and nature of this new activity is as yet uncertain and may prove to be a false alarm. In any case such new deployment would have to be greatly enlarged and extended to many other areas before it would approach being an effective ballistic missile defense of Soviet urban areas.

It continues to remain true that the United States could deploy its MIRV more rapidly than the Soviet Union could construct a significant ABM system. It is unnecessary to deploy MIRV before the Soviet ABM is built and the U.S. does have considerable lead time over the Soviets in this regard, particularly because we have already completed development and testing of an effective MIRV system.

The argument that MIRV guarantees the survivability of our land-based missiles and thus enhances our second-strike capabilities is equally tenuous. In a statement to the Senate Armed Services Committee Secretary Laird said that the SS–9 program would pose a real threat by 1975–1976 to our Minuteman missiles when the SS–9's accuracy would be considerably improved.

Rather than continue with our MIRV deployment program which depends more on an apparent than a real threat, it is suggested that this program be halted on a provisional basis.

Any discussion of Soviet nuclear blackmail as a justification for MIRV rests on the assumption that the Soviet Union is in a far superior nuclear strategic position to the United States.

No evidence has been found to reach such a conclusion. While the SS–9, if deployed extensively, would give the Soviet Union a higher yield capacity than the United States, has, it would not become a serious threat to our second-strike capacity until the Russians installed an accurate MIRV. A recent study by the Department of Defense and the CIA indicated that the multiple warheads which the Soviet Union has tested thus far are not accurate enough to wipe out our Minuteman III missiles in a surprise attack. New estimates indicate that the Soviet Union is even farther behind in its MIRV program than United States officials originally assumed.

Aside from its MIRV position, the United States holds a lead in many other important areas of strategic weapons technology—missile accuracy, reliability and retarget ability; solid-fueled rockets, submarine launched missiles and numerous penetration aids for bombers and missiles.

As long as we have and maintain our deterrent capabilities at the present level, the risk of a nuclear confrontation with the Soviet Union would be far too costly. There is no need at the moment, however, to expand these capabilities.

The recent SALT announcement by President Nixon confirmed progress at the SALT talks and indicated that a sharp limitation on ABMs in the near future is a reasonable expectation. It demonstrates confidence in the feasibility of a workable ABM agreement inspected by national means. The announcement also strips away whatever vestiges of urgency still cling to the continuation of U.S. MIRV deployment. The question of whether or not MIRV is negotiable has little meaning in the present context. With an ABM agreement and the possibility of placing a ceiling on SS–9 deployments, further deployment of MIRV could be voluntarily abandoned.

Thus, there are no adequate grounds for MIRV in the absence of an uncontrolled Soviet ABM program. The anticipated agreement at SALT will hopefully provide for the necessary limitation on both Soviet and American ABMs. There is no reason to spend billions more on a strategic system that we do not need. Furthermore, some concrete step should be taken to stop MIRV before it is too late. For these reasons this study makes the following recommendations.

RECOMMENDATIONS

1. All funds approved by Congress for MIRV testing and deployment should be placed in escrow.

2. These funds should not be released unless the President and Congress jointly determine that the USSR's testing and deployment of its own MIRV system and other actions would necessitate further testing and deployment of the United States' MIRV as a guarantee of the United States' retaliatory capability.

3. In the course of the SALT talks the United States should:

a. enter into a mutual freeze on the testing and deployment of both offensive and defensive nuclear weapons, including ABM and MIRV, pending the outcome of the talks.

b. continue to seek by treaty a total ban or a limit to a very low level on ABM deployment.

While my testimony thus far has concentrated on the question of MIRV, I have also noted the interrelationship of MIRV and the SALT talks. Point 3 of the recommendations, which is based on the amendment I introduced on March 25, draws this connection. To underline this interdependency between MIRV and SALT, I am introducing a revised version of my original resolution which takes account of the latest developments at SALT. It is a sense of the Senate resolution which reads as follows:

Whereas, both the Governments of the United States and the Union of Soviet Socialist Republics "have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABM's). They have also agreed that, together with concluding an agreement to limit ABM's, they will agree on certain measures with respect to the limitation of offensive strategic weapons." Now, therefore, be it

Resolved, that the Senate call upon the President—

1. to propose that the United States and

the Union of Soviet Socialist Republics enter into a mutual freeze on the deployment of both offensive and defensive nuclear weapons for the duration of these negotiations with the understanding that the continued observance of the freeze requires comparable self-restraint by both parties.

2. to inform the Congress fully and promptly of all developments in the arms race which could affect the strategic arms limitation talks (SALT), and to consult regularly with the Senate on those developments.

The freeze I am proposing could be monitored by national verification techniques and maintained by the mutual self-interest of both the United States and Soviet governments.

The intent of this resolution is very similar to S. 211, introduced in 1969 by Senator Brooke and backed unanimously by this Subcommittee. It would set the climate for wide-sweeping negotiations on a number of levels. Our negotiators and Soviet negotiators cannot arrive at agreements on shifting sand. They need a temporary halt or hold on offensive weapons deployment to provide a solid foundation and climate to shape their proposals. The Committee Report on S. 211 took note of this point when it said that, "It would seem, therefore, both feasible and desirable to provide the strategic arms limitation talks with an opportunity to reach agreements without the additional problem of having to take into account a constantly shifting and asymmetrical situation with respect to strategic weapons." I contend that it is even more feasible and desirable today than when this Subcommittee first held hearings on S. 211.

Mr. Chairman, you yourself noted at the opening of these hearings that what we can hope for in the immediate future is a freeze on deployments. I would go one step farther by saying that it is imperative to initiate that freeze as soon as possible. A general freeze on deployments, as the Foreign Relations report noted, is easier to monitor than a situation characterized by constant change in types and numbers of strategic weapons.

The halt in weapons deployments I have in mind includes the Soviet SS–9, both the U.S. and Soviet MIRV, including our own ABRES system, and both ABM programs. I have tried to emphasize how opportune the present is for halting MIRV and ABM deployments. What I have not stressed is that I think the Russians have shown a great interest in halting the arms race. The fears that we once had that new Soviet construction sites discovered by our own surveillance facilities might be part of a program to move to an offensive, first-strike capability seem unfounded. The latest Pentagon report undertaken by TRW, Inc. apparently draws quite different conclusions. I would hope that this Subcommittee is able to obtain the TRW report so that we can stop guessing. Arms control is a serious matter and we all want to be responsible. The Executive branch has an obligation to keep Congress informed. I, therefore, look forward to reading the TRW report.

I thank you, Mr. Chairman, and the distinguished members of this Subcommittee, for being so receptive to my comments today and I sincerely hope that these hearings will be productive in advancing the purposes of the SALT talks and further arms control agreements.

STATEMENT OF HERBERT SCOVILLE, JR.

Mr. Chairman, it is both a privilege and a pleasure to come again before this Subcommittee which has over the years been such a constructive element in the struggle to increase national and world security by limiting armaments. I am particularly gratified that in this series of hearings, the Committee is attempting to clarify the relationships between arms control and unilateral weapons R & D, procurement and deployment decisions as expressed in the proposed DOD budget. The two are interdependent and cannot be separated. Too often in the past the arms control implications of new weapons developments have been ignored until it was too late to avoid a new round in the arms race.

At the request of the Committee staff the primary subject of my discussion today will be MIRVs (Multiple Independently Targetable Reentry Vehicles), a classic example of such a tragedy. They were originally developed and justified as the most cost effective method for enlarging our nuclear strike capability and the most certain means of insuring penetration of an ABM system while the decision makers gave little or no consideration to their destabilizing characteristics and to the pressures they created for accelerating the arms race. Unfortunately, despite the Senate urging restraints, the U.S. continued MIRV testing and deployment at a pace which is not justified, even by Secretary Laird's own statements of the threat so that as a result their control has been made much more difficult today than it was two years ago.

If MIRV development and deployment is allowed to proceed without any limitation, other new strategic weapons programs will almost inevitably be demanded in order to offset the increased vulnerability of fixed land based ICBMs. These demands will be extremely difficult to resist even though the submarine based deterrent would remain invulnerable if ABMs were restricted to low levels. Therefore, it is important to determine whether MIRV limitations are indeed a hopeless objective or whether there is still time to restrain this dangerous development.

To explore this issue I shall try to show:

(1) that the U.S. can halt its MIRV deployment for several years without incurring any security risks,

(2) that the Soviet MIRV program is many years behind that of the U.S. and that it would require several years of testing before they could deploy MIRVs which could threaten Minuteman, and

(3) that a U.S.-U.S.S.R. ban on the production, testing and deployment of MIRVs, verified by national means, is technologically feasible, and in the mutual interest of both nations. Whether it is politically feasible will never be known until the U.S. takes the steps necessary to achieve Soviet agreement.

U.S. MIRV PROGRAM

At the present time the U.S. has completed the development and testing and begun deployment of first generation MIRVs on the Minuteman III and Poseidon missiles. When these programs are completed in the mid 70's, 31 Polaris submarines will carry Poseidon missiles with a reported 10 MIRVs per missile, or 160 warheads per submarine, and 550 Minuteman IIIs each with 3 MIRVs will be emplaced. Two Poseidon equipped submarines have already gone to sea and about 100 Minuteman IIIs are deployed. $1.6 billion is in the FY 72 budget for these programs. The budget also contains $87 million for research on improved MIRV guidance systems in the ABRES program, some of which will undoubtedly go toward improving their accuracy.

Secretary Laird has stated that these MIRV deployments are required to ensure penetration of Soviet ABMs and to provide additional retaliatory weapons in the event of a Soviet first strike against the Minuteman force. He said:

"Should part of our missile force be unexpectedly and severely degraded by Soviet preemptive actions, the increased number of warheads provided by the remaining MIRV missiles will insure that we have enough warheads to attack essential soft urban industrial targets in the Soviet Union. At the same time, the MIRV program gives U.S. increased confidence in our ability to penetrate Soviet ABM defenses, even if part of our missile forces are destroyed." [1]

Even with the recently reported resumption of ABM deployment around Moscow and even without any ABM agreement at SALT which President Nixon has stated as a goal for this year, the Russians will not have an ABM needing U.S. MIRVs to maintain the deterrent until well after 1975. If an ABM limitation is achieved, MIRVs will never be needed.

In this connection much concern has been expressed in some quarters that the Soviets might secretly upgrade their antiaircraft defensive missile systems (SAMs) into ABMs. If it is so easy to convert air defenses to ABMs, why is the U.S. dismantling its Nike Hercules SAM batteries and instead proposing to spend more than $12 billion on a new system of limited effectiveness? Moreover, Secretary Laird has recently reaffirmed his view that "an effective (ABM) defense of our population against a major Soviet attack is not now feasible," [2] and this judgment took into consideration all technology available to the U.S. and not just modifications to an existing SAM. The type of logic which adopts a double standard for U.S. and Soviet technical capabilities is, in my view, very dangerous and can in the long run decrease rather than increase U.S. security.

While a SAM system can always have some capability for shooting down a ballistic missile, it is quite another thing for it to have a realistic capability for neutralizing the U.S. deterrent. Soviet SAMs do not have the high performance radars which are required. Coupling Russian Hen House radars to the present SAMs will still not do the job since these radars are in most cases vulnerable and could be put out of action by a single missile. Then, the SAM–ABM system would be a blinded Cyclops. The Soviets at a minimum would have to build new, sophisticated, and powerful radars providing wide area coverage before their SAMs would have any real ABM capability. These would take many years and be detected long before they were truly operational. Countermeasures could be instituted far in advance. And indeed, as Secretary Laird has argued, no ABM can with existing technology reliably protect countries like ours and the USSR.

With respect to the other stated justification for MIRVs, i.e., the need for more retaliatory warheads, Secretary Laird stated in early March that the initial threat to Minuteman would not occur until 1975–76.[3] Moreover, since that time it has been shown that the threat from the new construction of large Soviet ICBM launchers was illusory. Finally, as I will discuss shortly in more detail, it becomes increasingly evident as every day passes that the Soviets have probably not even yet begun testing a MIRV system of the type and accuracy which could threaten Minuteman. Thus, even the 1975–76 date is almost certainly premature.

In this connection the program for placing MIRVs on the Minuteman III is particularly unwise at any time for two reasons. Not only is it a bad investment to expend billions of dollars to replace a single warhead with three out of fear that 95 percent will be destroyed, but also the Minuteman III MIRVs are the most destabilizing because they have the greatest potential as counterforce first strike weapons. Their warhead yield of hundreds of kilotons together with their fixed, accurately known, firing location provide them with a much greater hard target capability than the smaller yield warheads which would be fired

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[1] Fiscal Year 1972–76, Defense Program and the 1972 Defense Budget, March 15, 1971, p. 66.

[2] Ibid., p. 63.

[3] Ibid., p. 46.

from submarines. On the other hand, the fact that Minuteman III will only carry three warheads makes it much less effective in securing the deterrent by penetrating ABMs than Poseidon with 10 or more warheads. *All these factors combine to make the Minuteman III MIRV program undesirable in any circumstances.*

In sum, even taking the DOD's own justifications, it is apparent that there is no present security requirement for U.S. deployment of Poseidon and particularly Minuteman III MIRVs. While it is true that orderly scheduling would support the continuation of the present deployment program, I would hope that no government official would use such an irresponsible excuse for the continued deployment of MIRVs in light of the risks that such action presents to our ability to halt the arms race.

Recently one further justification for U.S. MIRVs has, however, also been rumored, i.e., the need for MIRVs to provide the U.S. with the option to retaliate, following a Soviet first strike, in some manner other than by destroying Russian cities. President Nixon stated:

"I must not be . . . and my successors must not be . . . limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. This is especially so when that response involves the likelihood of triggering nuclear attacks on our own population. It would be inconsistent with the political meaning of sufficiency to base our force planning solely on some finite . . . theoretical . . . capacity to inflict casualties presumed to be unacceptable to the other side." [4]

No public amplification of this has yet been made, but the use of MIRVs in a counterforce second strike has been hinted as one means of providing such a capability. Unfortunately, a second strike counterforce MIRV cannot be differentiated from a first strike one, and Secretary Laird has categorically denied that the U.S. was seeking such a weapon. The Soviets would inevitably view any counterforce MIRV as a threat to their deterrent as we would view a similar Soviet program as a threat to ours. The Russian fear of the U.S. MIRV program may well be the explanation for their construction of new large holes for possible hardened launchers. A U.S. attempt to achieve counterforce MIRVs would be only a thinly disguised program to raise the arms race to a new level.

Finally, I believe that President Nixon's objective, while superficially attractive, is dangerously misguided. The scenario that the Soviets might initiate a surgical first strike to knock out our Minutemen and bombers, an attack which would require thousands of megatons and kill millions of Americans as a byproduct, on the chance that the U.S. might refrain from retaliation, seems to me a fantasy which ignores all the realities of a nuclear war. Far better for the U.S. to expend its energies and resources on means to avoid the outbreak of nuclear war than the means to fight it. It is sometimes argued that having such a second strike capability might be a useful deterrent to Soviet consideration of initiating a limited nuclear war. In my view, the fear of U.S. destruction of the entire fabric of Soviet civilization is an infinitely more potent deterrent than the fear that we might destroy her residual strategic forces.

SOVIET MIRV PROGRAM

There is no question that in the absence of any arms limitations the Soviets can in time develop and deploy MIRV systems which could threaten fixed land based ICBMs. The large payload of their missiles makes this easier in the long run for them than for us. However, no convincing evidence has ever been presented that the Soviets have yet tested a MIRV system with such capabilities.

In the spring of 1969, President Nixon and DOD officials expressed fears that the "footprint" of the Soviet 3-MIRV system, which was first test flown in August 1968, had a pattern for destroying Minuteman. As time has passed, this fear appeared to have been unfounded. Then in the fall of 1970, the DOD again announced that new tests indicated the Soviets had for the first time tested a 3-MIRV system using their SS-9. Now, six months later, it again seems that these fears were exaggerated. Recent reports have cast serious doubt as to whether the Soviet tests were of a MIRV system which could realistically threaten Minuteman. (They may have only been malfunctions of the old MRV.) A MIRV which can threaten Minuteman must have accuracies of less than ½ mi. CEP and the flexibility to vary the "footprint" to cover a wide variety of Minuteman deployment patterns. No evidence has ever been presented to support this. It seems likely that this is but another example of the selective public release of partially analyzed intelligence information in order to stampede the Congress and the public into supporting new weapons programs.

It seems most likely that the Soviets have not yet even begun testing a MIRV system which could threaten the Minuteman component of the U.S. deterrent. However, they are technologically capable of doing so at any time. When they do, it will probably be with a missile system capable of dispensing 6 or more independently targetable warheads, rather than the triplet warhead MIRV used in the U.S. SS-9 threat calculations. Six or more MIRVs per missile would reduce the need for the Russians to deploy additional large ICBMs. That is why it is important to try to put a brake on MIRV programs now. This is much more critical to U.S. security than limiting the number of large ICBMs. The Russians already have enough SS-9s provided they have such a MIRV capability.

Yet, why has the Administration, in spite of overwhelming Senate support, (S.R. 211), been so reluctant to take the necessary steps to attempt to get the Soviets to agree to some limitation on MIRVs? Why have we promoted unilateral U.S. MIRV programs which have no present security requirement and yet which make Soviet MIRV programs so inevitable and their agreement to limit them so difficult? Is it because we do not have the political strength to halt a new military technology? Some say we cannot design a negotiable MIRV limitation which would protect our security, but I do not believe this to be a reasonable excuse for our apparent footdragging.

LIMITATIONS ON MIRVS

I do believe it is technically possible to have a MIRV limitation which could be verified by national means so as to protect U.S. security. Admittedly, national means are not adequate to detect deployment of MIRVs in a missile system of the same external configuration as a single warhead missile. However, onsite inspection is not adequate for this either, since it is impossible to prevent substitution of the MIRV stage by a single warhead prior to the arrival of an inspector. U.S. attempts to obtain Russian agreement to onsite inspection would be evidence only of our lack of interest in a MIRV limitation.

A ban on the production, testing and deployment of all MIRVs would, however, be a verifiable all inclusive agreement, which would be in the mutual security interests of both countries. Any agreement which allowed even small MIRV deployment would almost certainly be unstable and defeat its purposes. To allow the Russians to achieve our present capabilities would almost inevitably provoke U.S. responses in weapons programs. The presently deployed U.S. Poseidon and Minuteman III MIRVs would have to be replaced with single warheads. A single warhead version of Poseidon has been designed, but the program has not been given priority.

The Minuteman III MIRV is very questionable even if the Russians went ahead with all their strategic weapons programs. A MIRV ban would be much more effective in protecting the Minuteman deterrent than any Minuteman III deployment. The Poseidon MIRVs are unnecessary unless the Soviets deployed a large ABM which would take many years and may be foreclosed if President Nixon achieves his stated goals at SALT. In the event that a large ABM threat developed, the single warhead Poseidon could be converted to a MIRV in ample time to protect our deterrent.

With respect to the verification it is fortunate that the Soviets have not yet a tested MIRV which can threaten Minuteman. They cannot make such a deployment without tests which could be observed by U.S. national information systems. I testified on our ability to verify MIRV testing before this Committee last year and so will not repeat the details at this time.[5]

The Soviets could also verify such an agreement. Although the U.S. has tested and begun deployment of MIRVs for Minuteman III and Poseidon, the Russians would be certain to know if we continued to produce or deploy these in violation of an agreement. This is made easier for them by the fact that both these new missile systems have different external configurations from the presently deployed Minuteman I and II and Polaris. Thus, the U.S. can verify such an agreement primarily through the testing phase and the Russians primarily through the production and deployment phases.

One must, however, ask the question as to whether such an agreement is politically achievable even though technically feasible. At this point it is impossible to state categorically whether the Soviets would agree to any limitations on MIRVs. Certainly they have given little evidence that they are particularly eager for such an agreement. However, such an agreement would be in their security interest, as well as that of the U.S., since it would eliminate the vulnerability of their land based ICBMs to a U.S. counterforce strike. Despite protests to the contrary by senior DOD officials, the Russians must view the U.S. MIRVs as a threat to their deterrent. The program to improve MIRV guidance systems is further evidence of U.S. intent to develop such a threat. President Nixon's view [6] that U.S. MIRVs are designed to demonstrate our defensive intent and are justifiable, while the Russian MIRVs, which are not even yet tested, are dangerous because they threaten our ICBMs, is likely to be subscribed to only in reverse by the Soviet leaders.

Despite these incentives for Russian agreement to such a ban, I am not optimistic that they would be willing to do so. When the U.S. Senate first urged such action they may have been, but as every day passes and U.S. deployments continue, agreement becomes more unlikely. Past experience has shown that they will neither negotiate from a position of weakness nor agree to freeze themselves in a position of inferiority. They refused even to begin SALT until their missile forces approached parity with the U.S. To forego the development of even a first generation MIRV system when the U.S. has completed testing and begun deployment on two such systems would be a major con-

[4] President Nixon's State of the World Message, February 25, 1971, p. 131.

[5] Verification of Strategic Arms Limitations—Testimony before the Subcommittee on Arms Control, International Law and Organization of the Senate Committee on Foreign Relations—April 13, 1970.

[6] State of the World Message, February 25, 1971, p. 133.

cession which might be impossible for their political and military leaders to make.

Nevertheless the U.S. should make every effort to persuade the Soviets to do so and take all possible steps to make such a Russian decision easier. The proposal of replacing our existing MIRVs with single warheads should be of interest to them. Certainly until we have explored every avenue for achieving a limitation on such systems, we should postpone further deployment of U.S. MIRVs for which there is no present requirement in the absence of a larger Soviet ABM, and should cancel any programs for further improvements in MIRV accuracies. Proceeding prematurely with our programs and thus destroying any hope of agreement would be a folly and unnecessarily increase the risks to our security. *MIRVs are a clear example where proceeding with a unilateral weapons program provides less security than restraint.* Parallel with these halts the U.S. should press forward with, and complete the development of, a single warhead version of Poseidon and, if necessary, Minuteman III, so that we would be in a position to agree to a complete ban on the deployment of MIRVs by both nations.

RELATIVE IMPORTANCE OF LIMITING MIRVS

Limitations on MIRVs should be the highest priority item in any attempts to limit offensive strategic weapons because of their destabilizing characteristics and the potential they provide for a first strike. Their deployment produces far greater pressures for escalating the arms race than do increases in the numbers or changes in other characteristics of strategic missiles with single warheads. The difficulties involved in verification, once a tested MIRV system is available, makes it urgent that they be controlled now before this problem becomes much more difficult. However, since MIRVs only threaten the land based portion of the deterrent, the failure to ban them completely does not necessarily mean that the strategic arms race is uncontrollable. As long as neither side has large ABMs with nationwide coverage, mutual deterrence will continue to exist. ABMs threaten all portions of the deterrent. Therefore, the U.S. and Soviet governments have acted wisely in agreeing to give highest priority to the achievement of limitations on ABMs this year at SALT. However, while an agreement on ABMs is being negotiated, neither nation should take any unilateral steps which might make more difficult an eventual limitation on MIRVs.

SUMMARY

1. The U.S. has no security requirement for the deployment of MIRVs at this time. The deployment should be stopped and funds for the Minuteman III and Poseidon MIRV programs should not be provided in the FY 72 Budget.

2. The Soviet MIRV program is far behind the U.S. and in all probability the Russians have not yet even tested a MIRV system of the type that could threaten Minuteman.

3. A ban on the production, testing, and all deployment of MIRVs would be in the U.S.-USSR mutual security interest and could be adequately verified without onsite inspections.

4. In order to persuade the Russians to agree to a MIRV ban the U.S. should postpone any further deployment of MIRVs, cancel all programs designed to improve MIRV accuracy, and press forward with the development of a single warhead for the Poseidon missile.

5. Even if a MIRV limitation cannot be negotiated, the Minuteman III program should be canceled and the U.S. should refrain from further deployment of Poseidon MIRVs as long as the Soviet ABM remains limited.

6. The fear that the Soviets might secretly convert their SAM aircraft defenses into an ABM which could threaten our deterrent has insufficient foundation to warrant any change in the above conclusions.

7. The U.S. should direct its strategic policy toward maintaining deterrence, and refrain from attempting to develop a capability for fighting a strategic nuclear war which can only increase the risk that a nuclear holocaust will actually occur.

STATEMENT OF MARSHALL D. SHULMAN

Mr. Chairman, I appreciate your invitation to testify before this Subcommittee in the course of its hearings on the relationship between the deployment of weapons systems and arms control.

In the effort to increase our security by stabilizing the strategic arms competition, technical aspects of weapons systems have been in the forefront of the discussion. But SALT is more than a purely technical matter; like deterrence itself, it requires political insight and political judgments. I do not believe that we have sufficiently appreciated how deeply SALT involves internal political processes in both the Soviet Union and the United States, nor how sensitively these processes interact with each other.

What I propose to do in this brief statement is to bring to bear, from the study of the Soviet Union, some insights into the Soviet approach to SALT which I believe relevant to the present hearings. I will sketch the evolution of the Soviet position since SALT began, and will describe how that position appears to have been affected by tugs and hauls within the Soviet Union. In particular, I will try to deal with the effects upon the Soviet Union of the "bargaining chip" theory and the deployment of Safeguard and MIRV.

BACKGROUND OF SOVIET POSITION

In the four and a half years that have passed since the idea of SALT was first proposed, there has been a considerable evolution in the Soviet approach to the subject. For the first year and a half, there was no Soviet reply to the proposal, and during this period, there were some indications of sharp internal debates which involved fundamental questions of resource allocation and relations with the United States. Among the special difficulties involved was the extreme compartmentalization of Soviet life, as a result of which few persons outside the professional military services were in a position to discuss military technology; there was not a widespread familiarity with arms control matters, nor a preparation of the political leadership for the complexity of the task of thinking about how the strategic arms competition might be stabilized. From the outside, it appeared that the main lines of the debate were drawn between those who were concerned with the economic costs of the strategic competition and, on the other side, the various military services powerfully supported by the orthodox wing of the Communist Party bureaucracy, deeply committed to an expectation of unremitting conflict with the United States.

By the Spring of 1968, it appeared that a compromise had been reached which would permit at least exploratory participation in SALT, but in the meantime the intervention in Czechoslovakia and then the change of Administration in the United States delayed the opening of talks until November, 1969.

As a result of the first rounds of SALT at Helsinki and Vienna, there was manifested a widening competence and sophistication in Soviet discussion of arms control matters. There also appeared to develop an intensification of the internal debates as concrete substantive issues came under consideration. In the course of 1970, the Soviet leadership began to make it clear that it was prepared to try for "practical steps in the direction of disarmament." Speaking in Kharkov in May, 1970, Brezhnev signalled this intention, indicating that it was not inconsistent with the "conditions of an acute political and ideological struggle between socialism and capitalism in the international arena." He went on to declare that the Soviet Union had achieved an adequate deterrent, but would continue to build its military forces if the United States did so. "The Soviet Union would welcome a reasonable agreement in this field. We have created strategic forces that are a reliable means of deterring any aggressor. We will respond to any attempts by anyone to gain military superiority over the USSR with the requisite increase in military might, thereby guaranteeing our defense. We cannot act otherwise. However, if the United States government really desires an accord on checking the strategic arms race, if the American public succeeds in overcoming the resistance of the arms manufacturers and of the military, then the prospect for the talks could be asserted as positive. In any case, the Soviet Union will do everything in its power so that these talks will prove useful."

At the Party Congress in March and April of this year, which was heavily preoccupied with the improvement of the Soviet economy, Brezhnev made the point that "the favorable outcome of these talks [i.e., SALT] would make it possible to avoid another round in the missile arms race and to free substantial resources for constructive purposes." He went on to add the following condition, which has become a standard formulation in recent Soviet press commentaries: "However, we should like to emphasize that disarmament talks in general, and especially the discussion of highly delicate military and technical aspects, can be productive only if the interests of the parties' security are given equal consideration and no one seeks unilateral advantages."

An improvement of relations with the United States was possible, Brezhnev said, "but we have to consider whether we are dealing with a real desire to settle questions at the negotiating table or with an attempt to pursue a 'positions of strength' policy." "Let no one try to talk to us in the language of ultimatums and force."

In June of this year, in an election speech in Moscow, Brezhnev asked himself the rhetorical question whether it was unrealistic to consider the limitation of the arms race while capitalism still existed. His answer—and presumably it was addressed to those who did not consider the question rhetorical—was that it was not unrealistic, because of the "changed balance of power in the world—both sociopolitical and military power." He went on to say that the Soviet Union could afford both a reliable defense and the development of its economy, although, he added, "of course without large defense expenditures we and our economy would move ahead far more quickly."

These quotations illustrate two important factors underlying the decision of the Soviet leadership to accept the possibility of some limitation of the arms competition through SALT. One is the growing concern of the Soviet leadership with the economic constraints under which it is operating, particularly in the realm of advanced technology. The Russians clearly wish to avoid giving the impression of unilateral weakness on this score; Brezhnev in his election speech also dwelt on the economic effects of the arms race to the United States. There is no indication that the Soviet leaders would not or could not continue to maintain a high level of military expenditure if necessary, but they clearly have reached a decision that their country would be better off if expenditures for strategic weapons by both countries could be scaled down, particularly because the alternative is now seen as another upward bound in the arms competition.

The second factor in their decision is the recent build-up of Soviet strategic weapons

to a level of approximate parity with the United States. The Soviet leadership is no longer inhibited by a concern that an agreement would perpetuate Soviet inferiority, as might have been the case when SALT was first proposed in 1967. Perhaps one reason for the delay in the Soviet response was the desire to wait until deployments then planned had made their appearance, so that negotiations could be conducted on the basis of equality.

MAIN ELEMENTS OF PRESENT SOVIET POSITION

It may be useful to highlight the following elements in the present Soviet approach to the SALT negotiations:

1. *Insistence upon "equal security."* The Russians have made it clear that they will not accept any agreement that gives the United States any "unilateral advantage." They want SALT to codify parity. They have lectured their own military on the futility of superiority, but they are obliged to demonstrate that SALT will not mean a return of the Soviet Union to the position of inferiority under which they smarted for so long.

2. *"Playing it cool."* The Soviet leaders learned the lesson, during the early months of the Nixon Administration, when they were pressing the United States to begin SALT negotiations, that this display of eagerness led many in the United States to argue that the Soviet Union needed an agreement more than the United States did, and should therefore pay a price for it. Since that time, Soviet representatives have been at pains not to show undue public concern about the arms race or about such weapons systems as MIRV, lest they confer a bargaining advantage upon the United States. The result has been to make signalling between the two powers more difficult.

3. *Begin with ABM.* Partly because ABM systems appeared to be a relatively finite and manageable segment of the arms competition, compared with the enormous complexities of offensive systems, Soviet protagonists of SALT have favored beginning with an ABM agreement. Moreover, as an authoritative article in *PRAVDA* argued one week ago, ABMs stimulate the deployment of offensive missiles: "Action is met by counter-action. If one side strengthens its defense, then the other feverishly looks for new, more powerful means to pierce the defensive shield of the opponent."

4. *SALT does not imply a political truce with the United States.* The Soviet leadership has made it clear that it does not regard a SALT agreement as a signal for a political reconciliation with the United States, an end to "ideological struggle," or to the campaign against "American imperialism." When he spoke of the "normalization" of relations with the United States at the XXIV Party Congress, Brezhnev indicated that he had in mind possible progress in SALT, some trade, correct relations at moderate levels of tension, possibly talks to settle disputes, but not an embrace of friendship. Echoes of the internal debates may be heard in an article in *PRAVDA* May 4 by Georgi Arbatov, director of the Institute on the USA, in which he defends responding to "realistic tendencies" in the United States as representing "forced concessions," which "objectively can have consequences that correspond to the peoples' interests." He reminds his readers that peaceful coexistence and political detente do not "abolish the struggle between the two systems itself but moves it into channels in which this struggle does not lead to military conflict." Distinguishing a proper "class approach" from that of revisionists and reformers, he writes that it does not mean the "accommodation of the workers' movement to present-day imperialism and a reconciliation with it." The message is a reminder of the still powerful force in Soviet politics of Party orthodoxy, which takes a dark view of U.S. intentions, is skeptical whether the U.S. will negotiate seriously in SALT, and which continues to interpret the United States in terms of imperialism and conflict.

Although the various groups in the Soviet leadership see the United States in varying shades of darkness, they appear to share at best an uncertainty whether the U.S. is prepared to accept a SALT agreement on the basis of parity. The protagonists of SALT have sought to explain to Soviet hard-liners why the United States, after initially proposing an ABM limitation, then seemed reluctant to accept such an agreement; why the U.S. pushed through Safeguard as SALT was opening in 1969, and Phase II during the talks in 1970; why the U.S. pushed rapidly ahead with the deployment of MIRV in 1970; why successive "gaps" appear during each appropriations cycle, to justify new bombers, new re-entry systems, new underwater launch systems.

The explanation adduced by Soviet analysts is that there are two tendencies in American political life: that of the militarists and their supporters, and that of the anti-military "realists." The result, as they see it, is a "zig-zag" policy, reflecting the requirements of domestic politics. It should be added that "realism," in the Soviet usage, means not only an acceptance of a stabilization of the strategic arms race, but more: an acceptance of the Soviet position of equality in the world, of the Soviet position in Eastern Europe, and other Soviet political objectives. This view is based upon an assessment that there has been a "change in the alignment of forces," and it implies a graceful acceptance by the United States of Soviet efforts to increase its political influence around the globe at the expense of the United States. This is the operative significance of Arbatov's argument to the hard-liners in the Soviet Union that a positive response to "realism in capitalist policies" is justified because these "forced concessions" are objectively in Soviet interests.

It should be added that most Soviet analyses of American policy these days end on an interrogatory note: which tendency will prevail in the U.S.? It is interesting to observe a kind of reverse containment policy now emerging in the Soviet Union: it declares itself ready to reach business-like arrangements with the U.S. if it is realistic, but to resist manifestations of U.S. imperialism ("a principled line of rebuff to aggression and to the intrigues of the imperialistic forces.")

SOME CONCLUSIONS

1. It is worth noting that in the internal debates on SALT within the Soviet Union, such U.S. efforts to force the pace of the strategic competition as the deployment of Safeguard and MIRV have had the effect of weakening the case of those in the Soviet Union who have argued that arrangements with the United States for the stabilization of the strategic arms competition are possible. It has forced them into elaborate explanations and defenses of their proposed dealings with the "imperialists."

2. It is also clear that the effect of the "bargaining chip" rationale for further armament measures by the United States has been the opposite of what was intended. Although it is true that these measures have put before the Soviet leadership the prospect of a further expensive round in the arms competition as the alternative to a SALT agreement, what is more significant is that the Soviet leadership feels itself obliged to match each step with comparable measures, for it cannot allow itself, for both domestic and international reasons, to be pressured into an agreement on unfavorable terms. Perhaps the "bargaining chip" theory may be sound diplomacy under some circumstances, but it is clear that in the strategic weapons field it provides dynamism for the arms race. Moreover, when a measure such as Safeguard or MIRV is defended in this country on the grounds that is necessary to increase our bargaining pressure, rather than on the intrinsic merits of the measure proposed, the argument is known and discounted on the Soviet side as a transparent device.

3. Over the long run, it would seem more effective for the United States to base its negotiating tactics and its military procurements on the principle that security in the realm of strategic weapons is best served by a stable equilibrium at as moderate a level as can be managed through explicit or tacit agreement with our adversaries. To achieve this will require us to break the cycle of interaction between the two countries by the exercise of political leadership, deciding military policies in terms of this conception of security rather than leaving them to be decided by the pressures of the military services, the upward tug of technology, the over-reaction of military planners, or the misguided rationalizations of self-deceptive bargaining techniques.

Mr. HUMPHREY. We have been told by our President that an ABM agreement will probably be reached by the end of this year. From recent pronouncements General Secretary Brezhnev has firmly indicated his own interest in arms control agreements. Why then can we not move on toward these agreements before they escape us?

Now that the Soviet Union and the United States are in a position of near parity, freezing deployments would not upset this rough balance. It would, in fact, enhance it.

Once a tacit understanding was reached, such as the one I am proposing, a formal one would be even more probable. It would, moreover, be in the interests not only of the United States and the Soviet Union, but of other nuclear and nonnuclear nations. Above all it would be in the interests of mankind.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 145

At the request of Mr. TUNNEY, the Senator from Oregon (Mr. PACKWOOD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. BROOKE), the Senator from Florida (Mr. GURNEY), the Senator from Nevada (Mr. BIBLE), and the Senator from Michigan (Mr. GRIFFIN) were added as cosponsors of Senate Resolution 145, urging the Voice of America to broadcast into the Soviet Union in Yiddish.

SENATE CONCURRENT RESOLUTION 34—REPORTING OF AN ORIGINAL CONCURRENT RESOLUTION RELATING TO THE PRAYERS DURING THE 91ST CONGRESS

(Ordered to be placed on the calendar.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original concurrent resolution:

SENATE CONCURRENT RESOLUTION 34

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-first Congress, together with any other prayers offered by

him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand thirty would be for the use of the Senate and nine hundred seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. CASE, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of Senate Concurrent Resolution 21, calling for suspension of military assistance to Pakistan until the present conflict in that country is resolved.

AGRICULTURE - ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1972—AMENDMENT

AMENDMENT NO. 242

(Ordered to be printed and to lie on the table.)

FARM PAYMENTS SUBSIDY AMENDMENT

Mr. BAYH. Mr. President, I send to the desk a farm payments subsidy amendment which I intend to offer tomorrow, for myself and Mr. BROOKE, Mr. CASE, Mr. MCINTYRE, Mr. PERCY, and Mr. PROXMIRE, and I ask that the text of my amendment be printed at this point in the RECORD.

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

AMENDMENT NO. 242

At an appropriate place in the bill, strike out the period and insert in lieu thereof the following:

"*And provided further*, That none of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1972, to formulate or carry out any single 1972 crop-year price support program (other than for sugar and wool) under which the total amount of payments to a person under any such program would be in excess of $20,000."

GATEWAY NATIONAL RECREATION AREA—AMENDMENT

AMENDMENT NO. 243

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

LIBERTY PARK AND THE GATEWAY NATIONAL RECREATION AREA

Mr. WILLIAMS. Mr. President, along with my colleague from New Jersey, Senator CASE, I am submitting an amendment to S. 1852, a bill to provide for the establishment of the Gateway National Recreation Area. This amendment, which I am introducing in response to a suggestion by Governor Cahill, would authorize the inclusion of Liberty Park in New Jersey in the planned recreational area.

I think that this park merits incorporation into the Gateway area for two reasons. First of all, there is the symbolic value of Liberty Park and the adjacent landmarks of Ellis Island and the Statue of Liberty. Liberty Park, located on the waterfront in Jersey City, was created by the State of New Jersey to provide a suitable setting for these two national monuments, which are such an integral part of our national heritage. It would be singularly appropriate to link these famed reminders of our national traditions of freedom and tolerance with what will become the Nation's largest recreational area, and a tribute to the right of the individual to enjoy clean, pleasant, and most importantly, accessible, outdoor surroundings.

Second, the addition of Liberty Park, and the extension of the ferry service from there to Breezy Point and Sandy Hook, would make the Gateway Area much more convenient to the residents of New Jersey's cities. The port authority's rapid transit facilities are but a short distance from Liberty Park, and the residents of not only Jersey City, but also of Newark, Patterson, Passaic, Elizabeth, New Brunswick, and many other adjacent communities would find their access to the Gateway greatly facilitated.

At present, the State of New Jersey owns approximately 280 of the approximately 470 acres of Liberty Park, and since there are no residential areas involved, the costs of acquisition would not be prohibitive.

This amendment represents not only an extremely positive contribution to the recreational capacity and attractiveness of the Gateway Park, but also provides a method through which many New Jersey residents could enjoy the opportunities for leisure now available only to those fortunate enough to own automobiles.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 244

(Ordered to be printed and referred to the Committee on Armed Services.)

AMENDMENT NO. 244

Mr. HUMPHREY. Mr. President, I introduce two pieces of legislation today which I believe will support the President in his efforts to move forward in reaching an arms control agreement and put a halt to the arms race.

I am submitting an amendment to the Military Authorization bill for fiscal year 1972. This proposal stems from my Senate speech of March 25 when I proposed that Congress shoud act to place in escrow all funds for the further testing and deployment of our MIRV. Recent events confirm more than ever the necessity for such action.

Now that there seems to be firm ground for United States-Soviet agreement on ABM at SALT, there is little purpose on our part in moving ahead this year with an offensive weapons system such as MIRV which might only frustrate the successful outcome of our SALT negotiations.

I, therefore, propose Mr. President that the funds in the 1972 Military authorization bill be set aside in trust—placed in escrow—so that an arms control agreement can be worked on in the most positive climate.

I am suggesting that our MIRV program, which is in a far more advanced stage than the Soviet Union's, be suspended for the duration of the year to make perfectly clear to the Russians the earnestness of our intentions to halt the arms race in both offensive and defensive nuclear weapons.

My amendment is a simple one, which I would like read in the RECORD. Mr. President, I ask unanimous consent that my amendment placing the authorized funds for MIRV for fiscal year 1972 in escrow be printed at this point in the RECORD.

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

AMENDMENT NO. 244

At the end of the bill, add the following new section:

SEC. 502. The Secretary of the Treasury shall place, in a special account established by him, all funds appropriated pursuant to this or any other law for the further testing or deployment of multiple independently targeted re-entry vehicles (MIRV's). Such funds may be used for the purposes for which they were originally appropriated only if the President and the Congress jointly determine at any time that the Government of the Union of Soviet Socialist Republics' testing and deploying of its own MIRV system and other action necessitate the further testing and deployment of the United States' MIRV as a guarantee of the United States' retaliatory capability. Upon certification of the Secretary of the Treasury by the President that such a determination has been jointly made by the President and the Congress, such funds shall be available immediately for the purposes for which they were appropriated.

Mr. HUMPHREY. Mr. President, let me highlight the essential points of this amendment. Funds appropriated under the 1972 Defense authorization bill should be placed in escrow with the proviso that these funds could be released if the President came to Congress and reported that the Soviet Union's continued testing and deployment of MIRV or other action necessitated a release of these funds for the resumption of our own MIRV program. The Congress would, as it should, share with the President in the responsibility of making that decision.

Let it be perfectly clear that we must expect the Soviet Union to exercise self-restraint comparable to our own. If at any time Soviet defense behavior indicates that contrary, and more specifically, if we determine that a suspension of our MIRV program would be harmful to our retaliatory second-strike capability because of actions undertaken by the Soviet Union, I would be the first to recommend that the suspension be terminated.

But as I speak today, Mr. President there is little foundation for the conclusion that the Soviet Union would not respond in good faith to our own action. For years we in this country have built our weapons systems and defense policies on the basis of a worst-case analysis. I believe in caution, especially on the basic matter of this country's national defense, but I would suggest that we view the Soviet Union and other nuclear countries from another, more positive perspective.

While accepting the validity of the worst case analysis, we can also foresee

situations where the case is more optimistic. The Russians have in the past entered into workable agreements, so it is not unrealistic to assume that they will do so again, especially when a proposal is in their interests, as well as our own.

MIRV is a highly destabilizing weapons system which may become superfluous if agreements on ABM and offensive weapons ceilings are successfully concluded at SALT. It has been ascertained that the United States has at present a considerable leadtime over the Soviet Union in its MIRV program. The Soviet Union, on the other hand, could have an advantage if it were to continue to deploy the SS–9 missile installed with a MIRV system comparable to our own.

What can generally be determined through a comparative qualitative analysis of the strategic nuclear position of the United States and the Soviet Union is that the two countries have reached a position of nuclear parity. This situation coincides with what has been accepted as the basic aim of our strategic forces.

In order for the United States to observe a policy of nuclear sufficiency, our forces must be able to maintain a second-strike capability and eliminate all incentive for the Soviet Union to strike the United States first.

Sufficiency, with the rough balance in strategic nuclear weaponry that the word implies, has become a measure of safety and should become the prime determinant for our defense needs in the future.

Now that sufficiency has been achieved, there is no greater security to be found in an accelerated arms race. Any effort on the part of the United States to gain superiority in nuclear weaponry would undoubtedly be matched by the Soviet Union. All that is accomplished is raising the level of danger rather than strengthening the shield of security.

If an ABM agreement is reached, the deployment of MIRV would be wasteful, costly, and jeopardize any possibilities of further arms agreement. The original justification for MIRV was that the Soviets were deploying a vast ABM system. With a limitation on ABM, it is logical that there should be a limitation on MIRV. This is what is meant by an agreement in both the defensive and offensive strategic nuclear weaponry.

In order to promote a political climate conducive to both defensive and offensive nuclear weapons agreements, which is surely in our national interest and in the interest of a speedy conclusion of an agreement on arms control, we should halt the testing and the deployment of MIRV.

I, therefore, offer this amendment to place in escrow the funds for MIRV. This amendment will do two things. Firstly, it will halt the arms race on our part at a time when there is a real possibility for an agreement between ourselves and the Soviet Union. Secondly, it will leave in a state of readiness appropriated funds in case the Soviet Union does not exercise restraint on its part in the deployment of its ABM's SS–9's, and MIRV missiles.

EXTENSION OF TIME FOR CONVERSION OF SERVICEMEN'S GROUP LIFE INSURANCE—AMENDMENT

AMENDMENT NO. 245

(Ordered to be printed and referred to the Committee on Veterans' Affairs.)

Mr. BAKER submitted an amendment in the nature of a substitute intended to be proposed by him to S. 2201, a bill to amend the Servicemen's Group Life Insurance program to extend from 120 days to 1 year after discharge or release from active duty or active duty for training the period within which a member of the uniformed services may convert his servicemen's group life insurance to an individual policy of life insurance.

ATOMIC ENERGY COMMISSION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 246

(Ordered to be printed and to lie on the table.)

Mr. NELSON submitted an amendment intended to be proposed by him to S. 2150, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 159

At the request of Mr. SAXBE, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of Amendment No. 159, intended to be proposed to S. 1657, the International Security Assistance Act of 1971.

AMENDMENT NO. 198

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Amendment No. 198, to terminate the quota for South African sugar, intended to be proposed to H.R. 8866, the Sugar Act Amendments of 1971.

NOTICE OF HEARING CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

William S. Sessions, of Texas, to be U.S. Attorney, Western District of Texas, for the term of 4 years, vice Seagal V Wheatley, resigning.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, July 21, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON EFFECTS ON SMALL BUSINESS OF ADVERTISING AND PROMOTION IN THE PATENT MEDICINE AND COSMETIC INDUSTRIES

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will continue hearings into the effects of advertising on the viability and opportunities for small business in the proprietary medicine and cosmetic industries. The hearings will be held on July 21, 22, and 23 in Room 318—Caucus Room—of the Old Senate Office Building starting at 10 a.m., each day.

NOTICE OF HEARING ON NOMINATIONS

Mr. WILLIAMS. Mr. President, I wish to announce that on Thursday, July 22, the Committee on Labor and Public Welfare will hold a public hearing on the following nominations:

Mr. Peter G. Nash, of New York, to be General Counsel of the National Relations Board for a term of 4 years (vice Arnold Ordman, term expired).

Mr. Joseph H. Blatchford, of California, to be Director of Action (a new position).

The hearing will be held in room 4232, New Senate Office Building, and will begin at 1:30 p.m.

ADDITIONAL STATEMENTS

WILL WONDERS NEVER CEASE IN APPALACHIA

Mr. BYRD of West Virginia. Mr. President, many persons in recent years have noted that my State of West Virginia has an unusual potential for recreational development.

I am happy to say that facilities which make it possible for visitors to enjoy the scenic beauty of its mountains—with the varied possibilities they offer for both summer and winter recreation—are being developed and expanded as never before.

One such development is at Pipestem State Park, in Summers and Mercer Counties, high up in the cool Allegheny Mountains. A fine feature story about this spectacularly beautiful and unique resort appeared in the travel section of the Washington, D.C., Sunday Star of July 11, 1971.

I compliment the writer, Charles Yarbrough, for his excellent article, which I enjoyed. I am sure it will draw visitors to the area. All who go there will be rewarded. The money which Government has made available for this development has been well spent.

The article gives credit where credit is due in mentioning the part which Editor and Publisher John Faulconer of the Hinton, W. Va., Daily News played in bringing Pipestem Park into being. His leadership was selfless and devoted. I am sure that he will be as pleased as I am with the newspaper article.

I ask unanimous consent that the article from the Washington, D.C., Sunday Star be printed in the RECORD.

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

PIPESTEM ON A PLATEAU—WILL WONDERS NEVER CEASE IN APPALACHIA?

(By Charles Yarbrough)

PIPESTEM, W. Va.—If this is Appalachia, the country could use more of it.

Long-suffering from the tourist's short-sighted image of a land ravaged and left in social and economic dishevelment, West Virginia takes another surge here as one of the most overlooked scenic and recreational values east of the Great Divide.

And if he persists on overlooking, let him try this one high on the rim of the Bluestone Gorge—100,000 acres of sparsely-inhabited Alleghenies and Blue Ridge, roller-coastering out to the haze-paved horizon.

THE NAME?

Let him see pollution-free streams where the fish are begging; an 18-view golf course, riding stables, swimming pools, archery, billiards and table tennis, an amphitheater with 500 opera seats; five restaurants and lounges. Up here, the first reaction will be disbelief.

Then, when he tries to check into the modern, mountain-blending lodge or a spacious cottage on short notice, it may be dismay.

Pipestem State Park and its resort are named for the bush which supplied the Indians with hollow-woody stems for their pipes.

Newest in the West Virginia park system, it was built by the State Department of Natural Resources at a cost of $14 million in Federal loans and grants and is operated by Branigar Parks, Inc., for the State.

Among its incongruities—aside from the fact that it is here at all like a million peaceful miles from nowhere—is the Lodge where elevators go DOWN to most of the 114 rooms and suites.

. . . And if that isn't far enough down, there is the Mountain Creek lodge along the Bluestone, reachable only by a 3,600-foot tramway, which for 75 cents per round trip, doubles as a sightseeing ride.

What the first-time visitor won't see and perhaps won't realize is Pipestem as a symbol of West Virginia's vigorous search to stimulate tourism and recreation. Until Pipestem, perhaps the best example is Blackwater Falls, similar in concept and terrain.

With two top exceptions—James Bolinger, the managing director, and John Coffey, resident manager—Pipestem's staff of 200 come from the general area.

Although the resort is just into its second year-round operation, surrounding Summers and Mercer counties are feeling its economic impact, including real estate. But "congestion" can only be a far-far-away thing.

Pipestem itself has about 4,000 acres. Nearby Bluestone State Park has 1,800 and Campe Creek State Forest has 1,200. Surrounding Pipestem is a State Game Management area of 25,000.

One hotel chain has purchased 19 acres and another is "looking around."

What the first-time visitor will realize quickly at Pipestem is the utter tranquility. A very strident whippoorwill was outside my cottage window to break the dawn and some fresh-air slumber.

There will be times if you linger in the lodge that it can be wall-to-wall people and at least one week—better, two—advance reservations are advised.

From now through Oct. 31, rates at the Lodge range from $14 and $20 single to $20–$26 double. Down the tramway at Mountain Creek Lodge, it is $15 single and $20 double.

Cottages—modern right down to the toaster, television and telephone (and hotel maid service)—at $40 for two bedrooms; $50 for three bedrooms. Weekly rates in the cottages only go from $175 to $250.

All the cottages are electrically heated. Some have fireplaces and some have split-level design with decks overlooking the mountains and lake. Average construction cost for the 25 is about $37,500.

Food, no matter where, is excellent and the range goes from a Reuben sandwich (in West Virginia?!) to a double Porterhouse for two at $11.50.

Recreation runs rampant, but the visitor with children may complain that some of the facilities are a little too dispersed and the driver in the family may spend a lot of time between recreation center, archery range and other kiddie facilities.

The outdoor pool is at the recreation center; the indoor at the main lodge. Shuttle buses are in the planning.

The mountain folk art and crafts, already making their way into the nation's boutiques, is represented, sometimes in person, in the Lodge shop and at the visitor center.

WATER SPORTS

On advance notice, arrangements may be made for a six-mile trip to Lake Bluestone where boats, water skiing equipment and fishing guides are available.

As an after-thought, it can get dry up here. Nothing for sale but beer, which is an irony of some sort. Workmen building the Mountain Creek Lodge found two stills, one with the chrome still shiny.

Pipestem is, if you bird-dog the route, 297 miles from Washington, much of it down Interstate 81 through the Shenandoah Valley, picking up Route 60 at Buena Vista, Va.

A spectacular section of Interstate 64 begins at Clifton Forge, goes past White Sulphur Springs and the traditional Greenbrier.

Covington, with its smoking industrial stacks and sometimes odor, brings on the pollution image, but the engineering mastery of Highway 64 will take your mind off it.

If hunger speaks, don't miss the cafeteria (yes, "cafeteria!") in the Gateway Inn at Ronceverte.

Even on Sunday.

Few people can take more satisfaction from the early-on success of Pipestem than vigorous John Faulconer, editor and publisher of The Hinton Daily News.

For more than a decade, 65-year-old Faulconer saw the potential of the lofty plateau, unused except for wild game and an occasional corn whisky-maker.

With West Virginia Representative James Kee, they snared $14 million of the $33 million Federal program to stimulate the economy down here.

The stimulation has touched Faulconer more than lightly. His Daily News gets out on schedule. So does he.

"We play golf at Pipestem until mid-December."

SENATOR THOMAS J. DODD

Mr. MANSFIELD. Mr. President, I rise today to express my sorrow at the death of Senator Thomas Dodd and wish to extend my condolences to his family.

Thomas Dodd made many contributions to the people of this country. As a prosecutor at the Nuremberg trials after World War II, he helped establish the principle that citizens of any country have the highest moral duty to their fellow men; and that this duty in times of war as well as peace comes before duty to governmental dictate. As a member of the Armed Services Committee, he helped assure, through his dedication and foresight, that this country would be prepared to defend itself against any aggressor. And, most importantly, he showed high purpose and courage when he introduced and successfully sought the passage of a significant gun crime measure. Utilizing his experience as a former law enforcement officer and maintaining an independent stance from heavy organized pressure, he persuaded many of his Senate colleagues of its wisdom.

A man's achievements are his best testimonial and Tom Dodd had many proud achievements and our society will continue to benefit from his efforts long after any words are forgotten.

I express my deepest regrets to his wife, Grace, and the members of his family.

POLLUTION

Mr. BROCK. Mr. President, I invite the attention of Senators to the excellent efforts that the Chattanooga-Hamilton County Air Pollution Board is making in cooperation with the American National Bank of Chattanooga.

They have launched a clean-air caravan, built around a piece of equipment used to test automobiles, to see if they are polluting the air. The voluntary tests are conducted free of charge, and auto owners with cars polluting the air because of malfunctions are, for the most part, having their cars fixed immediately.

I salute this group for this effort and the citizens of Chattanooga for the way they are participating in this far-reaching program.

TRASH IS CASH

Mr. BUCKLEY. Mr. President, I invite the attention of Senators to the work of an organization which is headquartered in my State. The Environmental Action Coalition of New York City is an organization which unites the interests and activities of various community groups in a single effort for environmental improvement. Its current program, "Trash is Cash," is designed to teach people that household refuse has a value in terms of its depletion of natural resources and its potential reuse as recycled materials. It will, also, prepare the way for public demand for and acceptance of more mechanized systems of recycling.

On June 21, my colleague, the senior Senator from New York (Mr. JAVITS), and I were pleased to announce that the EAC was awarded a $32,000 grant under the newly created environmental education program in the Department of Health, Education, and Welfare. The efforts of the Environmental Action Coalition has also been enthusiastically supported by almost every New York City Congressman as well as by municipal and corporate leaders.

The "Trash is Cash" program is unique in its approach—citywide cooperation on an urgent urban environmental problem. The program boasts commendable professional standards which place the project in a position of leadership in recycling. However, continued success is de-

pendent on further public recognition and backing.

I ask unanimous consent that the article entitled "Recycling Bug" be printed in the RECORD.

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

RECYCLING BUG: ONE CAN LOOKS LIKE ANOTHER

(By Steve Lawrence)

The public's inability to tell one kind of can from another is frustrating and complicating efforts to develop profit-making or at least self-sustaining community recycling programs.

And the Environmental Action Coalition, the city's main organizer of these programs, says a massive can company advertising campaign, which says "you can't recycle," isn't helping.

"It's true, any kind of can is recyclable," said Karen Dumont, head of EAC. "But really the only way a community can make any money is by collecting aluminum or all-steel cans."

Aluminum cans have easy-pull tabs with rounded bottoms while most foods come in the traditional steel container that must be opened wih a can-opener.

BI-METAL NO GOOD

The least valuable containers for recycling, are the bi-metal cans with steel sides, squared-off tops and bottoms, and the easy-pull aluminum top.

EAC's point now is that a community simply can't make enough money collecting the bi-metal cans for recycling, to keep the program going.

The price a community gets for these cans, between $3 and $10 a ton, won't cover the cost of renting a truck to take the cans to a recycling center, Miss Dumont says.

Aluminum cans, on the other hand, bring in $200 a ton and a community can get $20 to $25 a ton for all steel cans.

"The economics become obvious," Miss Dumont said, "you need about a 40-foot truck to haul enough cans to make it worthwhile. The truck costs about $125 per trip and will carry five or six tons of cans."

Do the math, and you see that with aluminum cans you make $1000 or more a trip, and with steel, between $100 and $150.

ADS MISLEADING

A spokesman for the major can companies conceded this problem existed. "It's true, no one is going to get rich with bi-metal cans," he said.

"Maybe the ads are a little misleading in that respect," the spokesman said. "Basically though we believe that recycling has to come and the ads are an expression of that concern. We think that recycling bi-metal cans will cut litter, too, and that's a good thing."

He said about 10 per cent of the cans made in the U.S. were aluminum, while 45 per cent were all steel and 45 per cent are bi-metal.

"Most of the food cans are now all-steel, but beer and soft drink containers are mostly bi-metal, with some beverage manufacturers moving toward aluminum now," the can company spokesman said.

The bi-metal can has been popular because of the "easy-off" pull tab which so far can only be made of aluminum. "But we're now working on a steel, easy-pull, top," the spokesman said.

Miss Dumont said EAC worked with six community groups in Manhattan and Brooklyn which operated 10 collection centers. The coalition tries to make sure the groups understand these economic problems of recycling before a program starts.

THE HOUSE-PASSED COTTON PAYMENT LIMITATION AMENDMENT TO AGRICULTURE APPROPRIATION BILL

Mr. TALMADGE. Mr. President, I oppose the provision of the Department of Agriculture Appropriation bill—H.R. 9270—as passed by the House which would limit payments under the price support program to $20,000.

I believe it should be made clear that this provision is designed to defeat the purpose of, and destroy, the farm program.

The principal purpose of the farm program is to obtain plentiful supplies of agricultural products for consumers. It has made the American farmer the most productive in the world and the American people the best fed and clothed in the world. It has replaced the old boom and bust cycles where excessive production and low prices were followed by shortages and high prices. The program has eliminated these cycles by providing the farmer with an adequate assured price for the amount that is needed, and a low penalty price for any excess. In addition it requires the farmer to set aside and keep a certain number of acres out of production so that total supplies of agricultural commodities are kept in line with demand.

The $20,000 limitation, to the extent that it is effective, can have only one effect, and that is to reduce the number of units on which the necessary price is assured below that number of units needed to provide an adequate supply for consumers. A vote for the limitation is, therefore, a vote against consumers.

Another purpose of the program is to provide for reasonable prices to consumers. By paying part of the amount required to get an adequate supply produced, the Government keeps the amount which must be paid by the consumer at a reasonable level. To the extent that the Government payment is reduced, the amount paid by the consumer must go up. A vote for the limitation is, therefore, also a vote for inflation in prices to consumers.

Still another purpose of the program is to provide a fair price to producers. Part of this price is supplied in the form of Government payments. The proposed limitation is designed to prevent some producers from receiving a fair price for their commodity. A vote for this amendment is, therefore, a vote against producers.

The proposed limitation is manifestly unfair. To avoid the boom and bust cycles of oversupply and undersupply, which result when production is determined by the independent decisions of millions of producers, the law provides for regulation of production of some of the major commodities. In all regulated industries the principle of a fair return is recognized. But the proposed limitation is designed to limit some producers to less than a fair return, to place them at a competitive disadvantage, to put them out of business, or to make them switch to other crops or dispose of their land. A vote for the proposed limitation is, therefore, a vote for discrimination and land reform.

Articles in the newspapers have indicated that farmers subject to the $55,000 limitation have disposed of their land or allotments to corporations, and to syndicates of investors. So we are getting the farmers out of farming and getting the doctors and lawyers in. This does not appear an economically reasonable thing to do. Last year I discussed an article "Trouble in the Cotton Field" by Andrew Sparks, which appeared in the Atlanta Journal. It described three Georgia cotton farmers who had received more than $100,000 apiece in Government payments. One of them had a net profit of $14,000 on his farming operations. Another lost money. One of them, Mr. Hubert Cheek, grew cotton on 72 farms, of which 71 were rented from others. Twenty-four of these farms were rented from widows. Others were rented from retired people or people who had gone to work at industrial or city jobs. The payments made to Mr. Cheek were passed on in part by him to these widows and others, as well as to tenants and other labor, and helped keep them on the farm and off relief. It appears that a vote for this limitation is a vote for investors, lawyers, and doctors, and a vote against widows, retired people, and farmers. This is land reform of the worst sort, haphazard and without reason or purpose.

Last year Congress gave careful and extensive consideration to the Agricultural Act of 1970, which was approved November 30, 1970, and provided for a $55,000 limitation effective for the 1971, 1972, and 1973 crops. Nothing has happened since November 30 to warrant a different action, and Congress should give the program it has developed a chance to work. Vacillation by Congress will assure only that the country is not being run properly, and that plans cannot be made in reliance upon actions by Congress.

It might appear that this proposed limitation, which is designed to put big farmers out of business, might be advantageous to small farmers. But this is illusory. Any regulatory program which is designed to put some farmers out of business, bring about shortages in supplies of basic food and fiber, and inflate prices to consumers cannot continue in effect for long. Without some form of regulation and price assurance, the small farmer who lacks capital and other resources, would be the first to succumb.

Mr. President, the proposed limitation is not designed to save any money, and it cannot do so. It will cost about 35 cents per pound to get the quantity of cotton that we need produced. We can put some big farmers out of business, we can put some lawyers and doctors in the farming business, we can do some other things to make farming less economic. But none of these will make it any cheaper to produce cotton. The price will have to be paid by someone to someone to get the cotton produced. The proportions paid by the Government and the consumer can be varied, and the price can be paid to historic producers or to the doctors, lawyers, and other investors that replace

them; but it must be paid. And the more we force producers and investors into uneconomic arrangements, the more we force experienced producers out of business, the higher the price must be.

Mr. President, this proposed limitation is against economic sense. It helps no one. It hurts taxpayers because it defeats a program supported by tax moneys. It hurts consumers, farmers, tenants, rich and poor, all of us; and I hope that it will be defeated.

HOW MUCH OF THE WILDERNESS IS WILD?

Mr. ALLOTT. Mr. President, Mr. R. P. Comstock, director of exploration for the Ideal Cement Co. of Fort Collins, Colo., has written a lucid and intelligent essay on the issue of conservatism.

The title of the essay is "The Wilderness: Just How Much Is Wild?" and it should be of interest to all Senators. I ask unanimous consent that the essay be printed in the RECORD.

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

THE WILDERNESS: JUST HOW MUCH IS WILD?

There is a type of nature-lover I call the "purist-conservationist."

His chief characteristic is that he is against everything. He is against crowds. He is against restaurants, filling stations, overnight accommodations, ski lifts, ice rinks, and especially roads.

The purist has very strong ideas about who deserves to enjoy natural beauty. Ideally, the purist would reserve beauty for those who are willing, in ascending order of purity, to walk, hike, climb, crawl, or cliff-hang to achieve it.

The purist believes that those who do not agree with him desire to "rape" the landscape, a favorite phrase whose significance in purist mythology I shall leave to Freudian psychologists.

Once I was a purist.

Yes, I, too, staggered through the wilderness, my 50-pound pack on my back, achieving virtue with every upward step (and permanently compressing the discs in my spine).

I, too, struggled to the top of Mt. Whitney, there to think beautiful thoughts.

I, too, hiked the length of the John Muir Trail, glorying in its beauty and feeling vastly superior to the rest of humanity. (Being a purist at the time, I did not stop to think that the rest of humanity could not, as a student could, take a whole summer off to hike 200 miles, and that very few people are in physical condition to backpack for eight weeks at 10,000 feet, even if they had the time.)

And even in later years, when the press of law practice kept me physically away from the wilderness, in spirit I remained a purist. Keep those roads and crowds out, I said.

But no more.

Recently, for the first time in my life, I made a trip to Switzerland. That was the end of my purist ethic. What I saw in Switzerland made an unbeliever out of me.

The most amazing thing about Switzerland was not its natural beauty—I was prepared for that, having seen pictures of it for years (and the reality lives up to the pictures, I might add, which is rare these days)—but rather the fact that I discovered that virtually every part of Switzerland was accessible, was thoroughly used by people of all shapes and ages, and was in fact exploited to the ultimate.

Switzerland is criss-crossed with roads, some in use since Roman times; its mountain valleys are heavily grazed and farmed; hotels and restaurants are everywhere, even on the tops of some mountain peaks. Where the automobile cannot go, railroads will take you; and when the going gets too steep for the cog-wheel trains, you catch an aerial tramway, suspended on a wire.

Many of the most remarkable viewpoints are accessible by some type of comfortable transportation, so that all over Switzerland people sit on restaurant patios, 10,000 feet high, eating pastry and admiring nature—and they got there without walking.

(And when I say people, I mean lots of them, for tourism is Switzerland's primary industry. When the summer tourists leave, the skiers move in to the same facilities.)

In short, Switzerland, in theory, is everything the purist in America despises. It is roads, rails, restaurants, hotels, crowds and filling stations. It is beauty made easy. It is comfort. It is climbing without suffering.

By purist standards, Switzerland has been raped.

But our purists, in their endless sermons, never mention Switzerland. Why not? Why aren't they weeping bitter tears over that poor denuded landscape? Why not finger-point to this horrible example, with stern warnings that This Could Happen Here?

Why not? Because it would be ridiculous. Because Switzerland is beautiful, and its comforts add to its charm. And most of all because Switzerland is the living refutation of the purist ethic.

The purist ethic says: Keep people out. The Swiss ethic says: Invite them in, the more the better.

The purist says: Only the strong deserve to see beauty. The Swiss say: Let the strong climb if they choose, but let the children, the aged, the hurried, and the just-plain-lazy ride.

(There are, of course, purists in Switzerland, too. They climb all day to get to the same spot everyone else has taken a tram to get to.)

The purist says: Beauty should be won by struggle, not by a ride in an aerial tram. I, who have now done it both ways, say: My thoughts were just as beautiful on top of the Schilthorn (elev. 9,748 feet, restaurant lunch of fondue, wine, strawberry pastry and coffee; reached by 30-minute tram ride) as they were on top of Mt. Lyell in Yosemite (elev. 13,090 feet, lunch of peanut butter sandwich; reached by two-day hike).

It is time to junk the purist ethic; our adherence to it is causing us to starve for recreational facilities in the midst of plenty, much as Hindus starve but will not eat the sacred cows which wander all around them.

Let me go further. Let me make some specific suggestions for greater use of our natural beauty, using some examples from our Far West:

1—Provide access to the John Muir Trail.

This trail traverses 200 miles of mountain grandeur, running from Mt. Whitney to Yosemite. Its southern end is just 200 miles from Los Angeles, its northern end just 200 miles from San Francisco. But for all practical purposes, it is inaccessible, for no roads touch it except at its two ends; to reach its most beautiful sections one must hike over mountain passes averaging 10,000 feet, and there are no supplies available on the trail so one must backpack up to four weeks' worth.

This stupid state of affairs results in a situation where, to cite just one example, in California we have children who in their whole lives will never see, or jump upon, or slide down, a glacier. To them, a glacier will always be "a body of perpetual snow, found largely in Alaska or in Switzerland."

Yet, along the John Muir Trail there are active glaciers (37, according to the Sierra Club Guide) waiting to be gazed upon and slid upon by children with sleds, even in midsummer. If the purists continue to prevail, however, California child and California glacier will never meet.

Why not install aerial tramways at three or four locations from the Owens Valley to the John Muir Trail, crossing at points such as Kearsarge Pass, Bishop Pass and Piute Pass. All these are within easy driving distance of Los Angeles. An hour after arrival at the tramway base, a family could be up in a land of peaks, alpine meadows, glaciers and lakes by the dozens, to stay for a few hours or to hike and camp for days or weeks. Or, in winter, to ski in an incomparable setting.

2—Put an aerial tramway in Grand Canyon.

The visitor to Grand Canyon cannot get from the South Rim to the North Rim (a distance of 10 miles) without driving 300 miles around, and he cannot get to the bottom of the canyon except by foot or muleback.

So the visitor is stuck. All he can do is stand on the rim and look, as at a picture.

I would install an aerial tramway in an inconspicuous fold of the canyon, so that visitors could ride from the South Rim to the bottom (the most interesting part of the canyon) and from the bottom to the North Rim, thus getting a feel for its immense depths and not just gazing as at a picture postcard.

3—Put a hotel and restaurant on top of Half Dome.

The top of Half Dome, in Yosemite, is an area of many acres of flat granite, 8,852 feet high, with spectacular views of the High Sierra and Yosemite Valley. It can be reached only by an arduous climb up its backside, during the last of which the climber must hold on to steel cables installed many years ago (by nonpurists, obviously. Yet the purists never quite seem to mind hanging on quite tightly to these cables, even though it would seem that this should offend their principles).

I would install an aerial tramway from the valley floor to Nevada Fall, thence up the backside to the top of Half Dome. The restaurant at the top would be one of the great tourist attractions of the world, and I would go further and provide a hotel (set back from the edge so as to be invisible from the valley) so that ordinary people could spend a spectacular night on a mountain top and watch the sun come up over the Sierra Nevada.

In the 19th century, the obligatory romantic experience for Europeans was to watch the sun come up over the Alps from the mountain hotel at Rigi, just outside Lucerne (Mark Twain, among others, did it). The hotel at Rigi is still there, and the sun still rises. It is spectacular, but sunrise from Half Dome would beat it.

If the Swiss can do it, why can't we?

And that brings up the ultimate argument that purists always fall back upon: that the Swiss can do these things with taste, judgment and reverence for the landscape, but we Americans would botch it up.

This is neither altogether true nor altogether false. We Americans are just as capable of tasteful building as Europeans—see, for example, the beautiful Palm Springs tramway, which has now carried 2 million passengers (the purists fought it, tooth and nail). We are also capable of abominations, such as permitting PG&E to build a hideous power plant in front of Morro Rock and utterly spoiling what was once a lovely scene.

I believe that with the help of enlightened conservationists—not purists—we can do it, and do it as well as the Swiss. And I think that increased access to our scenery will produce a greater appreciation of it in Americans, as access to beaches produces beach lovers.

In the meantime, until my ideas filter

into public consciousness and we get those tramways to the Muir Trail, I will go back to Switzerland each summer to "study conditions," as the politicians say. You'll find me on the Schilthorn (elev. 9,748 feet), eating more fondue.

PROJECT CANNIKIN NUCLEAR TEST

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD what I think is a very fine statement by my good friend Representative BEGICH, of Alaska.

His leadership on the issue of the Cannikin test is as he feels in the interest of Alaskans.

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

STATEMENT OF THE HONORABLE NICK BEGICH (ALASKA AT LARGE) HEARINGS OF THE ATOMIC ENERGY COMMISSION ON PROJECT CANNIKIN

Thank you for the opportunity to appear here today. I believe these hearings are indispensable to a full evaluation of the Project Cannikin nuclear test, and I am certain that the witnesses appearing here will offer a great deal of relevant and important testimony. Considering the unprecedented magnitude of this nuclear test, it is my desire and my understanding that the decision to attempt the test or to do so on the present schedule is still open pending the results of these hearings. In the realization that this will be the last test in Alaska, and at the same time, the largest underground test ever in the United States, I believe that the information from these hearings can be vital in making the final decision.

For my part, I have examined with great interest the various documents prepared by the Atomic Energy Commission which relate to the proposed Cannikin test and to the results of the Milrow test which occurred on October 2, 1969. Like any lay person considering a project of this type, I am staggered by the complexity of the technical considerations, and somewhat the captive of the information put forward by the A.E.C., which is advocating the test.

As I understand it, the A.E.C. proposes, in the Autumn of 1971, to explode a nuclear device having a force of nearly five megatons, and to do so in a chamber 6,000 feet underground on the island of Amchitka, Alaska. For perspective, it might be pointed out that the largest prior underground detonation in the United States was just over one megaton, and that the bomb which destroyed Hiroshima had a yield of only about 20 kilotons. After one prior test in the Amchitka area, the Milrow test of one megaton in October, 1969, the A.E.C. has stated that the Cannikin test, at this place, at this time. and at the five megaton yield level is:

(1) Necessary, and;

(2) Likely to have only minimal environmental effects.

My response to this proposal and to these judgments on the part of the Atomic Energy Commission cannot be that of an advocate in opposition, yet I have serious questions remaining in my own mind regarding both the necessity and the effects of the test. These are the questions which I bring to you today in the hope that more satisfactory information and thinking may result. I do not expect answers to these questions at this time. In fact, I believe some of them can be answered only with the passage of additional time and with the information which may be produced at these hearings. Nevertheless, I believe the people of Alaska deserve the answers in definite form *before* the test is performed.

My first questions relate to the environmental impact statement on Project Cannikin. Over a period of time, I have expressed disappointment with the manner in which Federal agencies have chosen to comply with Section 102 of the National Environmental Policy Act of 1969, and this 102 impact statement does little to ease that disappointment. Section 102 does not seek advocacy of any proposed project, but rather full information on its possible environmental effects. The results of an inadequately prepared 102 statement have been made very clear to Alaskans who witnessed the granting of a Federal injunction delaying the pipeline because the 102 Statement of the Interior Department was insufficient. I believe some of the following questions must be answered before the Cannikin statement is considered adequate.

1. The statement indicates the yield of the test as "less than five megatons."

(a) Is the reason for the omission of the exact yield that it cannot be reliably predicted?

(b) Have past nuclear detonations by the A.E.C. demonstrated that the yield can substantially surpass expectations?

(c) If the yield is 4.9 to 5 megatons, is this not five times larger than any previous underground nuclear test in the United States?

(d) If the yield is five times greater than the Milrow test of one megaton, can the predictable results be derived by assuming that they also will be five times greater, or will they be more than five times greater, or possibly less?

2. The statement makes a number of wide-ranging predictions concerning Cannikin based on the experience of the Milrow test. Considering the risks involved, does the A.E.C. believe that the results of a single pretest provide sufficient data for an underground nuclear detonation five times greater than any previously attempted?

3. Regarding the seismic force of the Cannikin test, the A.E.C. predicts that it will be "a few tenths of a point higher than the 6.5 value assigned for Milrow."

(a) While this sounds like very little, isn't it true that this reading is on a logarithmic scale which means that a few tenths of a point may mean that the force could be as much as five or six times greater?

(b) It is my understanding that the 6.5 reading for Milrow was in excess of pre-shot expectations. Is this under-estimate also a possibility for Cannikin?

(c) Although I realize that the question of this blast acting as a "trigger" for a larger earthquake is one subject to differences, is it not the case that this test will provide a triggering force substantially larger than any previous test?

4. Regarding the possible venting of this explosion, and the escape of radioactive material into either the atmosphere or the ocean:

(a) "Adequate distance from faults," is listed by the A.E.C. as a requirement for the containment of radioactivity, but the Cannikin site is within 3,300 feet of one fault and within 2,800 feet of another suspected fault. Since the zone of "cracking" around the blast will extend, according to the A.E.C. for a radius of 2,500 feet, might it be advisable to take further time for study of these nearby faults, or others presently unknown?

(b) I understand that the Banebury test in Nevada in December, 1970 vented without a fault, by simply splitting the earth with its own pressure. If Banebury can do this at a yield of 20 kilotons, is it not a realistic fear with Cannikin having a yield of five megatons with identified faults nearby?

5. One of my greatest concerns regarding the chance of venting is the possible escape of radioactive material into the nearby ocean, which supports a commercial fishery of tremendous value. Although Amchitka is an isolated area, it is one which is familiar to Alaskan fishermen. No risk to these fisheries resources can be allowed.

(a) The A.E.C. has stated that the migration of water having harmful radioactivity is so slow as to be of little concern. Is the period of less than two years since the Milrow test sufficient to judge this process in the water migration medium which is present on Amchitka, or is additional time desirable?

(b) All descriptions of "safe" contamination levels are given by the A.E.C. in terms of fresh water, yet greater concern for Cannikin would apply to seawater. Are "safe" contamination levels also agreed upon and available for seawater?

(c) The A.E.C. impact statement minimizes the danger of water contamination from the bomb by citing a dilution factor of one in 100,000 parts. Does our Nation's experience with D.D.T. or mercury pollution apply to cast doubts on the safety of dilution in the case of Cannikin's radioactive pollution?

6. In the case of every possible effect of an extremely serious nature (earthquake, tidal wave, immediate venting into the air or water, or the rapid migration of contaminated water), the impact statement assessed the chances of such incidents as "remote" or "extremely unlikely." Following such judgments, no statement indicates what the environmental impact of such extreme effects would be. In the feeling that even the *worst possible* effects should be publicly known, I would ask if such information is available or if it can be made available?

7. No mention is made in the impact statement or elsewhere by the A.E.C. concerning the recently disclosed fact that a substantial quantity of World War II mustard gas in large cannisters was dumped in the sea in this area in 1946. Has this factor been considered by the A.E.C.? How current and reliable is the information and testing regarding this potentially important new factor?

8. By a wide margin, the most deficient aspect of the A.E.C. impact statement is the evaluation of possible alternatives to the Cannikin test. Such alternatives as testing a smaller device, or delaying the test for further study are dismissed with a single sentence. In fact, all possible alternatives are dismissed in just over one-half of a page. My question relates to the A.E.C. statement which immediately precedes this painfully short evaluation, and states that all alternatives to the proposed action were "examined carefully." Are the full details of that careful examination of alternatives existent and available, and will they be made public so that the A.E.C. analysis of the alternatives can be more fully appreciated?

These various questions represent areas in which I believe further environmental information can be usefully developed. They are the questions of a layman applying conventional knowledge to an area of technical complexity. I believe they should be answered before proceeding.

Moving from the impact statement itself, I believe there are additional questions which are relevant at this time, and important in any assessment of the Cannikin project.

First, I would ask that the A.E.C. explain the curious shortage of information in its pre-test statements relating to the human inhabitants of the test area, particularly the Alaska Natives who have for decades made the Aleutian Islands their home. In stating that the effects of the test on man will be "nil", the A.E.C. makes a very important statement to the Aleuts, who have looked to this area for years to supply the means of their subsistence. The same area is now subject to the Alaska Native land claims.

Although it is rarely the case that technological advance is stayed for conflicting human needs, I ask if it may not be advisable to delay this test pending the approaching resolution of the land claims question, and a further consultation with those who live in the area. It is my understanding that testimony is to be given in these hearings by rep-

resentatives of the Alaska Natives and Aleuts, and I would defer to their statements gladly after urging that their testimony be carefully considered in reconsidering this test.

Further, I sincerely hope that our interchange here includes the desire to cast this nuclear test in its proper political and environmental perspective. Surely no-one would differ from the proposed test if the question were between potential harm to several sea otters and nesting sites and the security of our Nation, yet this is not the fact of the matter regarding either our nation's security or the potential effects of the test.

I believe it is possible, at some length, to debate the merits of the Spartan missile for whose warhead this test is certainly intended, just as it is possible to debate the environmental effects of this test. The question is simple: At a time when these important debates are in progress and unsolved, and at a time when only a few days ago the President assured the Nation that significant arms and testing limitation agreements with the Soviet Union were more possible than in several years, is it the best part of wisdom to terminate the debates and the hopes by undertaking the largest underground nuclear test ever in the United States? I think not.

Finally, I believe something must be said just on behalf of Alaskans. It is the home of a number of Alaska Natives which provides the area of this test. It is the fishing grounds of generations of Alaskan fisherman which are threatened by any mistake in the expected results of the test. It is the citizens of Alaska who must fear earthquakes or tidal waves. Since it has already been announced that this is the last nuclear test in Alaska, it is known that Alaskan laborers can expect to benefit from no further employment on the A.E.C. test sites.

Most of these considerations mean only one thing—that the real impact of this test falls most heavily on Alaskans, and I believe I speak for many of them when I request that the A.E.C. supply the answers to the questions I have raised. I remember very clearly this same situation just prior to the Milrow test in 1969, when legislators and other public officials were being asked their opinion. Expressions of shock and disapproval ranged from the general to the specific and detailed. By far the best was the response of one veteran legislator who, when asked his feelings on the upcoming nuclear blast, replied with candor, "Put me down as nervous."

You can put me down as nervous, also, along with a great many Alaskans. And behind that nervousness, I have a very real concern which can be greatly alleviated by the answers to the questions I submit here.

Thank you.

IMPLICATIONS OF THE McNAMARA PAPERS CASE

Mr. DOLE. Mr. President, on July 11, the Washington Sunday Star carried a thought-provoking analysis of the recent Supreme Court decision in the case which grew out of the publication of the McNamara papers by the New York Times and Washington Post.

In something of a contrast to the self-congratulatory reactions of most newspapers, the Star took a rather apprehensive and uncertain view of the meaning this decision holds for the immediate and long-range future of the press and its position in our country. It also raised a number of substantial questions regarding the individuals and institutions involved in this case and the political, legal and policy controversies it embodies.

These questions deserve serious consideration by Americans who are concerned more with the freedom of the press than with the publicity maneuvers of individual newspapers and who have a clear view of the importance to the Nation of well-drawn and effective legislation to protect information which is vital to our national security.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Sunday Star, July 11, 1971]

THE COURT, THE PRESS AND THE PROSECUTORS

The recent Supreme Court decision in the case of the Pentagon Papers induced celebrations of joy in newsrooms across the country and grim silence in the Justice Department. This time, the administration's position was more logical than that of the press.

The court's decision, which slapped down the government's experiment in restraint, was generally hailed as a resounding victory for freedom of the press. So it was—up to a point. But a close reading of the nine separate decisions reveals food for some somber second thought by both government and press.

Five of the justices went out of their way to point out that the court's ruling in the matter of prior restraint does not preclude the possibility of criminal prosecution—not only of the man accused of making top secret information available to the press, but of the newspapers that printed the classified documents. And that open invitation from a majority on the Supreme Court should give both the Justice Department and the press enough mulling material to keep them busy for some time to come.

The government is at this moment pondering whether or not to press charges against Daniel Ellsberg. Lawyers at the Justice Department are also presumably thrashing over the idea of going after the newspapers for violating the letter of the Espionage Act. It obviously would be inappropriate at this stage to argue the merits of the government's case. But it would not, perhaps, put too great a strain on the legal niceties to offer a few general observations.

First it should be noted that the administration is standing eyeball to eyeball with a particularly nasty dilemma. No one should be too surprised if the attorney general should decide that a graceful backdown is the most reasonable solution.

Certainly the prospect of bringing Ellsberg into court cannot be contemplated with unalloyed enthusiasm. The court's finding that nothing in the Pentagon documents was sufficently sensitive to justify stopping the press has no legal bearing on criminal action against Ellsberg. But, in practical terms, it does weaken the government's case and it does make conviction by a jury a long shot at best. Add the doubts about the outcome of a trial together with the certainty that prosecution would make Ellsberg a first-magnitude martyr to a sizable segment of the population and you have a reasonable argument against prosecution.

Countering that argument is the implicit carte blanche that failure to prosecute would offer other government-employed critics of government policy. If the grand jury indictment against Ellsberg is disregarded, what is to stop other disgruntled federal employes from sifting through secret files for documentation of their particular beef and slipping selected secrets to their friendly neighborhood reporter? But if Ellsberg goes on trial, what about the newspapers? He is not accused of stealing secrets to benefit a foreign power or for personal gain. He is charged with passing the documents along for publication. If there had been no publication, there would, for all practical purposes, have been no crime. Would it be logically defensible, therefore, to go after Ellsberg and leave the New York Times et al untouched?

As in all Supreme Court decisions, the implications of the ruling in *New York Times Co. v. United States* go far beyond the immediate case. And some newspaper men, having taken a look into the mouth of their gift horse, have begun to wonder just how much of a victory the court has handed down.

The Espionage Act, a law designed to curb the activities of spies and defectors, is a model of imprecision. It provides a maximum penalty of $10,000 plus ten years imprisonment for anyone who, having "unauthorized possession of . . . any document . . . relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, wilfully communicates . . . the same to any person not entitled to receive it . . ."

There's enough fog there to keep a roomful of lawyers arguing for weeks. And the foggiest of the lot is that word "communicates." Is it limited to spy drops and clandestine meetings with enemy agents? Or was it intended to be broad enough to include the publication of such documents on, say, the front page of the New York Times?

Until very recently, the consensus—at least among newspaper lawyers—was that the law was not designed to make publication a punishable offense. That conclusion was based, with considerable logic, on the observation that three other sections of the same law do make it a crime to *publish* certain specific information: The disposition of armed forces in time of war, photos of defense installations or United States codes. It was clear, then, that the intent of the law was not to make publication punishable except where it was specified.

That clear understanding vanished with the Pentagon Papers ruling, when a majority of the justices indicated that the government could prosecute the newspapers under the Espionage Act. These opinions do not, it is true, carry any constitutional weight. But they do give the broadest possible hint of how this court would rule on the constitutionality of the Espionage Act if it should be used to bring criminal charges against a newspaper.

In theory, the majority position is unassailable. The constitutional guarantee of a free press means that the press must be allowed to publish whatever it believes is worthy of publication. It does not mean the press is free of the responsibility after publication. Newspapers are subject to obscenity laws and to the laws of libel, including criminal libel. There is no reason to suppose the Constitution can serve as an impervious shield against prosecution for willfully or carelessly endangering national security. There is no logic in the argument that the press, alone among the country's institutions, stands above the law, invulnerable, answerable only to itself. A free press is not and should not be a press free from all legal responsibility. It should never become a refuge for incompetence or treason.

And yet the recent opinions expressed in the Supreme Court ruling, while sound in principle, are potentially dangerous in the extreme. They deal not with a constitutional generality but with a specific law. And that law—the Espionage Act—is so vague as to raise the possibility of its use as an instrument of intimidation and repression against elements of the press.

What subject of political interest—including political criticisms—cannot be covered by the wide blanket of matters "relating to the national defense"? What material this side of the comic strips cannot be considered to be "to the advantage of any foreign

nation"? And considering the government's unrestricted right to classify any document, what is to prevent such profligate use of the "Top Secret" stamp that virtually all documents of public interest can, if the government sees fit, be rendered "unauthorized" for publication?

A newspaper should be held accountable for breaches of national security, with the possibility of fines and jail sentences, when it publishes material that constitutes a real and immediate threat to the physical survival of the United States and its citizens. But no newspaper should have to run the risk of harassment, intimidation or prosecution for its opposition to official policy. As matters stand, that risk exists. Congress should take a look at the dangerously flabby Espionage Act and get to work rewriting it.

The result should be a law that puts a heavy burden of proof on the government to show that security, and not official sensitivity, has been violated. It should be a law that clearly defines the areas within which the government may prosecute. It should be a law with sufficient teeth to insure a careful weighing of the consequences before a decision to publish sensitive material is reached. It should be a law—unlike that now on the books—that would protect the press from death by suffocation at the hands of a vindictive and repressive administration

RATES FOR AIRCARGO BETWEEN DULLES AND KENNEDY AIRPORTS

Mr. SPONG. Mr. President, one of the factors inhibiting the development of Dulles International Airport is the discriminatory rate structure for aircargo between Dulles and John F. Kennedy Airport in New York. Last week, I submitted a statement to the Civil Aeronautics Board, which is currently investigating the matter, urging that the two airports be common rated. I ask unanimous consent that this statement be printed in the RECORD at the conclusion of my remarks.

I would also like to bring to the attention of the Senate a resolution adopted by the District of Columbia Republican Committee endorsing the proposed sale of Washington National and Dulles International Airports and calling upon the Federal Aviation Administration to begin enforcing its aircraft noise regulations in this region.

I ask unanimous consent that the resolution and the letter of transmittal be printed in the RECORD.

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

D.C. REPUBLICAN COMMITTEE,
Washington, D.C., June 29, 1971.

Senator WILLIAM B. SPONG, Jr.,
United States Senate,
Washington, D.C.

DEAR MR. SPONG: Enclosed is a resolution adopted June 24, 1971 by the D.C. Republican Committee endorsing the proposed sale of Washington and Dulles International Airports and, until National Airport is sold, calling upon the Federal Aviation Administration to substantially reduce the noise resulting from the use of National Airport.

It is hoped that you will take appropriate action to support the aims of the resolution.

Sincerely yours,
EDMUND E. PENDLETON, Jr.,
Chairman.

RESOLUTION

Whereas, the Federal Aviation Administration is charged with encouraging the development of civil aviation,

Whereas, the Federal Aviation Administration at the same time operates Washington National and Dulles International Airports,

Whereas, fees at Washington National Airport are maintained at a low level, and Dulles Airport, accordingly, is underutilized,

Whereas, the noise of aircraft using Washington National Airport is an increasing nuisance and an invasion of privacy and property rights for thousands of persons living near the flight paths.

Whereas, the Federal Aviation Administration proposes not to diminish but to increase use of Washington National Airport, and

Whereas, the Office of Management and Budget of the Nixon Administration has recommended that Washington National Airport and Dulles International Airport be sold,

Now therefore, be it resolved that the D.C. Republican Committee endorse the proposal to sell Washington National and Dulles International Airports, provided that stringent safeguards against noise be included in the sales contract, and in the interim, call upon the Federal Aviation Administration to enforce its regulations that aircraft adhere to established flight paths in the District over the Potomac and Anacostia Rivers.

STATEMENT BY SENATOR WILLIAM B. SPONG, JR.

I am pleased to have this opportunity to testify in opposition to present discriminatory rate structures affecting transatlantic air cargo shipments and, in particular, inhibiting the growth of cargo traffic at Dulles International Airport.

During my service in the Senate, I have been keenly interested in the development of Dulles Airport which, as the Board knows, is one of only two airports in the country owned and operated by the federal government. It is particularly appropriate that federal policy not work to the detriment of this regional and national asset.

This proceeding enables the Civil Aeronautics Board to apply in air transportation several of the important principles that have evolved in surface transport. I understand this is a case of first impression and will enable the Board to take urgently needed steps to permit the development of the air cargo transport potential of Dulles and also protect the vital interests of American flag airlines in the air cargo market, which is only beginning to grow.

The first point that is clear from the evidence introduced is that the air cargo rates to and from Dulles to and from points in Europe are higher than the mileage differential between Dulles and New York would justify. In fact, there is no consistent pattern in the rates. Shippers to and from Dulles must pay a penalty of 3¢ per pound for the 204 miles beyond New York, but in Europe points are common rated to New York with mileage differences as great as 1,400 miles.

For example, Dulles shippers must pay 32¢ per hundred pounds to send yarn and fibers to Belfast, but New York shippers can send that product to Barcelona which is more than 500 miles farther for only 29¢ per pound.

To more than 18 cities in South America Dulles is common rated with New York although Dulles is 204 miles nearer the destination. Similarly, Dulles and New York are common rated to points in the Far East.

This presents an irrational rate pattern that can only be regarded as rate manipulation to the prejudice of Dulles Airport, shippers of our region and United States air carriers, as well as to the detriment of Virginia and the Piedmont industrial region.

There are strong policy considerations which should guide the Board in its decisions in this proceeding. I want to discuss these guides which have been developed in surface transportation and urge that the Board apply them.

DULLES SHOULD NOT BE PREVENTED FROM SERVING ITS NATURAL MARKET BY RATE MANIPULATION

The first great principle which the Board should apply here is that each port is entitled to and should not be denied the opportunity of serving international traffic which originates or is destined to its natural market area. This principle of entitling each port to handle and serve the cargo which originates or is destined to its natural territory goes back to one of the early provisions in the Constitution of the United States. Section 9 of Article One of the Construction provides that:

"No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another . . ."

The shippers in the Northern Virginia area are using New York as the airport of export because of the higher costs of shipping it out of Dulles. This is prejudicial to our shippers and it handicaps the ability of Virginia manufacturers to compete with New York manufacturers in European markets.

A port should also be entitled to serve exports and imports from and to the port's natural tributary area. Dulles should not be barred from handling the exports from or imports to, Southern Virginia, West Virginia, North and South Carolina, Tennessee and the Ohio Valley by a prejudicial rate structure.

DULLES IS ENTITLED TO COMPETE FOR ANY AIR CARGO IT COULD SERVE

The interest of a port is not limited to the exports and imports of its immediate surroundings. A port "is entitled to compete on an equal basis" for the traffic which would be served through the port.

The far reaching significance of that principle is reflected in the protection given the United States ports on the East Coast and on the West Coast to serve cargo moving between the Midwest and the Orient.

The evidence shows the rate differential imposed on Dulles bears no relationshp to and is not congruent with the mileage differential. The IATA cargo rate structure is highly prejudicial to Dulles because it induces shippers to bypass Dulles.

THE CARRIERS SHOULD NOT BE PERMITTED TO ENTER AN INTERLINE AGREEMENT WHEREBY A UNITED STATES CARRIER IS PROHIBITED FROM OFFERING EQUALIZED RATE

The unfair rates imposed on Dulles and the more favorable treatment of European cities flows from a cartel-like agreement among the airlines. Only four of the more than 13 scheduled airlines that operate across the Atlantic are American. So, in any vote as to rates, the American carriers are outvoted.

The Board should not permit the U.S. carriers to be put into a position which prevents them from offering lower rates at Dulles or any other United States airport.

THE PREJUDICIAL RATE STRUCTURE INHIBITS INDUSTRIAL DEVELOPMENT IN VIRGINIA AND THE PIEDMONT AREA

In addition to the harm to the carriers, the IATA penalties upon Dulles users harms the industrial development in this area. When a company determines where to locate its plants or whether to produce products which require transatlantic shipping, it evaluates the shipping costs then existing. These costs are fused into the overall economic evaluation of plant location.

Therefore, to the extent that the higher costs affect location, the prejudicial IATA rate structure encourages companies not to locate in this area. One of my concerns as a Virginia Senator has been increasing industrial development in the Commonwealth. The existing transatlantic cargo rates inhibit that goal and they must be altered. We cannot permit foreign airlines many of which are controlled by foreign governments to influence the development and location of industry within this country.

There is another aspect of this problem which I believe the Board should consider and that is the public interest and convenience in having more than one major port of entry for air cargo on the East Coast.

In September, 1970, I chaired a Senate Commerce Committee hearing into the alarming increase of air cargo thefts. One of the witnesses was Mr. Edwin A. Elbert, Assistant Executive Vice President of the American Importers Association. Mr. Elbert testified that the thefts of air cargo moving through John F. Kennedy International Airport far exceeded the totals of losses at other airports. One major reason for this, of course, is that the volume of cargo traffic through JFK greatly exceeds that of any other airport. Clearly, systematic pilferage which runs into the millions of dollars each year is a much easier matter when freight yards are spread out over many acres and overflowing with goods.

In contrast to the situation at JFK, it is instructive to note the testimony of the airport managers of Dulles Airport. They stated that thefts at Dulles Airport were negligible and not a significant problem.

Another problem directly related to the volume of traffic at an airport is delay. This, too, costs businessmen and consumers millions of dollars each year.

Witnesses at our Committee hearing directly related the ease with which cargo can be stolen to the exhorbitant delays in the moving of goods out of the airport after they arrived. To quote Mr. Elbert, "there is no question in our minds that the possibilities of theft and pilferage increase tremendously every day that the goods remains there."

These considerations lead me to suggest another principle in the efficient allocation of our airport resources, one enunciated by the Department of Transportation in its recent study of congestion at 15 major airports. Although this study dealt with passenger traffic and ways of inducing a dispersal of that traffic to avoid congestion and delays, it seems to me to apply just as well to the movement of air cargo. The study had this to say: The Department of Transportation has concluded, on the basis of studies which it has carried out in this area that differential pricing is in the public interest as a means of efficiently allocating resources.

What the Department is saying here is that discriminatory pricing, if it is to be used, should be used to further the public interest in reducing airport congestion. That same principle applied to this situation would dictate at least common rating of air cargo between JFK and Dulles.

In conclusion, let me summarize that my testimony goes to basic policy and basic guide posts for the Board in this precedent making decision. It is the area of policy in which I feel I am best qualified. I earnestly request the Examiner and the Board to consider these policies in reaching a decision on this proceeding and to order the cargo rates between Dulles and New York on the one hand, and all points in Europe, on the other hand to be equalized.

COLORADO CADETS ON AIR FORCE ACADEMY DEAN'S LIST

Mr. ALLOTT. Mr. President, I have recently received grade reports from the U.S. Air Force Academy, and I am pleased to note that the following 10 out of 14 Colorado cadets are on the dean's list.

Scott Bradford McLauthlin, 1974. Scott is the son of Mr. and Mrs. R. B. McLauthlin of Greeley; Duncan Charles Keirnes, 1973. Duncan is the son of Mr. and Mrs. Richard W. Keirnes, also of Greeley; Chester Harvey Morgan II, 1972. Chester is the son of Col. (Ret.) and Mrs. C. H. Morgan of Colorado Springs; Terry Lynn Schliessler, 1972. Terry is the son of Mr. and Mrs. Terry M. Schliessler of Aurora. Both Chester and Terry are on the superintendent's and commandant's lists in addition to the dean's list. James Christian Williams, 1974. James is the son of Mr. and Mrs. James B. Williams of Pueblo; Michael Harold Schmidt, 1974. Michael is the son of Chief Warrant Officer (Ret.) and Mrs. George Schmidt of Colorado Springs; Michael Joseph Cook, 1974. Michael is the son of Mr. and Mrs. Charles G. Cook of Steamboat Springs; Alan Jay Briding, 1973. Alan is the son of Major (Ret.) and Mrs. A. Jay Briding of Colorado Springs; George Lee Krasovec, 1972. George is the son of Mr. and Mrs. Joseph J. Krasovec of Pueblo; and Donovan Clarence Snyder, 1972. Donovan is the son of Mr. and Mrs. Donovan E. Snyder of Durango, Colo.

Mr. President, I join with all Coloradans in commending these young men for work well done.

VALEDICTORY ADDRESS BY RONALD LEVINE

Mr. GRAVEL. Mr. President, all across the land, high school valedictorians spoke this spring to their classmates and their parents about their view of our society.

Some of those valedictorians place a special emphasis on the need for students to get involved in their society and to begin to learn how to deal with their future.

One such valedictory speech that came to my attention was delivered by Ronald Levine at Valley Stream North High School, in New York. Ron has given some compelling reasons for students and parents to get involved in humanizing the educational system.

I agree with him and think we should all be aware of that need. I ask unanimous consent that his valedictory address be printed in the RECORD.

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

VALEDICTORY ADDRESS GIVEN BY RONALD LEVINE

Today we mark the departure of the Class of 1971 from North High School. Yet I cannot leave in good conscience without voicing some concern for the students who remain at North—our younger brothers and sisters, our younger friends, Your Children. Today I stand before you—the parents and friends of this graduating class—and I plead with you to get involved in reforming the educational process at North High. You must take a good, hard look at just what your tax dollars are paying for. For many years, a large number of North High students have been voicing concern, and have been striving to initiate meaningful changes in this societal institution. Yet it has been apparent in the past that we have lacked your support. If your lack of involvement is due to a general unawareness, then we must help you to become aware. Yet if your lack of support is due to an acceptance of and a trust in the present system, then you must be willing to accept so many disgruntled and disillusioned graduates every year. I hope that the latter is not true; and as a student who has spent the past six years in this school, I would like to voice some of my opinions, in the hope that you might get involved in saving this high school. You must be concerned with just what occurs within the four walls of North High, if you hope to bring a new sense of vision, imagination, and sensitivity into this educational system.

Where does this insensitivity and lack of vision exist? During the past ten years, the technological and social changes of our society have probably accelerated at the fastest pace in history. A few weeks ago, I heard a student who graduated only last year remark, "You know, I feel a generation gap exists between my brother and me." The brother he was talking about is eleven months younger, and a member of this graduating class. Yet I feel that there is an education gap, much wider and deeper than any so-called generation gap. The knowledge which we have gained during our years at North, may, in ten or twenty years, be totally useless in dealing with the massive environmental and human problems of the 21st Century. From this perspective, I feel that it is time that more educators in this District become concerned with how we learn, rather than what we learn.

Yet how may we deal with what we are learning? I feel that in the future we must put a greater emphasis on humanistic learning. We must realize the intense need within my generation for the cultural and humanistic sensitivities of art, drama, psychology, sociology, music, and of course humanity programs. I hope that in the future we will retain and extend independent studies in humanities and other areas. Yet this ability to pursue independently one's own special needs and interest, must be developed beginning in the earliest grades. Perhaps some day the Senior year might become a total independent studies program. Rather than the seemingly meaningless year it now is. The Senior year can no longer be the "railroad waiting room" between high school and college. We must branch out and begin to use the community as a classroom. One very successful program which we had this year, which I feel may be very significant in planning our future course in education, was Forum Day. This student initiated and student run program involved speakers from diverse social and political backgrounds, as well as various creative workshops. Many of us found that day, that education does not have to be synonymous with boredom, but rather learning can be enjoyable, creative, and relevant. Yet the very next day the animation of Forum Day seemed to have disappeared. North High can no longer remain as a vacuum, a sort of meat locker, which has caused too many of us to be uninvolved in the decisions which affect our very lives. For example, we could take one giant step right here by allowing students to have a voice in policy making on the Board of Education.

Six years ago, when we entered this school, we set our sights on a goal, and we have reached that goal this afternoon. I'm sure that each of us can appreciate and can recognize where we have improved, and what we have accomplished during our years at North. Yet we must not fail to recognize that during these years we have debased a part of ourselves, in a sense we have been dehumanized. Each time that a student has sat in the gym among 400 other students to take a Regents exam; each time that a student has been ordered to sit in silent punishment in detention; each time that a student has argued and begged his teacher for a few more points on a test; each of these times that student has lost a fraction of his sense of value as a human being. We must begin, now, to end these repressive, anti-educational aspects of high school.

Therefore, we must humanize the educational system, we must let students get involved in their society, we must reemphasize humanistic learning, and we must begin to learn how to deal with our future.

You must get involved in this school. Spend a day or two at North. You may realize, as I have, and as so many of my fellow graduates have, that there is a great deal to be done. To paraphrase the Old Testament, "Where there is no vision, the School System will perish."

THE WELFARE FRANKENSTEIN

Mr. GOLDWATER. Mr. President, we are about to embark on another round of debate over defense expenditures necessary to provide our people and this Nation with adequate protection from beyond our shores. And as we approach this annual talkfest we are already hearing the customary liberal charges that this Nation is controlled by a military-industrial complex and that it has developed into a welfare state.

I believe for the sake of perspective, and also for the sake of our survival as an economically stable nation, that it behooves us to take a good close look at the biggest drain of all on this country's financial resources.

Mr. President, we have all heard for many years a lot of talk about the so-called welfare state.

In the past most of this discussion claimed that we were heading in the direction of a welfare state; in the direction of a Federal Government paternalism so vast that it would encompass the lives of all Americans from the cradle to the grave.

Mr. President, I believe the time has come to acknowledge that the welfare state is now beginning to take over and influence every phase of this Nation's social, cultural, political, and economic life. We are actually moving toward an ultimate welfare state wherein a large number, and eventually perhaps a majority, of our citizens become dependent upon Government either as recipients of public benefits or as dispensers of public benefits.

This is the road which other nations have followed to ruin. One particularly devastating example was Austria in the late 1920's. It went so far in the direction of having the national government provide almost everything its citizens used—from food and clothing to housing—that it became totally insolvent. The result in Austria was the sudden collapse of the "Kredit Anstadt" which was the central banking system of that nation. There are some economic theorists who believe that the trouble in Austria triggered the depression which produced the collapse of the New York stock market in 1929 and plunged this Nation and the rest of the world into its worse economic setback in history.

So while we listen to our liberal friends in this body complain over every proposed expenditure by the Department of Defense or the military services, it might be well to look in another direction for the trouble which is bearing down on us much faster than we seem to realize.

In January 1971 there were almost 13 million people receiving Federal welfare assistance of some kind and that figure is increasing by such leaps and bounds that the Department of Health, Education, and Welfare announced early this month that the February rate of increase indicated that more than 1 million additional persons will be placed on the Federal welfare rolls this year alone. At the same time HEW Secretary Elliot Richardson announced that recent tabulations showed that by the end of December 1970 the social security program was paying monthly cash benefits to over 26 million persons. Total benefits in 1970 amounted to nearly $32 billion. That figure is roughly $5 billion more than social security benefits amounted to in 1969. And, according to Secretary Richardson, the total benefit payments in 1971 will be about $36 billion.

It is no wonder, Mr. President, that former Budget Director Charles L. Schultze warned the Senate Subcommittee on Priorities and Economy in Government of the Joint Economic Committee that:

> Income maintenance programs of all kinds have become the largest single element of federal expenditures, growing at about 10 billion dollars a year in the past two years.

Now when it comes to talking about national priorities I think we have to admit that the change from a warfare state to a welfare state which the liberals still keep asking for has already taken place. In fact, it would have been utterly impossible to expand the social welfare programs at the rate we have experienced since the midfifties without cutting into funds for national defense. Even by increasing taxes, Congress could not have come up with the kind of money that was needed. Consider if you will that outlays for national defense equaled 50 percent of all governmental expenditures in 1952 and declined to 28 percent in 1969 and 24 percent in the 1970's fiscal year. In the same period, the cost of domestic services climbed from 37 percent to 62 percent in 1969 and 66 percent in the 1970's fiscal year. Social welfare costs—education, income maintenance, health, et cetera—received about 45 percent of all public expenditures or almost twice as much as the military. And when it comes to increases, the figure between 1952 and 1969—that was prior to the $8 billion cut in military spending between 1969 and 1971—outlays for defense increased only 74 percent while the increases for domestic services totaled 420 percent; for education, 489 percent; for income maintenance, 694 percent; for health and hospitals, 286 percent; and for all other domestic services, 299 percent. In the same period personal expenditures on the part of the American householders grew 200 percent for housing, 125 percent for clothing, and 93 percent for food.

Now, Mr. President, you would think for the huge outlays which we have made in the past and are making today that our social welfare program would show some tangible and measurable results. You would have thought that with outlays for education and income maintenance, which now both exceed $50 billion a year that as a nation we might have come closer to the goal of insuring the domestic transquillity, providing for the common defense, and for promoting the general welfare.

But this is not the case. Instead, crime, lawlessness, delinquency, and almost every kind of social ill, new and old, have been multiplying at a frightening rate. It certainly is no exaggeration to say that despite the billions and billions of dollars which we have expended on social security welfare programs our citizens right today are less safe than they have ever been since the founding of the Republic. It is no exaggeration to state that despite the billions and billions of dollars we have spent in domestic services there has never been more anarchy, mob violence, arson, looting, bombing, wanton destruction, assault and killing of law officers than we are seeing today in the United States.

Mr. President, you would think that an educational system such as ours might reflect the fact that five times as much money is being allocated to it each year than was the case 20 years ago. But this certainly is not the case. Instead of promoting the cause of reason and tranquillity and wisdom, our educational institutions have become the spawning ground and often the cause of civilian strife and contempt for law. I venture to say that our educational institutions now rank lower in the respect and affection of the American people than they have at any other time.

So, Mr. President, while our liberal friends raise the cry about how much defense we are obtaining today for our defense expenditures we might ask them how much civilization we are receiving for the billions expended on social welfare and social engineering and educational purposes. Truer words were never spoken than those uttered by President Nixon when he spoke to the National Governors Conference 2 years ago and put the problem as follows:

> We confront the fact that in the past five years the Federal Government alone has spent more than a quarter of a trillion dollars on social programs—over 250 billion dollars. Yet far from solving our problems, these expenditures have reaped a harvest of dissatisfaction, frustration and bitter division.
>
> Never in human history has so much been spent by so many for such a negative result. The cost of the lesson has been high, but we have learned that it is not only what we spend that matters; but how we spend it.

It is an interesting fact, Mr. President, that the greatest amount of waste, inefficiency and fraud relating to our Federal expenditures has taken place in the social welfare categories. But you would never know it. For, it is always the Defense Department that gets the blame for high taxes and large budgets and deficit financing, to say nothing of absorbing the blame for inflation and the irritating problem of skyrocketing prices in the marketplace. It is so easy to reel off the costs of a new weapons program and claim that it is exorbitant and the expenditures are not needed. It is easy to claim that everything would be fine on the budgetary front if we only ended the war in Indochina and brought our entire forces home. It is easy to point out that the Pentagon is one of the largest buildings in the world and that the high ranking officers and civilians who work there are militaristic and that they have no concern for the taxpayer or his hard earned money.

But, Mr. President, I believe we all know that for many years the bleeding

hearts and the liberals have made any criticism of public welfare programs or of educational programs or of health programs seemed like the work of heartless "scrooges" who want to see the poor and the needy and the ignorant and the sick short-changed in favor of corporate munitions makers.

We might go much further in coming to grips with this enormous problem if the specialists and the experts in the various areas of social welfare were not blindly committed to a permanent policy of expanded Federal spending for the goals of their professional and special interest organizations.

In the meantime the welfare state is beginning to show dangerous signs of getting out of control. For example, some States have recorded a 20- to 30-percent increase in welfare caseloads in 1970 over 1969. And the Health, Education, and Welfare Department acknowledges that welfare caseloads in some States are more than doubling every 5 years.

But even this frightening growth in citizen dependency upon Government help has not discouraged the social welfare advocates in the Congress.

A study of legislation introduced in the 92d Congress through March 15, was presented recently to the Senate Republican Policy Luncheon by Senator CARL T. CURTIS, of Nebraska. It showed that 85 proposals for new spending—most of them in the health, education and welfare fields—have been introduced which would cost $130,556,170,000 for fiscal in 1972. Thus, in slightly less than 60 days, Members of Congress have introduced legislation proposing new programs at a measurable cost of nearly 60 percent of the entire Federal budget estimate for the same fiscal year, which is $229,200,000,000.

Senator CURTIS emphasized that his study covers only new programs or legislation vastly expanding the direction of existing programs. It excluded, for example, bills relating to defense and military establishments; bills authorizing money for public works; appropriation bills for the simple extension of existing programs; bills providing income tax deduction, exclusions, credits or incentives.

The study points out that Federal revenue from personal and corporate income taxes during 1972 would total $130,400,000,000—almost precisely the same as the fiscal year 1972 figure for the measurable costs of proposed new legislation. Among other things the pending legislation would triple the present level of spending for health and welfare, more than double the level of spending for environmental programs and nearly double the spending for education.

In presenting his study, Senator CURTIS pointed out that:

> Such unbridled spending by our Federal Government carries the seeds of destruction for our Republic. The United States will never be conquered by a foreign foe . . . our danger lies in excessive spending, and the resulting depreciation of the value of our money and ruinous inflation. This could well be followed by chaos.

It strikes me that the real danger to the United States at this time stems, not from the so-called "warfare state" but from the social welfare jungle which is threatening to choke us to death.

In fact, we can go back to President Franklin Delano Roosevelt for one of the most stringent warnings in this regard. Strangely enough, in his state of the Union message in 1935 President Roosevelt warned:

> The lessons of history . . . show conclusively . . . that continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fibre. To dole our relief is to administer a narcotic, a subtle destroyer of the human spirit . . . The Federal Government must and shall quit this business.

Of course, the Federal Government has done nothing to heed FDR's warning in the 36 years since it was issued. The Federal Government has done nothing but move deeper and deeper into "this business of relief." And if the present crop of liberals have their way it will move in deeper still and at a tremendous cost, both to our economic solvency and to our national security.

When you consider that the social welfare legislation introduced up to March 15 of this year would require a doubling of all personal and corporate income taxes to defray you begin to get some idea of the enormity of these plans. And there is growing talk in Congress about the Federal Government taking over all of the administration and most of the costs of public welfare everywhere in the United States. In fact, the enormous step contemplated by some Members of Congress would be so great that it would require a virtual army of giant computers to handle the problem. Either that or a much larger army of Federal caseworkers would have to be hired by the Government to fan out across the land and check on eligibility of millions of people applying for benefits.

Mr. President, there is very little mystery about why the welfare rolls in this country keep going up every year. I believe the reason can be found in one of the basic precepts of the welfare state—that there should be no connection between work and income. Our welfare liberals seem to work on the assumption that the Government owes everybody a living. We would be far better off if we merely guaranteed everybody an opportunity to earn a living. But when welfare payments get to the point where they are higher than what the people of little skill and low productive capacity can earn in wages there will be no effort on the part of the welfare recipients to find work.

I have already mentioned the kind of trouble that is visited upon almost anyone who has the temerity nowadays to question the operation or the validity of the welfare programs. Several years ago—in 1962 to be exact—two congressional appropriations committees ordered a sample study of the welfare caseload in the District of Columbia. The study was directed and staffed by the Controller General's Office and it found that 59 percent of the welfare recipients were not eligible for the benefits they were getting. But, of course, when a national study was undertaken—this time staffed by state welfare departments—it was reported that everything was all right and the incidence of ineligibility were insignificant. Mr. President, that conclusion insults the intelligence of the Members of the Congress and the American people. I believe the national percentage of ineligibility perhaps does not reach the 59 percent discovered in the District of Columbia but I believe it is high enough to be very significant in a dollars and cents way to every American taxpayer.

Mr. President, I have repeatedly encouraged committees of Congress to ferret out problems involving waste and inefficiency in the Defense Department but urged that such studies by committees concerned with Government expenditures be extended to other parts of the Federal budget, especially those involved in welfare. But it seems that those Members of Congress who are so determined to show examples of extravagance and cost overruns and similar costly irregularities in military procurement have virtually no appetite for examining how our taxpayers' money is spent in the more than 1,300 assistance programs operated by the Government. It strikes me that sometime soon such an examination will be forced upon the Congress by rebellious taxpayers.

Mr. President, we have heard many times in the past about a possible revolt on the part of the taxpayers. Be that as it may, I believe we are closer to that kind of insurrection than ever before. And we cannot forever go on cutting the amounts needed for our Defense Department in an effort to pacify angry citizens. Especially we cannot continue such cuts in the face of a staggering and growing Soviet arms buildup. No, Mr. President, we are going to have to look in the direction where most of our taxpayers' money is going and figure out what can be done about it. And I, for one, believe that the answer does not lie in the approval of a $5 billion program to create 150,000 public service jobs in the next 4 years. This proposal, which was passed in the Congress recently, is no answer to the unemployment problem or the problem of continued inflation.

I believe we must go to fundamentals no matter how difficult that might be. I think we have to lay aside our partisanship as well as our timidity with regard to interfering with social engineering problems. I think we must face the reality that our welfare rolls are doubling and tripling at a time when inflation is continuing and Government revenues are shrinking. I believe for the first time we must credit the idea of a runaway budget. I believe our deficit financing, like our welfare systems, is beginning to feed upon itself and is becoming almost unmanageable. Here again I wish to point out that no amount of tampering with the defense budget will fix this problem. Again, we have to look to the area where most of our money is going and find out what we can do about it.

Mr. President, in conclusion I believe we must acknowledge that, right or wrong, we have created a Frankenstein monster with our years of openhanded and unquestioning pandering to the welfare state.

GROWING IMPORTANCE OF BROILER INDUSTRY

Mr. TALMADGE. Mr. President, my attention was called to an address delivered by Frank Frazier, executive vice president of the National Broiler Council, at the National Association of Farm Broadcasters summer meeting on June 28, at Louisville, Ky.

Mr. Frazier gave an outstanding address on the growing importance of the broiler industry in the United States. Speaking as one who represents a State that is one of the Nation's top broiler producers, I personally take great pride in the tremendous success story of this industry. It truly represents American free enterprise at its best.

I ask unanimous consent that Mr. Frazier's address be printed in the RECORD.

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

BROILERS AND THE SOUTHLAND

By far the most popular exhibit at the National Agricultural Fair held in Portugal earlier this month was the one which featured what was called "the modern miracle of food production."

We have learned the exhibit was so outstanding it attracted up to 20,000 people a day . . . farmers, homemakers, high government officials . . . it was the favorite of all.

The exhibit was sponsored by the USDA's Foreign Agricultural Service in cooperation with the U.S. Feed Grains Council, the American Soybean Association, and the National Renderers Association. The miracle it revealed was the story of how America's broiler industry has combined advanced technology with automation and modern business management to make chicken, the luxury meat of former years, today's best meat buy.

By adopting many of the techniques pioneered by the American broiler industry, chicken has already become an excellent buy in Portugal, selling for 43 cents a pound in comparison to 80 cents for beef and $1.07 for pork. It should therefore come as no surprise to learn the people in Portugal have quadrupled the consumption of broilers in the past decade, going from 2.9 pounds per capita in 1960 to 13.2 pounds in 1970.

Just a year ago at the NAFB meeting in Washington, D.C., many of you saw the new movie "Chicken—American Style" which tells the story of this modern miracle in food production, and you will be glad to know the sound track has been translated into Spanish so the film could be shown at the recent fair in Portugal.

Yes, farm broadcasters are not only familiar with this miracle, but as it unfolded over the years, you kept your listeners and viewers abreast of its development.

You have told them the man hours per 1000 broilers produced declined from 250 in 1940 to 15 in 1969, largely as a result of increased mechanization and larger flock sizes.

You have told them of new discoveries in genetics and nutrition that reduced the amount of feed required to produce a pound of live broiler from 4 pounds in 1940 to 2.1 pounds today, and the growing period from 13 weeks to eight and a half weeks.

You have told your listeners about better health programs which have reduced mortality to less than 5 percent, whereas 20 to 25 percent mortality was not uncommon during World War II.

As thought leaders in American agriculture, you have applauded the milestones of progress which made it possible for the broiler industry to improve quality, and although faced with rising prices, cut costs 50 percent in the 21-year period from 1948 to 1969.

With a record like this to our credit, it's understandable that Dr. Max Brunk, Professor of Marketing at Cornell University, would call the broiler industry "the world's most advanced system of food production." And that's why hundreds of agricultural leaders from all over the world have come to America, studied our methods and then returned to launch their own modern broiler operations . . . operations created in the image of those they saw in the United States. Before I go any further I would like to express the appreciation of the U.S. broiler industry to you farm broadcasters for your excellent cooperation in telling this dramatic and important story to the American public.

The American consumers have also responded enthusiastically to this new industry and made it possible to rapidly expand production to the level of 38 pounds per capita . . . ten times that of World War II . . . a record without parallel in any other major phase of American agriculture.

I'm sure you would agree such a record could not have been achieved unless the broiler industry had been doing a lot of things right. But as it unfolded I wonder if we didn't talk more about *chickens* than about the *people* who made it a reality.

To get into this discussion of the people engaged in the broiler industry, let's first take a look at where they are located. Some 84 percent of the nation's 3 billion bird broiler crop are produced in ten states: Georgia, Arkansas, Alabama, North Carolina, Mississippi, Maryland, Texas, Delaware, California, and Maine.

Broilers were grown on 35,100 farms in these 10 states, according to the 1964 census. By forming a business partnership with their contractors, broilers became a new source of income for these farmers, gave a favorable return in comparison to other crops, and enabled many farmers to not only stay on small family farms, but to also add modern convenience to make life easier and more pleasant. Broilers also provided the means to diversify into dairying, beef cattle or other crops. Yes, there is truth to the statement that "broilers put green grass on the red hills of Georgia."

While I'm sure all in the broiler industry, including growers, would like to have a better income, the fact remains that broilers over a period of years have been producing a reasonable return on the growers' investment of capital and labor. Claims that producers receive a minus fourteen cents an hour for raising broilers are not true, and growers have every reason and right to question the motives of those who spread such false information.

Good growers play a vitally important part in the integrated system of broiler production. Even so, they provide only about 25 percent of the man hours needed to produce and process a broiler. The other 75 percent comes from those employed in the hatchery, feed mill or processing plant, facilities that are in close proximity to growers' they service.

To bring this point into somewhat sharper focus and give you a more accurate fix on its magnitude, there are an estimated 372,500 people, in addition to growers, who are engaged in integrated broiler operations in just the four top broiler states, Arkansas, Georgia, Alabama, and North Carolina.

These people have new jobs created by the growth of the broiler industry during your lifetime and mine. For the most part they live in small towns and represent a greatly needed multi-million dollar payroll . . . a payroll brought to rural areas because chicken was sold in distant cities like New York, Chicago, Dallas, or Los Angeles . . . a payroll that has pumped new vigor into the economic lifeblood of hundreds of rural towns and communities. Is there a better example of rural area development with private capital than exemplified today by the broiler industry?

But this story doesn't stop with people who are a direct part of the structure of an integrated operation. Remember the earnings of these people are used to buy groceries, pay the doctor's bill or build better roads, schools and hospitals.

Another important way the modern broiler industry affects thousands of additional people reaches far beyond the locality where the birds are produced and processed, and I am of course referring to goods and services needed to operate our production line: the corn from Iowa, the soybeans from Illinois, the medications from New York or the equipment from Chicago.

As you see, untold hundreds of thousands of people are now involved in this modern miracle in food production, and when you consider the price of chicken in the supermarket, certainly the 205 million consumers in this country are also beneficiaries.

If you take all the achievements we've been talking about and put them together, they add up to just one thing: increased productivity by people and of chickens . . . under the free enterprise system which made possible the opportunity to create the world's most advanced system of food production. Partnership from hatching eggs to the ready-to-cook chicken is essential to achieving greater productivity in a structure called "vertical integration." However I believe a more appropriate term would be "the systems concept," which is widely used in other phases of our economy. For broilers, the performance of the total system provides the resources for each of its segments: hatching, growing, and processing. And the total system can be no stronger than its weakest link.

35 years ago, about 5 cents a pound was required to get chickens from the farm to a terminal market. Today, less than a penny a pound is needed to get live broilers to the processing plant and about a cent and a half to get the eviscerated bird to the terminal market. My point is this: the overall performance of an integrated broiler operation can and has resulted in entirely new economic alignments within the system, and this greater efficiency has made it possible to contract with growers in Alabama who feed corn from Iowa and soybeans from Illinois to broilers that are sold to housewives in Chicago.

The merit of this "systems concept" has yet to be fully studied and understood. And it seems to be just human nature "to be down on what you are not up on." Paradoxically, our most outspoken critics come from outside the industry.

Right or wrong, we are in a period of change. But will the changes that are ahead "kill the goose that laid the golden egg," or will they open the door to even greater progress in the future? The answer might well grow out of the current debate over farm policy. Low farm prices are adding heat to the debate and momentum to change.

Broiler prices have also been low in recent months. But under the systems concept (or vertical integration), it was to the enlightened self-interest of the integrator to help shield his growers from a major part of the effect of low prices. This situation has a political sidelight. In recent months when swine producers were flooding USDA and Capitol Hill with pleas for government help, broiler growers were understandably silent, because under the systems concept they were shielded from most of the effects of low broiler prices.

Low prices have been experienced from time to time over past years by the broiler industry. And we have learned we have had to go through the valleys to have an opportunity to scale the higher peaks ahead. The answer to our price difficulties of recent months will come not from the halls of Congress or USDA but from the market places all

over America. The systems concept which grew out of our production orientation provides the framework for developing new marketing opportunities and for quickly translating such opportunities back to production.

In closing, may I remind you that the modern broiler industry came into being back in the early Thirties, a period of depression for rural America. Government programs were offered as the panacea for the ills of that era. One of the principal crops affected was cotton. I have great admiration for the battle cotton farmers and their leaders have staged to hold on to their markets as man-made fibers came forth to take over better than 50 percent of the total fiber market. But, significantly, even at the risk of oversimplification, I would point out that today the gross farm income from broilers in North Carolina, Georgia, Arkansas, and Alabama is more than 25 percent greater than the farm income from cotton in those states. There has never been a price support or production control program for broilers. Is it therefore not fair to ask which farmer over the years got the best deal, the one who tied his future to a government program or the one who identified with the modern systems concept? The way you answer this question today may well shape policies which determine the future destiny of American agriculture!

THE LIFE AND SERVICE OF SENATOR DODD

Mr. CURTIS. Mr. President, I have learned of the passing of former Senator Thomas Dodd, of Connecticut. At this time of sorrow, I extend to all of his loved ones my most sincere sympathy.

Senator Dodd will be remembered by the U.S. Senate. On many occasions, he took the floor of the Senate and, in his speech, with force and clarity, spoke out for our country. Senator Dodd was a patriot. He gave no comfort to the enemies of our country. He understood the evils of international communism, and his voice and his influence were always used to combat that evil. Senator Dodd was not a stranger to controversy, yet, through it all, he retained a host of friends.

ARMED SERVICES SHOULD ACT TO PROTECT SERVICEMEN'S FIRST AMENDMENT RIGHTS

Mr. ERVIN. Mr. President, because of the central importance of the first amendment to all American citizens and to the vitality of our Republic, I want to call the Senate's attention to a recent situation involving the application of the first amendment to our servicemen.

On June 7, 1971, I was informed that the base commander at the Bolling Air Force Base, D.C., had denied a serviceman's request to distribute on base certain reprints from the CONGRESSIONAL RECORD. These reprints included remarks made by a Congressman to the House of Representatives critical of U.S. policy in Southeast Asia. It is my understanding that refusal to permit distribution of these remarks was based primarily upon the base commander's determination that they would constitute a threat to the morale of servicemen stationed at Bolling and to the accomplishment of the Air Force's mission.

Disturbed over the report of this decision, I wrote a letter to the Secretary of the Air Force on June 11, 1971, requesting an official inquiry as to the basis for the Bolling decision and for a report on the Air Force's rules and procedures governing first amendment rights of servicemen. In that letter I expressed two principal concerns: First, the effect of this decision on servicemen's first amendment rights; and second, the implications of the decision for the right of Congressmen to make known their views on issues of the day to the public. I expressed to the Secretary my opinion that it would be adverse to the morale of the fine men who serve our country in uniform if they discovered that fundamental constitutional freedoms are denied them by the very Government to whose service they are committed.

On June 28, 1971, the Air Force replied to my inquiry. I was pleased to learn that the original decision refusing permission to distribute the CONGRESSIONAL RECORD reprint at Bolling had been reversed. The servicemen involved were allowed to distribute the Congressman's remarks outside a dining hall on the base, June 30, July 1, and 2. According to my information this distribution took place without any interference to the regular operations at the Bolling Base. No evidence has been brought to my attention that this peaceful activity affected the morale of our fine servicemen on that base. Those who distributed the Congressman's remarks were careful not to litter the area where they were passing out their material. In other words, the exercise of constitutionally protected first amendment rights at Bolling Air Force Base resulted in absolutely no threat nor interference with the military activities at that base.

Mr. President, I am not surprised at these results. I believe that the overwhelming majority of our young people, in and out of uniform, are peace-loving, law-abiding citizens. Even those who may disagree with various Government policies have, for the most part, demonstrated their commitment to the peaceful resolution of political and social conflicts. This is just what the Founding Fathers contemplated when they drafted the first amendment's guarantee of free speech. While I do not share the views of those servicemen at Bolling Air Force Base who are critical of American policy in Vietnam, I feel bound by the principles of the first amendment to defend their right to express peacefully their views.

The incident at Bolling Air Force Base is not the first time this matter has been brought to my attention. The Senate Subcommittee on Constitutional Rights has unfortunately received a number of similar reports describing obstacles to the exercise of first amendment rights by servicemen. In one case, a request for permission to distribute copies of the Declaration of Independence was turned down as was another request to distribute excerpts from the CONGRESSIONAL RECORD. In many of these cases, the Senate Subcommittee on Constitutional Rights has submitted inquiries to the armed services requesting investigations and, where proper, a vindication of servicemen's first amendment rights. In each instance in which the subcommittee has made inquiry, the original refusal has been reversed and the distribution permitted.

It is extremely undesirable for the first amendment rights of servicemen to be conditioned on congressional intervention. The delays which necessarily attend a congressional inquiry of a particular factual situation often mean that the first amendment is put into "cold storage," even if the issue is ultimately resolved in favor of free expression.

While the Air Force replied with reasonable dispatch to my recent inquiry concerning Bolling Air Force Base, nearly 3 weeks passed between the date of the original request for distribution and final permission to distribute. Even a delay of 3 weeks can chill the meaning of the first amendment. In one case, it took 8 months before the military responded to the subcommittee's inquiry, and fully 13 months between the original refusal and eventual distribution.

Congressional supervision as a means of protecting effectively servicemen's first amendment rights is also undesirable because the armed services must themselves secure and protect this right. They must review their existing rules and procedures affecting the serviceman's exercise of first amendment rights. The rules and regulations must be intelligible and reasonable. It is also essential that the procedures established for disposing of grievances insure a fair and speedy resolution of complaints. In the first instance, the armed services themselves must accept responsibility as the protector of servicemen's constitutional rights.

In summary, Mr. President, I call upon each branch of the armed services to review its rules and procedures with a view toward enabling those citizens who serve our Nation in uniform with such distinction to benefit from the liberties which were secured to us all by our Constitution. Unless special attention is given to this matter by the armed services, I am greatly concerned that many young Americans in service will come to believe that those great principles for which our Republic has so proudly and wisely stood and for which they are asked to lay down their lives are simply idyllic paper promises without meaning for their day-to-day lives. Such a result is neither a necessary corollary of a strong, effective Defense Establishment nor a good omen for the future of our great country.

COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. COOK. Mr. President, on October 2, 1969, in regard to the then pending Coal Mine Health and Safety Act—Public Law 91-173—I said:

I commend the committee for its concern for the welfare of our Nation's coal miners. However, one provision of the bill, eliminating the distinction between gassy and nongassy mines, will have a disastrous effect on the small mine operators and miners of the Appalachian region while not making any contribution to improving safety conditions.

On July 1, 1971, the Louisville Courier-Journal, a newspaper noted for its liberal views, published an editorial criticizing the failings of the act both in the illogic of its legislative intent in some sections, and its implementation. The first paragraph reads:

For some reason or other, the new mine safety law doesn't appear to be working very well. It was supposed to save lives, yet more miners are dying in the mines this year than died before the law was passed. It wasn't supposed to put mines out of operation and miners out of work, but that's what it is doing.

In that same speech on the floor of the Senate, I said:

As a Senator from a State which has approximately 1,000 small mines (only 32 of which are gassy) and a great many miners who derive their living from these mines, I want an effective coal mine safety bill. If the elimination of the gassy/nongassy distinction would make any contribution to improving unsafe conditions in our mines I would favor it. But as my colleague, Senator Cooper recently pointed out, between 1952 and 1969 there were only 52 explosions in non-gassy mines: Only four were fatal, and in each of the fatal cases the explosion was caused by open flames (matches, cigarette lighter or open lamps) resulting from violation of existing laws. In other words, these were explosions that could have been avoided by enforcement of existing laws, and would not have been averted by the proposed changes in the law.

In commenting further on the act's mandate to small and large, gassy and nongassy mines the Courier-Journal said:

It does not make sense to require an operator to install ventilating equipment that pulls so much air through the mine that it stirs up dust and dries out the mine, making it more dangerous, not safer for the men working in it, and it does not make much sense to require costly methane-detecting devices, and time-consuming methane tests, in non-gassy mines located above the water table where methane gas almost never is found.

Mr. President, I urge all Senators to read the editorial. I believe it to be an excellent summation of the inherent inequities of the Coal Mine Health and Safety Act and those arising out of its enforcement.

Because of the lives lost and the jobs cancelled, I can take no pleasure in my predictions. However, I am reminded of Byron when he said:

Of all the horrid, hideous notes of woe,
sadder than owl-songs or the midnight blast;
is that portentous phrase, "I told you so."'

I ask unanimous consent that the Courier-Journal editorial of July 1, 1971, and my remarks of October 2, 1969, be printed in the RECORD.

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

[From the Courier-Journal, July 1, 1971]

MINE LAW ISN'T WORKING AS PLANNED

For some reason or other, the new mine-safety law doesn't appear to be working very well. It was supposed to save lives, yet more miners are dying in the mines this year than died before the law was passed. It wasn't supposed to put mines out of operation and miners out of work, but that's what it is doing.

Small mines are shutting down at an alarming rate, as staff writer Kyle Vance noted in Sunday's *Courier-Journal & Times*. In one Eastern Kentucky county alone the number of employed miners has dropped one-third in the past year. This is not only hurting the economy. It is having the unfortunate side-effect of driving small operators from deep mining into the more destructive practice of strip-mining. Strip mines are not bothered by the numerous regulations that are applied to make underground mines safe.

Where the fault lies is a matter of wide disagreement. Safety advocates insist that small mines forced to close because of trouble with the safety law shouldn't have been in operation, and that mines that can't meet the law's standards aren't fit places for men to work. They may have a point, although the safety record of the small mines prior to the law's passage was in some respects better than that of the large mines that are continuing to operate.

But small-mine operators also appear to have a case in their objections both to some of the new regulations and to the way they are being enforced. A group of them has filed a suit in federal court challenging the constitutionality of the entire act. This, of course, is a matter for the courts to decide. But there seem to be serious questions about the consistency with which the law is being enforced, and the common sense of some of its provisions when applied to small mines.

ERRATIC, UNEVEN ENFORCEMENT

It certainly doesn't make any sense to require an operator to install 18-inch toilet seats in a mine that is just 30 inches high. (One Pike County operator tells of buying $720 worth of such toilets, though he knew they could not be used by the miners.) It does not make sense to require operators to install air-directing curtains across passageways so that motor operators must drive through them blind, and possibly collide with something on the other side.

It does not make sense to require an operator to install ventilating equipment that pulls so much air through the mine that it stirs up dust and dries out the mine, making it more dangerous, not safer for the men working in it. And it does not make much sense to require costly methane-detecting devices, and time-consuming methane tests, in non-gassy mines located above the water table where methane gas almost never is found.

But perhaps the worst feature of the new law is the way that it is being enforced. The criticisms from both operators and miners on this score are becoming too numerous to discount entirely. When two different sets of mine inspectors give an operator two conflicting sets of instructions on two consecutive inspection visits, the operator is caught in the middle. Yet one operator after another can tell of instances in which he has been penalized, shut down or fined by one inspector for doing what another inspector told him to do, or of losing valuable time changing an installation ordered by one inspector in order to meet the demands of a second inspector.

Some operators charge that "the heat is on from Washington" because of the small-mine disaster at Hyden last December in which 38 men were killed, and that inspectors are nitpicking in order to show they are doing their jobs. Others claim that the law was written to order for big mines, and is not flexible enough to be applied to small operations. Still others say that the flexibility of the law, designed to make it apply to any type of mine, leaves too much to the discretion of the individual inspector.

It is impossible for the layman to know where the truth rests. But there is evidence that there is too much variance in the application of the law by the inspectors. The Bureau of Mines owes it to both its own over-worked inspectors and the harried operators to see that the inspectors are thoroughly familiar with the law, and know how to enforce it uniformly. If the inspectors can't agree among themselves on what constitutes safe equipment, installation and operation, the operator is put in an impossible position.

Furthermore, the operator—as well as his miners—has a right to know that the inspector judging his mine is qualified and competent. But how can he have any confidence in a Bureau whose procedures made it possible to hire as an inspector a man such as Ernest "Red" Hoskins?

Mr. Hoskins is undoubtedly an experienced miner, with 21 years underground. He thus met the Bureau's apparently-overriding requirement for employment as an inspector. But he was also a foreman in the Finley mine where the improper use of illegal explosives has been blamed for the death of those 38 miners last winter. And as House committee chairman Carl Perkins said during recent hearings into the mine disaster, Mr. Hoskins either knew that illegal explosives were being used and did nothing to prevent their use, or should have known and was negligent in not making sure safe practices were followed.

By resigning voluntarily from his inspector's post, Mr. Hoskins has shown a more sensitive regard for public opinion than did the men who hired him. But the fact that he was hired in the first place, and considered capable of enforcing safety laws efficiently and fairly, gives the public cause to wonder at the general quality of both federal inspectors and inspections.

REMARKS OF SENATOR COOK

Mr. COOK. Mr. President, much has been said since the Farmington, W. Va., disaster of last year about the need for a stricter Federal coal mine safety law. During the same period, rising concern over the prevalence in coal miners of pneumoconiosis, or black lung, has created a similar demand for stricter mine health laws.

The Committee on Labor and Public Welfare has reported out a strong bill containing both health and safety features. I commend the committee for its concern for the welfare of our Nation's coal miners. However, one provision of the bill, eliminating the current distinction between gassy and non-gassy mines, will have a disastrous effect on the small mine operators and miners of the Appalachian region while not making any contribution to improving safety conditions. The overwhelming majority of mines in Kentucky are both small and non-gassy.

Historically, cries have been made by businessmen about various social legislation, such as wage and hour laws, that the effect of enacting such new measures would be to drive the owner out of business. It is true that the small operators (a small operator owns a mine which employs fourteen or fewer miners) of my State and surrounding States are making essentially this argument against the provision in the committee bill which would eliminate the gassy-non-gassy distinction. As I have said, this argument has been used to impede the progress of valuable social legislation in the past, but this is not the case with this argument as applied to the attempt to eliminate the distinction between gassy and non-gassy mines.

What is the effect of eliminating the distinction? Under the current law, gassy mines are required to use permissible equipment, that is, equipment which is covered so that sparks will not ignite any gas which might be present. Permissible equipment is not now required in mines which are classified non-gassy. Elimination of the distinction would require operators of the non-gassy mines to purchase permissible equipment at a cost small operators argue would be prohibitive. I have studied the figures and assessed the economic impact of such action and I agree with their conclusion.

As a Senator from a State which has approximately 1,000 small mines—only 32 of which are gassy—and a great many miners who derive their living from these mines, I want an effective coal mine safety bill. If the elimination of the gassy-non-gassy distinction would make any contribution to improv-

ing unsafe conditions in our mines I would favor it. But as my colleague, Senator Cooper, recently pointed out, between 1952 and 1969 there were only 52 explosions in non-gassy mines: only four were fatal, and in each of the fatal cases the explosion was caused by open flames (matches, cigarette lighter or open lamps) resulting from violation of existing laws. In other words, these were explosions that could have been avoided by enforcement of existing laws, and would not have been averted by the proposed changes in the law. Senator Cooper further pointed out that during the same period there have been 381 explosions, killing 374 miners and injuring 427 in mines classified as gassy.

My senior colleague from Kentucky yesterday placed in the RECORD an editorial appearing in the Aug. 23, 1969 edition of the Louisville Courier-Journal supporting preservation of the gassy-non-gassy distinction. In a letter I mailed to all Senators on September 5, I included that editorial which describes very well the fallacy of the argument that safety requires elimination of the distinction. As I pointed out at that time, the Courier-Journal is not a business-oriented newspaper. It is concerned, as all of us are, about preserving one of the few remaining employers in the poverty-ridden Appalachian areas of our country. It would seem to be the height of inconsistency to advocate measures designed to alleviate the plight of the Appalachian poor and then support a provision which might significantly increase the unemployment rolls in the same region.

I support the amendments to S. 2917 offered by my senior colleague including, of course, the preservation of the current distinction betwen gassy and non-gassy mines. The distinction must be maintained not solely for the economic benefit of the small operators of Kentucky, but also to preserve the over 100,000 jobs either in or related to the mines which might be lost by enacting into law a provision making no contribution to improving safety in small non-gassy mines.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. TALMADGE. Mr. President, I wish to express regret at the departure of Col. Joseph E. O'Leary as Chief Liaison Officer of the Senate for the Department of the Army.

Colonel O'Leary plans to retire from the Army, and his last day of duty here will be July 31, 1971. I know other Members of the Senate, who know and respect Colonel O'Leary, join me in saluting him for a job well done.

Colonel O'Leary, in the 2 years that he has served as head of the Army liaison office here, has won widespread appreciation all over Capitol Hill for the outstanding performance of his duty.

I have personally come to know Colonel O'Leary as an officer of great capabilities and intelligence. He has proven himself to be a valuable asset to the work of my office in handling constituent problems involving the U.S. Army. Every senatorial office receives a great number of distress signals from servicemen or their families. Often they are very severe and of an emergency nature. Of course, like other Senators, I am always anxious to provide assistance or relief in every way possible.

In my association with the Army liaison office, Colonel O'Leary always stood ready to take the situation in hand and provide whatever information and service my office required, consistent with the law and regulations. His reports were always prompt, thorough, and courteous. In pursuing a matter at my request, he has been aggressive and firm and always anxious to be of assistance.

I will sorely miss the association I have had with Colonel O'Leary, both on a personal and professional basis, and I take this opportunity to wish him every future success and happiness in his retirement from the Army.

I ak unanimous consent that there be printed in the RECORD a brief biographical sketch of Colonel O'Leary.

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

COL. JOSEPH E. O'LEARY, CHIEF SENATE LIAISON DIVISION OFFICE, CHIEF, LEGISLATIVE LIAISON

Colonel O'Leary will retire from the United States Army in July of this year with credit for 29 years in the service of his country. He entered the Army in October 1942 from Texas A & M University, College Station, Texas, where he was awarded a Bachelors Degree. Although, he had served as a Major in the ROTC Cadet Corps, he was required, along with his fellow graduates, to attend the Infantry Officers Candidate School at Fort Benning before being commissioned. Colonel O'Leary graduated number one in his class and was assigned to Fort Benning as a member of the 124th Infantry, the school troops bridgade. In 1944 he attended the Advanced Infantry Officers Course at Benning and in early 1945 he completed the Command and General Staff College course at Ft. Leavenworth, Kansas. Following this he was transferred to the 41st Infantry Division in the Pacific Theater where he participated in the Southern Philippines campaign.

When World War II ended he was assigned to the 24th Infantry Division in Japan and for the next two years served as Aide-de-Camp to the Commanding General, 24th Infantry Division. Now holding the rank of Captain, he greeted with enthusiasm the first boatload of dependents to arrive in Japan, for among the passengers was his fiance, Miss Rosemary Walker, daughter of Colonel and Mrs. I. G. Walker, also stationed in Japan. Captain O'Leary and Miss Walker were married in Kyoto in September 1946. Two sons and two daughters blessed this marriage; Joseph E. III, now serving as a 1st Lt. in the 172d Infantry, Terry O. Dittman, married to David Dittman and living in Anchorage, Alaska with daughters Danny and Dana; Kathleen who is a high school senior and an employee of Senator Mike Gravel of Alaska; and Michael who attends school in Alexandria.

Colonel O'Leary finished his tour in Japan as a battalion commander in the 19th Infantry Regiment. Upon his return to the United States he was assigned as an instructor in the Junior ROTC Program for four high schools in St. Joseph, Missouri. With the outbreak of the Korean War, he became an advisor to the Korean Army, serving in Korea from October 1950 until March 1952. He participated in six campaigns with the 30th Regiment, 9th Division ROK and served as the director of training at the Korean Infantry Officer Candidate School. For the next three years he served in the Pentagon in the Office of the Assistant Chief of Staff G–2 (Intelligence). From June 1955 until 1958 he served in the Intelligence Division of the Supreme Headquarters Allied Powers Europe (SHAPE), Paris, France. Returning to the United States he was assigned to the Staff of the Command and General Staff College at Fort Leavenworth where he received an award as outstanding instructor from the Commandant, the then Major General Harrold K. Johnston.

For the next 39 months, Colonel O'Leary commanded units of the 1st Infantry Division at Fort Riley, Kansas, and was cited by Major General Jonothan O. Seaman for outstanding performance as Deputy Commander and later Commander of the 16th Infantry. He served seven months in Germany during the 1st Division's participation in the reinforcing of US Troops in Western Europe and Berlin.

While in Europe he received orders for Vietnam. He arrived in MACV in June 1964 and was assigned as the Senior Advisor to the Province Chief of Go Cong Province in the Mekong Delta, at a time when 95 percent of this province was controlled by the Viet Cong. Eight months later this control had been reduced to 60 percent and Colonel O'Leary was again cited for outstanding service by General Westmoreland. He was assigned to Saigon and served the remaining portion of his tour in the Office of J–3 (Operations) where he was once again cited for outstanding performance.

He attended the Army War College at Carlisle Barracks, Pennsylvania, in 1965 and 1966 and during this same period received his Masters Degree in International Relations from George Washington University.

He assumed Command of the 172d Infantry Brigade (Mechanized) at Fort Richardson, Alaska, in July 1966 and was cited for outstanding leadership by Major General J. Folda, the C.G. of U.S. Army Alaska. During 1967 and 1968 he served as the G–3 (Operations) officer, U.S. Army Alaska and was again cited for outstanding performance by Major General Kelly Lemon who was then C.G., USARAL.

In December 1968 he received word of his forthcoming assignment as the Chief of the Senate Liaison, Office of the Chief of Legislative Liaison, and has served in that position since July 1969.

Colonel O'Leary has been awarded the Legion of Merit with cluster, the Bronze Star Medal, the Air Medal, the Army Commendation Medal, the American Campaign Medal, the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, the Army of Occupation Medal (Japan), the Korean Service Medal, the Armed Forces Expeditionary Medal, the Combat Infantryman's Badge (two awards), the Expert Infantryman's Badge, the Republic of Korea Presidential Unit Citation Badge, the Chungmu Military Service Medal with Gold Star from the Korean Government, the Distinguished Military Service Medal from the Korean Army, the Vietnamese Medal of Honor, first class, the Vietnam Service Medal, and the Vietnam Campaign Medal.

Colonel O'Leary intends to remain in the Washington area as a consultant and will reside at 416 Underhill Place, Alexandria, Virginia 22305.

TRIBUTE TO DR. RICHARD L. HOPPING, DAYTON, OHIO

Mr. SAXBE. Mr. President, at its 74th annual congress in Houston, Tex., recently, the American Optometric Association, an organization representing a majority of the Nation's 18,000 practicing optometrists, installed a native Ohioan, Dr. Richard L. Hopping, as its president.

As an optometrist in his native city of Dayton, Ohio, he has been closely identified with public health and community affairs since he opened his practice following his graduation from Southern College of Optometry in 1952. In addition to his work with such organizations as the United Appeal, Boy Scouts, YMCA, the Big Brother's Association, and other civic betterment organizations,

this outstanding health care practitioner has also been a consultant to the Goodwill Industries Subnormal Vision Clinic; a member of the medical advisory committee of the State department of public welfare; a director of the United Cerebral Palsy organization; and on the boards of the Council for Retarded Children and the Montgomery County Mental Hygiene Association. His list of honors is long and impressive, including designations as "Outstanding Young Man of the Year" by the Dayton Jaycees in 1960; and "Outstanding Optometrist of the Year" in 1962, an honor conferred by his own peers in the Ohio Optometric Association.

Dedicated work for the cause of good vision has resulted in Doctor Hopping's involvement in virtually every committee activity and every elective position in his local, State, and national professional societies and as a Fellow of the American Academy of Optometry. These years of hard work have brought to Doctor Hopping the opportunity to serve as the top elected leader of the third largest organization of independently prescribing health professionals in the United States, the American Optometric Association.

I know I speak for the people of Ohio when I extend heartiest congratulations to Dr. Richard L. Hopping as he undertakes this challenging new position. We wish him well in his continuing effort to bring better vision care to all Americans by application of the qualities of leadership he has so amply demonstrated.

REMARKS OF REPRESENTATIVE WILLIAM R. COTTER BEFORE THE WASHINGTON FORUM OF THE INDEPENDENT MUTUAL INSURANCE AGENTS ASSOCIATION

Mr. HUMPHREY. Mr. President, on June 25, 1971, Congressman WILLIAM R. COTTER of Connecticut spoke before the Washington Forum of the Independent Mutual Insurance Agents Association. Congressman COTTER, a former insurance commissioner from Connecticut, spoke cogently and clearly about the regulation of insurance industry. He noted the necessity for the industry to take a long hard look at itself, to examine its programs in relation to the demands of insurance today, and to change when there are requirements for change.

Congressman COTTER examined the whole range of insurance issues—fire, housing, automobile, and health. The majority of his speech, though, was centered on health insurance—including his own Cotter health plan.

I ask unanimous consent that Congressman COTTER's remarks be printed in the RECORD.

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

ADDRESS OF CONGRESSMAN WILLIAM R. COTTER BEFORE THE WASHINGTON FORUM OF THE INDEPENDENT MUTUAL INSURANCE AGENTS ASSOCIATION OF NEW JERSEY, JUNE 25, 1971

I am delighted to be here and have this opportunity to report to you what I have observed during my first few months in Washington and what I see for the future in insurance regulations.

I know from previous experience with many of you that this group is sophisticated and knowledgeable. What I will talk about, though in places may be unpleasant, represents my judgment on trends in the Federal government's role in the insurance industry and how these trends will affect you.

When I left the post of Insurance Commissioner of Connecticut, I felt that I would no longer be involved in the regulatory phase of insurance, but my brief experience in Washington indicates this might not be the case.

Perhaps a short look at the history of insurance regulation will shed a little light on where we are today and what we may expect in the future.

The insurance story in this country, as you know, began with that great American, Ben Franklin, who developed a pool for the spreading of the burden of fire loss in 1752. As with many other rapidly-growing businesses, the insurance business had its share of abuses. And, as elsewhere, when abuses are not remedied by the industry, the government steps in. That's exactly what the New York State Legislature did in 1905 when it implemented the Armstrong Committee recommendations and created a strong State Insurance Department which has been the model for many other States.

The debate over whether the States or the Federal government would regulate the fledgling insurance industry really began back in the mid 1860's. I can recall reading the report of the first Commissioner in Connecticut, written about 1865 raising this question. And, over 100 years later, this issue is still not settled.

But it was no legislative accident which first brought the insurance industry under the watchful eye of State government as opposed to the Federal government. The judicial system first gave jurisdiction to the States. In 1869, the Supreme Court in *Paul v. Virginia* held that issuance of an insurance policy was not "commerce" and thus outside the scope of Congressional action. For 75 years this remained the case. However, in 1944, in the *South Eastern Underwriters Association* case, a narrowly-divided Supreme Court reversed this procedure by deciding that insurance was indeed "commerce" and that insurance companies fell under the purview of the Sherman and Clayton Acts.

As you know, the resulting confusion over whether the State or Federal government should regulate insurance produced the McCarren Act in 1945 which in effect told the States, "If you don't regulate insurance, the Congress will."

It appears to me that conditions similar to those which prompted State regulation of insurance at the turn of the century are today producing pressures for a greater Federal role. And I'll tell you why.

When you have increasing numbers of consumer complaints, when consumers find insurance unavailable or available at less than reasonable costs, when you have long delays between claims and settlements, and when you have annual increases in the cost of the product, there will be pressure for governmental action. In recent years, the inability or unwillingness of the industry and State regulators to react to certain situations has produced even greater demands for Federal action.

The most tangible and most recent results of these demands are two Federal programs enacted in 1968 to fill some very pressing insurance vacuums. These laws, the National Flood Insurance Act of 1968 and the Urban Property Protection and Reinsurance Act of 1968, represent a new direction in Federal action, making Uncle Sam the "insurer of last resort."

Still, it's interesting to note that though the Federal government is now in the fire insurance underwriting business under the Urban Property Protection Act, the regulation of FAIR plans remains under State jurisdiction.

Just last year the Congress moved to fill another urban insurance risk vacuum: urban crime insurance. The Crime Insurance Act of 1970 goes into effect this August.

This piecemeal Federal assumption of underwriting risks which the insurance industry has forsaken raises this question: Will the Federal government continue to accept responsibility for the "dregs" of the insurance industry or will it respond in the future by regulating the industry?

In my opinion, the more we call on the Federal government, the greater the chances of more Federal control.

If the current Congressional debates over auto insurance and health insurance are any indication, I suggest that the Federal government will move in the direction of deeper involvement in regulation.

The first tangible indication of this new Federal approach will be the Federal government's action in the area of auto insurance.

The States have not responded to the need for changes in the auto insurance business. Now the Congress is preparing to establish a plan embodying minimal no-fault standards.

You all know no-fault insurance plans have not been well-received by State Legislatures despite public support for them.

Let's be blunt: The State Legislatures are dominated by interests that thrive on the current auto insurance system. Lawyers, whose profession makes over a billion dollars on auto insurance claims, dominate the relevant committees of State Legislatures and have effectively united to kill any change in this fast-decaying system.

In spite of this frenzied activity to bottle up any legislative modification of the auto insurance system, the bleak facts still remain unchanged: an increase of almost 15% in premiums per year, cancellations of policies without suitable reasons, delayed payments, and excessive lawyer's fees.

When I came to Congress, I wanted to get on the Committee dealing with auto insurance. Unfortunately, this was not to be the case. Yet, Representative John Moss, Chairman of the Subcommittee on Commerce and Finance, which was hearing plans for a Federal no-fault program, asked me to participate in his Subcommittee's deliberations. This was a most informative experience. From this involvement and talks with colleagues in the Congress, I have come to the conclusion that there will be Federal action on some version of mandatory nationwide no-fault insurance regulation.

I am convinced that this Congress will pass legislation requiring the States, within say 3 to 5 years, to implement a form of modified no-fault.

I feel that the Congress will require each insurer—without regard to fault—

(1) to pay the entire medical costs of the accident;

(2) to pay the insured's lost wages up to a certain limit (the Moss-Hart Bill limitation is $1,000 per month for 30 months);

(3) to preserve a tort remedy for plain and suffering in excess of a certain dollar amount or with certain severe disabilities; and,

(4) to comply with strict tests before cancelling auto insurance.

Assuming this to be the case, let us examine what will be the role of the insurance company and the agent. My feeling is that it is possible to establish a system whereby the company and the agent would continue to provide auto insurance coverage. However, if there is strong resistance by the insurance industry, it is possible that the Congress will establish a program of auto insurance ad-

ministered by the Federal government as part of the Social Security system.

Again, with the advent of a major crisis, the Federal government seems to move, and I think the automobile insurance industry is in this type of crisis.

Another current example is health insurance. There is a real possibility that the Federal government might not only become regulator but total insurer for health care.

For those who are skeptical that the government will go this far, I would point to Medicare and Medicaid.

Although private industry retains a place in these programs, I am not so confident they will retain a place in a new comprehensive Federal health insurance program.

As you know, the fight over Federal governmental participation in health insurance programs came to a head in the latter part of the 1950's, although the issue had been raised much earlier.

Interestingly enough, it was the systematic and mechanical collection of data a facility that helped insurance companies in the past, that provided government technicians with the ability to discover that significant portions of the population were without adequate health insurance.

In the late 1950's it was the elderly who became the focus of attention. There was little chance that the elderly citizens with limited income could purchase adequate health insurance. Should the elderly citizen have some funds, he could choose between three alternatives: no insurance; a low cost policy with low coverage; or a high cost policy with more comprehensive coverage.

Basically we were, and in some instances still are, in a position where the majority of our senior citizens are unable to afford the necessary insurance coverage to protect themselves against the high cost of medical and hospital care.

With ever-increasing pressure for action, the Federal government responded with the Kerr-Mills Plan in 1960 (Medicaid) and in 1965 with Medicare. No one will deny there are problems with these programs, but they serve to demonstrate the ability and the desire of the Federal government to move in areas where insurance is not available at reasonable costs.

Currently, the spiralling costs of not only health insurance, but health services as well, have created a demand for new Federal governmental efforts in the entire health care system.

The mood of the Congress and even the Administration is toward some type of comprehensive Federal Health Insurance Plan.

The most drastic plan, the Kennedy-Griffiths Plan, would fully federalize our entire Health Delivery System. Although I feel there is a need for drastic action, I do not feel that full federalization is wise or would, in the long run, be cost-effective.

It is for this reason that I drafted my own Health Plan. I will not go over the components, but should mention that under my plan the insurance industry will still be involved and the agents will still merchandise the policy.

However, my plan departs from current practice by requiring strong State and Federal regulation of the health insurance industry as well as the entire Health Delivery System.

I feel the continuation of the free enterprise system is important not only to the insurance industry, but to the future of the United States as well. But without reform, the Federal government will move.

In health insurance this process has started. The Chairman of the Ways and Means Committee, Wilbur Mills, has announced his intention to hold hearings on Health Insurance. Mr. Mills, from my brief contact with him, does not seem to be the type to call hearings without producing some tangible and passable legislation. I plan to appear before the Mills' Ways and Means Committee to explain my bill in detail.

I started by asking where we are today and what we may expect in the future. We have seen the development of the Federal government as "insurer of last resort". And we are watching the development of a new role: the Federal government's efforts to establish and enforce nationwide minimum underwriting standards for various risk categories.

This future role has great ramifications.

First, it means the Federal government may be crossing the Rubicon by entering an area that has traditionally been reserved to the free enterprise system and State regulations.

Secondly, and perhaps more importantly, Federal involvement in underwriting and reinsurance could mean that the Federal government might require a broadening of risk underwriting to include those unprofitable lines that are now being written by the Federal government.

In short, the Federal government has been forced into the unprofitable insurance fields by the industry's inability or unwillingness to fill the voids and satisfy consumer demands.

The Federal government is increasingly involved in fire, flood and crime insurance. Although there are still some casualty lines left for the industry, it is conceivable the Congress will decide it is more "cost effective" to have the government administer all casualty lines . . . not just the dregs.

Add to these existing Federal insurance programs new Congressional action in the health and auto fields, and then I suggest you must ask this question: If the Federal government moves forcefully into these areas, what will be left of your businesses? Unless you are willing to increase your efforts to reform the weakness of various lines of insurance and exert pressure to keep companies from clearing out of "high risk" areas by, for example, marketing reasonably priced all-risk policies, I believe you will find your jobs taken over by $7,000 a year Federal bureaucrats.

Admittedly, this is a bleak picture, but one that we must face. The Federal government, or more specifically, the President and the Congress, cannot continue to justify to the voters why every taxpayer must underwrite "high risks" while the private insurers opt for only profitable lines of insurance. The companies and you, as their representatives, have an obligation to solve these problems and correct shortcomings in the insurance industry.

Without any constructive action, I believe there could be Congressional action on a fully-Federal all-risk casualty insurance program. There is no such Congressional action pending, but if recent past history is any indication, there is a very real possibility of such action in the future.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. COOK. Mr. President, today I wish to pay the highest tribute to an able and dedicated military man who is retiring from the U.S. Army on July 31 after 29 years of service.

Col. Joseph E. O'Leary entered the Army in 1942 after graduating from Texas A. & M. University, where he served as a major in the ROTC Cadet Corps.

Colonel O'Leary graduated first in his class from the Infantry Officers Candidate School at Fort Benning and received his commission. He then attended the advanced infantry officers course at Fort Benning and the command and general staff course at Fort Leavenworth. Following the completion of these courses, Colonel O'Leary was assigned to the 91st Infantry Division in the Pacific, participating in the southern Philippines campaign.

After World War II he was assigned to the 24th Infantry in Japan, where he served as aide-de-camp to the commanding general. Here he attained the rank of battalion commander. During the Korean war Colonel O'Leary served as an adviser to the Korean Army and participated in six campaigns with the 30th Regiment.

For the next decade, Colonel O'Leary occupied various administrative and command positions in the Pentagon, Supreme Headquarters Allied Powers Europe in Paris and various other installations in this country. In 1964 he was assigned to service in Vietnam as senior adviser to the province chief of Go Cong in the Mekong Delta. Throughout this period Colonel O'Leary was cited repeatedly for outstanding service and performance of duty.

Upon returning from Vietnam, Colonel O'Leary was assigned to the command of the 172d Infantry Brigade at Fort Richardson, Alaska; and during 1967 and 1968, he served as the G–3—operations—officer of the U.S. Army in Alaska. Again he was cited for outstanding performance.

Since July 1969, Colonel O'Leary has served as chief of Senate liaison, in which capacity I have been fortunate enough to develop a very cordial and warm friendship with him.

An enumeration of Colonel O'Leary's awards, citations, and medals would be almost endless. Suffice it to say that he has received 19 different medals of the United States and her allies, numerous citations for outstanding service and performance, and he has compiled an exemplary academic record, both in military and nonmilitary curricula. A true indication of Colonel O'Leary's intelligence and devotion to learning is the fact that in 1966 he received his masters degree in international relations from George Washington University.

On a personal note, I have the most sincere respect and admiration for Joe O'Leary. Last summer I had the great pleasure to have Joe as my escort during a Commerce Committee tour of Alaska in regard to an oceanography study. He is a man of dedication, honor, and compassion. He is a man of tolerance, patience, and understanding. It is further tribute to him that he chose the service of his country as an outlet for the considerable talents he possesses. Indeed, he would have undoubtedly achieved similar success in whatever career he had chosen.

The Senate owes Colonel O'Leary its greatest tribute as a man who has dedicated his life to the service of his country, and its best wishes for his continued success and happiness in all his future endeavors.

DAVIS-BACON ACT

Mr. WILLIAMS. Mr. President, on June 22, I provided Senators with an exchange of correspondence between myself and Chairman DENT of the House General Labor Subcommittee and five

executive branch agencies on the suspension and reinstatement of the provisions of the Davis-Bacon Act—S. 9648 and S. 9654. The purpose of the letter Chairman DENT and I jointly signed was to solicit information on the impact of the suspension of the Davis-Bacon Act and the degree to which the agencies were responding to the President's reinstatement of the act.

Since June 22, I have received replies from three more agencies—Department of Housing and Urban Development, Department of Health, Education, and Welfare, and the Atomic Energy Commission. I have also received a second response from the Department of Defense. I ask unanimous consent that the responses be printed in the RECORD.

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

ATOMIC ENERGY COMMISSION,
Washington, D.C., June 16, 1971.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor, Committee on Labor and Public Welfare, U.S. Senate.

DEAR SENATOR WILLIAMS: This is in response to the letter of June 7, 1971, signed jointly by you and the Honorable John H. Dent, Chairman, General Labor Subcommittee, House Committee on Education and Labor, requesting a list of construction projects: (a) on which contracts have not been awarded; (b) on which solicitation or resolicitation were made during February 23 to March 29, 1971, the period during which the Davis-Bacon Act was suspended; and (c) which were not resolicited for purposes of including the Davis-Bacon provisions.

All contracts and subcontracts which were solicited or resolicited during the period of suspension of the Davis-Bacon Act have been awarded. With one exception, awards were made prior to the receipt of the Secretary of Labor Memorandum #94 by our contracting officers in the field, although transmission of this Memorandum to the field was made promptly. The one exception was a contract for well drilling for waste disposal investigation projects. Bids on this project were opened on April 23, 1971, but award of the contract was delayed pending receipt of an environmental impact statement. Award was finally made on this project in the amount of $80,308.00 on May 20, 1971, without resolicitation to include the Davis-Bacon requirements for the reason that it was determined further delay in awarding the contract would cause undue hardship to the program.

Cordially,

GLENN T. SEABORG,
Chairman.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 6, 1971.

Hon. HARRISON WILLIAMS, Jr.
Chairman, Subcommittee on Labor,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to a letter of June 7, 1971, from you and Honorable John H. Dent, with regard to construction projects affected by the recent Davis-Bacon moratorium.

Attached is a list of the four projects not yet awarded on which solicitation or resolicitation was made during the Davis-Bacon moratorium (February 23, through March 29, 1971, and in which resolicitation is not intended for purposes of including Davis-Bacon provisions. The reasons for not resolicitating each of the projects are stated briefly.

If we can be of any further assistance, please call on us.

With kindest regards,

Sincerely,

Secretary.

THE GENERAL COUNSEL OF HOUSING AND URBAN DEVELOPMENT,
Washington, D.C., June 16, 1971.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Romney has asked me to acknowledge your letter of June 7, concerning this Department's implementation of the Department of Labor's Memorandum #94 of April 27, 1971.

A detailed response to your inquiry is now being prepared and will be forwarded to you as soon as it is completed.

Sincerely,

DAVID O. MAXWELL.

PROJECTS NOT YET AWARDED ON WHICH SOLICITATION OR RESOLICITATION WAS MADE DURING FEBRUARY 23 THROUGH MARCH 29, 1971 (PERIOD OF DAVIS-BACON SUSPENSION) AND FOR WHICH RESOLICITATION IS NOT INTENDED FOR PURPOSES OF INCLUDING DAVIS-BACON PROVISIONS

REGION II

N.Y. Rochester Institute of Technology, National Technical Institute for the Deaf—Bidding resulted in bid overrun. Awaiting Congressional appropriation of approximately $3,000,000 in additional funds so award can be made. Resolicitation would result in increase in construction price due to normal escalation of construction costs since bid opening.

N.Y. 2–2–00339 State University at Stonybrook—Project bid under 4 prime contracts. Three contracts awarded. General contract not awarded due to problem with low bidder on matter of compliance with EEO Affirmative Action Plan. Matter of Award or rebid of general contract being reviewed by State and DHEW Office of Contract Compliance. Resolicitation of general contract would result in increase in construction price due to normal escalation of construction costs since bid opening.

REGION IV

Fla. MR–14 Pediatric Care Center of Broward County—Project bid resulted in bid overrun. Negotiation underway to reduce bid within available funds. Resolicitation would result in increase in construction price due to normal escalation of construction costs since bid opening.

Ala. 3–4–00529 Jefferson State Junior College—Project bid resulted in bid overrun. Negotiation underway to reduce bid within available funds. Resolicitation would result in increase in construction prices due to normal escalation of construction costs since bid opening.

Mr. WILLIAMS. Mr. President, some of the letters from the executive branch, unfortunately, were not responsive to my inquiry. Indeed, the Department of the Interior has not yet responded at all. Therefore, Chairman DENT and I have been compelled to correspond again with five of those agencies. I include copies of our letters to the Secretaries of the Interior, Defense, Housing and Urban Development, and Health, Education, and Welfare, and the Chairman of the Atomic Energy Commission in the RECORD:

JULY 13, 1971.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

To date, we have required no response to our inquiry despite the fact that we requested a reply by June 15, 1971. To aid you in preparation of your response, we are enclosing a copy of our June 7 letter.

Your earliest attention to this matter is appreciated.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Subcommittee on Labor.

JOHN H. DENT,
Chairman, General Labor Subcommittee, House of Representatives.

JULY 13, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

By letters dated June 14 and June 22, Deputy Assistant Secretary Malloy has provided us with some relevant information already furnished by you to the Secretary of Labor. However, we still have not been provided with the specific information requested in our June 7 letter.

Your earliest attention to this matter is greatly appreciated.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Subcommittee on Labor.

JOHN H. DENT,
Chairman, General Labor Subcommittee House of Representatives.

JULY 13, 1971.

Hon. GEORGE W. ROMNEY,
Secretary of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

On June 16, 1971, the General Counsel of your Department, David O. Maxwell, informed us that a detailed response was being prepared despite the fact that we requested a reply by June 15.

To date we have received no further communication from your agency.

Your earliest attention to this matter is appreciated. For your convenience, we are enclosing copies of our June 7 letter and Mr. Maxwell's June 16 response.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Subcommittee on Labor.

JOHN H. DENT,
Chairman, General Labor Subcommittee House of Representatives.

JULY 13, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

Although we requested a response by June 15, no response was made by your agency until July 6. At that time you informed us of four contracts for which "resolicitation is

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not intended for purposes of including Davis-Bacon provisions."

In each case the reason for your determination not to resolicit was the same—"Resolicitation would result in increase in construction price due to normal escalation of construction costs since bid opening."

We would appreciate the information on which that judgment was based. Specifically, we would like to know the experience to date on each of those contracts including initial bid prices, bid prices after resolicitation to exclude Davis-Bacon and the relevant bid and contract dates, including dates of bid opening.

We also request your explanation of how your decision in those four cases is compatible with the provisions of Secretary of Labor Hodgson's Memorandum No. 94.

Your earliest attention to this matter is greatly appreciated. For your convenience we are enclosing copies of our June 7 letter and your July 6 response.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Subcommittee on Labor.
JOHN H. DENT,
Chairman, General Labor Subcommittee, House of Representatives.

JULY 13, 1971.

Hon. GLENN T. SEABORG,
Chairman,
Atomic Energy Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: On June 7, 1971, Chairman Dent of the House General Labor Subcommittee, and I wrote to you requesting information regarding the solicitation and resolicitation of bids or proposals to include the provisions required by the Davis-Bacon Act.

In your June 16 response you informed us of one contract on which resolicitation to include Davis-Bacon was not made. The only reason stated in your letter was "that it was determined further delay in awarding the contract would cause undue hardship to the program."

We would appreciate further explanation of the nature of the "undue hardship." We would also like to know whether the contract was originally solicited with the Davis-Bacon provisions and then resolicited to exclude them during the period of Davis-Bacon suspension.

Your early attention to this matter is appreciated. For your convenience, we are enclosing a copy of our June 7 letter and your June 16 response.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Subcommittee on Labor.
JOHN H. DENT,
Chairman, General Labor Subcommittee, House of Representatives.

THE SHORTAGE OF DOCTORS

Mr. SAXBE. Mr. President, an article entitled "Where Have Our Doctors Gone?" written by Jack Star, a senior editor and published in Look magazine of June 29, 1971, is an excellent brief look at one of our major problems today. The article graphically spells out the medical manpower shortage in this country and the maldistribution of our doctors. It also offers some interesting statistics—among them the alarming disparity of doctors per person among our States and our cities. I ask unanimous consent that the article be printed in the RECORD.

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

[From Look Magazine, June 29, 1971]

WHERE HAVE OUR DOCTORS GONE?

(By Jack Star)

10:30 at night. I went to bed with a sore throat and unusual weariness. My sleep was restless. When I arose next morning, I knew I was very sick. I needed a doctor. But like several thousand of the 30,638 men, women and children in the suburb of Park Forest, Ill., 32 miles south of Chicago, I don't have a family physician, and I don't have much chance of finding one.

I am a sort of general contractor for medical services, seeking out an orthopedic surgeon for a sprained ankle, a pediatrician for a child's mumps or an obstetrician for a blessed event—when the need arises. My family has no doctor to coordinate these services, so we get treated as persons, not diseases. At 9 a.m., my temperature was 103.9, pulse racing, both sides of my chest hurt, and I coughed frequently, bringing up nasty-looking sputum streaked with bright-red blood. I dialed the number of a leading specialist in internal medicine, and a woman answered, perhaps an answering-service operator. "Was I a patient of Dr. X?" Well, I had been seen several times by his partner, I replied between coughs, offering up my symptoms. "It's Wednesday," she said. "The doctor's day off. . . . No, you can't speak to him." But she would call him and relay my symptoms. She did too. An hour later, she phoned to say the doctor would have a drugstore send out some medicine. Shortly before noon, some pills arrived, unlabeled, but I had my 12-year-old son look up the code number on the tablets in a drug reference book. They were an antibiotic. I popped a couple in my mouth and went back to bed.

Friday, hardly able to hold my head up, I called the doctor's office and demanded to see the doctor or at least talk to him on the phone. I told the voice that answered that I thought I had pneumonia. "No, you can't talk to him." Too busy. And the earliest appointment I could have was next Tuesday. Back to bed for a lost and feverish weekend. Monday morning (near death, or so I thought), I journeyed to the University of Chicago clinic 28 miles away to see a doctor. I had pneumonia in both lungs.

My troubles in finding a doctor are exceeded only by those of some neighbors. My wife and children are lucky at least to have had the same obstetrician and pediatrician for over 20 years. But the people who are new in town have a terrible time.

Niki Scott, a writer for the Park Forest Reporter, who was researching the local doctor shortage, telephoned the six pediatricians in the immediate area and said her child had an earache. Four of the doctors said they could not accept a new patient under any circumstances. The other two said they could examine the child—but not that day.

Mrs. Scott then called the ten internal-medicine specialists of the region, complained of a stomach ache, and said she was new in the area. Nine of them said they couldn't see a new patient immediately, or at all, but two said they might be able to examine her in two or three weeks!

This same reporter cites the case of a mother of two who moved here last August: "She was told that her children would not be allowed to attend school until they had had a physical examination. She called all the pediatricians in the area, and was told by each of them that they could not accept new patients. Desperate, she called the Park Forest Village Health Department. They gave her a list of physicians, all of whom she had already called. After weeks of searching, she found a general practitioner in Chicago Heights [an adjoining town] who would examine her children."

That there is a shortage of physicians, estimated at over 50,000 nationally, should not surprise anybody except the American Medical Association, which discovered only a few years ago that there were not enough doctors to go around. Selig Greenberg, in his compelling new book, *The Quality of Mercy*, notes that during the Depression of the 1930's, "The AMA *Journal* called editorially for 'professional birth control,' and the medical schools obliged by materially reducing their admissions." Later, he says, the AMA achieved the same results by "lobbying strenuously in Congress against Federal aid for medical education without which the schools could not possibly expand their enrollment to any meaningful extent. The palpably specious argument used to block such aid was that it would endanger the 'freedom' of the medical schools."

In recent years, a number of new medical schools have been opened, but many schools are in deep financial trouble, and some have curtailed teaching programs. Though by the end of this decade there will be noticeably more graduates, so far the growth has been slow (6,934 graduates in 1961; 8,946 this year). Even if we double our graduates in 20 years, says an authority, deaths and retirements will cause the total number of physicians to change little.

The medical schools still turn down over half of their applicants, and if it were not for foreign-trained doctors—who now make up nearly 17 percent of our medics—we would be shy another 3,000 new licensed doctors every year. As it is, our teaching hospitals are currently short more than 12,000 residents and interns. Without the foreign interns, many hospitals would have to close their doors.

At last count, America had 334,028 doctors, but nearly 17 percent of them don't practice—they are inactive, or in teaching, administration, research, etc. (About nine percent of the total are federally employed, and we do not consider them here.) Of the 255,027 doctors giving patient care, only 188,924 are office based, and only 50,816 of those are GP's. The others, following the big trend of the time, are specialists. A surgeon or an anesthesiologist isn't much use for a heart attack or a skin rash. Pediatricians are GP's in a way, but there are only 10,310 of them for 58 million children under 15, a ratio of one doctor for 5,625 youngsters! Specialists in internal medicine attempt to fill the void left by the GP's, but there is only one internist in office practice for every 8,845 persons!

Bad as these numbers are, the real problem is how doctors are distributed around the country and the cities. New York State has one doctor—office or hospital based, in patient care—for every 518 persons and Washington, D.C., one for every 339, but Arkansas has only one for more than 1,300 persons, and Mississippi, one for every 1,448.

Yet even these statistics don't reflect the stark reality. Several thousand communities don't have a single physician and little possibility of getting one. The Sears-Roebuck Foundation has had to give up on its project to lure doctors to small towns by helping the communities build small clinics. Of 162 clinics built since 1956, 52 are now vacant or being used as barbershops, etc.

You can get a glimmer of the problem in Chicago. According to geographer Donald Dewey of DePaul University, the metropolitan area has one doctor in office practice for 862 persons, and the city itself has one per 909. But where are they?

Since 1950, thousands of doctors have fled, with the expanding black communities experiencing a 66 percent drop. Most of the MD's moved to the elegant suburban shopping centers. There are more doctors in a single North Shore medical building than in one entire West Side ghetto. The posh suburbs now have only 518 people per doctor—more than three times as many doctors as the South suburbs, with 1,724 people per

doctor. Alas, I and nearly half a million others live south.

Pierre de Vise, a distinguished urbanologist and researcher for the Illinois Regional Medical Program, explains why doctors have settled so heavily between Evanston and Lake Forest: "Doctors tend to select homes in the very highest income areas, those with the most prestige." I gulp as De Vise gives me some hard facts: "You live in a blue-collar, working-class area. There is little hope for increasing the number of doctors there." I suppose he is right. My town is middle-class, and a few nearby towns are super-affluent, but for the most part, South Cook County is a place for the workingman.

Of 250 Chicago-area communities, the top 25 in income have one doctor for every 500 persons—the bottom 25 have three times as many persons per doctor. The 25 with the most blacks have almost four times as many.

What do sick people do when they can't get a doctor? Out my way, and everywhere else in the country, hospital emergency rooms are filling the void. In 1960, St. James Hospital in Chicago Heights had 8,696 emergency-room cases; last year, it had three times that number. More significantly, "Non-emergency" medical cases treated in the emergency room shot up nearly fivefold.

In other words, the doctorless sick are taking their bellyaches, flu and measles to where the auto-accident victims are sewed up. A recent study reported in *The Journal* of the AMA, says that emergency-room visits in the Rochester, N.Y., area "have increased five times faster than the general population and there is no reason to believe that the emergency department demand will not continue to increase." Sixty-five percent of these cases were not emergencies according to the study and could probably have been better handled elsewhere. In Chicago, this figure is 90 percent.

The emergency room is not a particularly good place to be treated. In the Chicago area, only a fifth of the departments have a paid full-time doctor in charge; nearly half depend on unpaid MD volunteers. Only half are routinely equipped to set simple fractures, remove stitches or take off casts. Only seven percent handle compound fractures.

One of every three Chicagoans visited an emergency room last year, twice the national rate and twice Chicago's rate of 15 years ago. As De Vise points out: "The emergency room, the least-efficient and worst-staffed and equipped department of the hospital, is the major provider of primary care. . . ." For years, the emergency room has been a place where black persons and poor whites were supposed to get care (see *Cook County Hospital: The Terrible Place,* LOOK, May 18, 1971). But now, at institutions like St. James in Chicago Heights, middle-class whites sit right next to poor folks in the emergency-room waiting section. They are in the same predicament.

As emergency rooms go, St. James' isn't bad. A couple of nurses are there all the time, and something more than 100 of the 155 doctors on the staff take turns supervising in twenty-four-hour shifts. Unfortunately, the doctors are usually not present. They run the room by telephone. The hospital hires moonlighting doctors, residents in another Chicago hospital, to treat patients. They are paid $210 for a 12-hour shift. The emergency-room charge is, at a minimum, $20, but the hospital says it loses money.

Dr. Peter T. Fagan, president of the medical staff, is not entirely happy with the operation of the emergency room. "We should have specialized emergency-room physicians," he says. "Medicine is too sophisticated to practice down there the way we do now." Sister Georgette, the hospital administrator, is also not happy: "We have patients coming into the emergency room who have no other point of entry into the medical system," she says. "One thing the South Cook County Medical Society should do is have a roster of doctors who would see new patients." I put her idea to Dr. John E. Driscoll, a surgeon who is president of the South Cook County Branch of the Chicago Medical Society. It has 250 members. He scoffs at the idea of a physicians' roster. "It hasn't worked in Chicago," he says. "Why would it work here?"

I complain to Dr. Driscoll that the quality of medicine is bound to suffer with so few doctors and so many persons. Isn't a doctor inclined to take shortcuts, with a roomful of patients waiting? Don't the latest statistics show that doctors now treat 11 percent of all complaints by telephone? Dr. Driscoll agrees: "A good doctor can take care of only so many patients. Many have attempted to take care of more patients than they should, and they can't give quality care because they're overextending themselves. It's not that they're incapable of practicing good medicine. It's just a reflection of their being so swamped." The sad thing is that preventive medicine, including routine checkups, can prolong life by early detection of killer diseases.

Are the doctors as busy as they claim? What about all those jokes about them playing golf on Wednesday afternoons? The AMA, which surveys 5,000 physicians regularly, found the average workweek is 44.7 hours—somewhat less than that of many businessmen. But this is just for patient care. Tedious chores can add hours to a doctor's workweek. "Just look at this pile of papers!" I was told by Dr. Emanuel M. Racher, a Park Forest internist, who indicated a stack of insurance forms 18 inches high. "I have to fill these out personally."

What about making life easier for the doctor, and extending his services, by using physicians' assistants? There has been extravagant publicity for the last five years about the training of doctors' helpers, but the AMA notes that only 350 to 400 persons are currently enrolled in these programs. In the five years, only 75 aides have been graduated, and another 150 are finishing this year.

In Illinois, there is not a single physician's assistant. The closest thing to one is the nurse who weighs you and takes your temperature before the doctor comes into the examining room. The licensing law is murky on the subject of assistants. What medical procedures should they be allowed to perform? What about malpractice actions?

Dr. Paul Ashley, president of the South Cook County Health Care Planning Association, would like to train his own helpers, right in his own office, and give them a lot of leeway. "I'm willing to take responsibility for my aides," he saids. "Ideally, if the law and malpractice insurance permitted, they could do all sorts of things that only I am allowed to do now: skin biopsies, electronic removal of moles, suturing of minor wounds that are not cosmetic, aspiration of breast cysts, etc."

Dr. Ashley would even let his aides do routine physical exams. The trick would be for them to know when to stop and call in the doctor—where there is a fast pulse, shortness of breath, abdominal pain, a lump in the breast, etc. The doctor says that perhaps a computer could be used for history-taking; this would automatically call the doctor's attention to dangerous symptons. In fact, computers are already doing this, but in limited numbers.

A kindly man, who looks like a movie version of a country doctor, Dr. Ashley is a firm believer in group practice. Fifteen percent of America's doctors now are members of groups—of these, 60 percent are in multispecialty clinics. Dr. Ashley thinks that groups, because they are generally more efficient, are an answer to the doctor shortage. He heads a small one, with three obstetricians, two internists and two GP's. Recently, he negotiated the merger of his group and two others. The 20 doctors in the combined group, he hopes, will operate a nursing home, a shelter for released mental patients and an extended-care facility. Good facilities will help attract new doctors, but he wants to do more.

"It used to be you could attract a doctor by saying, 'We'll give you a chance to treat a lot of sick people.' Nonsense! Doctors want a six-week vacation, $50,000 a year, profit-sharing, free medical care and hospitalization, free malpractice insurance. . . ." Dr. Ashley says his new group will provide all that.

Next door to Park Forest, a new town called Park Forest South is rising from the cornfields. Eventually, 100,000 people will live there. Its planners hope to build a 220-bed hospital that would be staffed by a group of prepaid physicians. Most of them will come from the Illinois Central Hospital in Chicago, a facility that was started by the railroad and still treats many railroad workers and their families, as well as many Chicago people. If the project materializes, the Chicago facility will close down, and many neighborhood people will have no place to get treatment. And in Park Forest South, the medical group, even if expanded, will do no more than offset the population—if that.

What is needed, says Hiram Sibley, executive director of the Hospital Planning Council for Metropolitan Chicago, "is to enroll everybody in America in a national health-insurance program of some sort. This will attract doctors to poorer areas." He urges the public "to work with sympathetic doctors to develop group practice. The community by itself can't attract doctors—only doctors can." For rural areas, he envisions small groups in major shopping towns, tied to large group clinics in medium-sized cities.

Dr. Walter C. Bornemeier, outgoing president of the AMA, thinks the shortage of doctors and their maldistribution will soon be a thing of the past. He says the AMA was right in curtailing the number of doctors years ago "because I knew doctors then who were actually on relief." Nowadays, he says, the AMA is in the forefront when it comes to seeking increased numbers of physicians.

"The solution is coming," predicts Dr. Bornemeier, perhaps a bit optimistically. "The law of supply and demand will assert itself. As excessive numbers of doctors pile up in some areas, competition will force them to the places that need them. It will all be over by 1980."

Dr. Bornemeier says other changes will help: more group practice, national health insurance enabling persons to afford medical care and, perhaps, office apprenticeships for finishing interns that will attract doctors to places they are needed.

Dr. Driscoll, of my local medical society, also believes that the physician shortage is temporary. He notes that new medical schools are opening in Illinois and that the University of Illinois, the largest of our five present medical schools, is in the process of doubling its graduating class to 450 a year.

I am not so confident. Traditionally, 50 to 60 percent of our state's graduates have left Illinois. Wouldn't we just be training more doctors for places like California? Its eight medical schools don't even produce enough doctors to replace those who die in the state. It imports doctors from Chicago. "No matter how many more doctors we produce," says Pierre de Vise, "the shortages will continue to exist where they exist now because the doctors will continue to settle where they settle now."

How do you find a doctor if you live in a medical desert? I asked this question of a number of physicians. One way that sometimes works is to make an appointment for a physical examination while you're still well—the doctor may then accept you as a patient. Another way, and I know it sounds cynical, is to move away from where the doctors aren't: small towns, black ghettos and

blue-collar neighborhoods. Follow the doctors!

ECONOMY AND ENVIRONMENT

Mr. JACKSON. Mr. President, on April 28, Mr. Lowry Wyatt, senior vice president of Weyerhaeuser, delivered an important address at Washington State College. The speech, entitled "Economy and Environment," has been reprinted in the June 1, 1971, issue of Vital Speeches of the Day.

I commend this thoughtful speech to Senators and ask unanimous consent that it be printed in the RECORD.

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

ECONOMY AND ENVIRONMENT—THE NEED FOR INTEGRITY

(By Lowry Wyatt)

The "environmentalist movement," which I have been asked to view today, is a modern phenomenon—an issue which, like no other, has quickly caught the attention of the public. It may be the healthiest influence for the good of the country in our history.

On the other hand, it has the potential to destroy much of the social progress which the nation has made in the past few decades.

And, today, there are definite signs in many parts of the country that the movement is in imminent danger of falling flat on its face.

As one "industrialist," I will say right now that that must not be allowed to happen.

One of the great men of America's twentieth century died last month in Nigeria. He did, probably, more than any other man to bring millions of members of America's minority groups into the mainstream of American life. He was that rarity, a successful revolutionary who quietly, bit by bit achieved the major objectives of his revolution. Perhaps because he was successful, he was scorned by many less effective leaders as an "Uncle Tom." He didn't let it stop him, but said simply: "It isn't a question of moderate versus militant, but of responsibility versus irresponsibility, sanity versus insanity, effectiveness versus ineffectiveness. . . There is no such thing as a moderate in the civil rights movement. The difference is whether or not one is all rhetoric."

Rhetoric is not only easier than effective problem solving; it for many is much more emotionally satisfying and it demands little research. In any mass movement, the label of "Uncle Tom" is both bitter and damaging. It takes a great deal of dedication, and considerable courage, to continue working toward solutions in the face of such a charge.

All of which is a round-about way of saying that the environmental movement today is in critical need of some Whitney Youngs. The movement today has quite enough problem identifiers; its soap boxes already are crowded, and the rhetoric has become an art form. The problem solvers are there, too, but, all too often, they are the subjects of the movement's most bitter attacks. It seems that they lack purity. Since the problems are in the "system," they quite logically feel that the solutions must either come from within it, or be imposed upon it. This requires working in context with the "system," and, today, that often is cause enough for the label of "Uncle Tom."

I have referred here several times to the civil rights and social progress concerns of the nation. This has not been accidental analogy. As we shall see, in my view, the environmental movement cannot be divorced from these concerns. In fact, the potential seeds of the movement's destruction are precisely in this area, and it is the responsibility of everyone interested in improving the environment to see to it that these seeds do not flower. And that effort, unpalatable as it may seem, will involve re-learning the arts of listening and of compromise.

It has been said that logic and justice go out the window when emotion comes in the door. Obviously, emotion cannot be removed from a movement such as this. But, that emotion can become the driving force behind the movement, while a real attempt can be made to instill logic into its arguments, and justice into its proposals. Today, many of the solutions being proposed—including some of those most widely accepted by the media—are both illogical and eminently unjust. If some of these trends in the movement continue, environmentalism will become the province solely of the professional elements of the upper middle class, and the game will be lost.

The stakes are too great to allow environmentalism to become an elitist hobby or an upper middle class sect. But, in some areas of the nation—including the ones in which I happen to live—just that is happening, with startling rapidity.

People who work in industry are just that—people. In those areas of their own lives where they don't know the science or the facts involved, they are just as concerned, and just as easily influenced by rhetoric, as anyone else. The problem comes when the rhetoric touches those areas in which they *are* knowledgeable. As Drucker has said, the problem eventually with total propaganda is not in false motivation—it is in the creation of total cynicism.

A year ago, the Seattle area was in the vanguard of the environmentalist movement. Its news media were totally committed. Washington's legislature passed more than 30 environmental bills quickly, with hardly an argument being raised, and, fortunately, most of those bills were soundly conceived.

The legislature has been back in session for two months now. A horde of environmental bills were placed before it. Virtually none were passed. Few made it out of committee. And, the legislature now, as a year ago, was reflecting the electorate's mood.

Editorials in the press thunder against environmental movement leaders who were sacrosanct a year ago. Bitter cartoons mock the environmental movement. Environmentalism is the butt of malicious humor at cocktail parties and in working class taverns throughout the region.

What happened?

The SST.

While 40 per cent of Washington's total economy depends upon the forest products industry, Seattle's economy is at least that dependent upon aerospace. It is a city which knows its aerospace technology. On almost every block, there lives someone who has a degree of knowledgeability about the SST, and about the *facts* of its environmental dangers.

Whether or not the SST makes good sense, economically or environmentally, is beside the point here. The point is that the environmental movement, in its campaign against the project, played fast and loose with the facts, and let emotion totally overcome rationality. The rhetoric may have been perfectly sincere, the pertinent facts simply overlooked or considered irrelevant. But, that in itself is irrelevant. What is relevant is that hundreds of thousands of people by now have become convinced that environmental leaders whom they previously had respected, have been *lying* to them, about them, and about an issue crucial to their living standard or even economic survival.

The result has been natural. The SST issue is not viewed alone. The credibility of the entire environmental movement has been lost, and each of its causes now is viewed with growing skepticism.

This is the warning that Senator Jackson attempted several weeks ago to give the movement—a warning that was viewed, not in the context of sincere concern on the part of a man who has brought about some of the most productive environmental legislation of this century, but rather as a traitorous attack. Jackson was warning some environmental leaders that their self-intoxication was leading environmentalism inevitably to its Gotterdammerung. They responded to the warning precisely as the intoxicated usually do.

If the Seattle situation were an aberration, an isolated incident, it would not be important. But it is not. It is a symptom, a warning. In the state of Washington, the city of Port Angeles is in a very similar mood over another such environmental issue; similar incidents are occurring all over the nation, and they are nibbling environmentalism to death.

So, what if the environmental movement loses its credibility, and with it its press and governmental support? What if it alienates itself from the poor, the black, the blue-collar worker, the technician, the housewife and the elementary school teacher? So what if the individual and industry are permitted to relax, to place environment ever lower on their lists of priorities?

Is this not what industry really wants?

It should not be, and I do not believe that it is.

The company for which I work is investing more than $50 million per year in programs which will bring no benefit in this century. These investments are predicated totally upon the *health* of American society in the 2000s.

A loss of credibility by environmentalism, as a movement, will not make the very real environmental problems of the United States disappear, and it may lead to an attitude of resignation about them.

Yet, if the real and crucial problems are not properly identified and researched, and if just solutions are not found, and quickly—we will have a very sick society indeed a decade or two from now.

Environment simply is too big an issue to be left solely in the hands of industrialists. It is too big an issue to be left in the hands of bureaucrats. It is too big an issue to be left in the hands of technologists. And, it most assurdly is too big an issue to be left in the hands of the arts and humanities, or in the hands of any one economic class. It is an effort which requires commitment throughout society. Commitment requires credibility. Credibility requires not only research and fact, but also a sense of understanding and justice toward all groups in society, and the applied use of logic.

There are, I realize, some within industry who express the attitude that "if they'd just let us alone for awhile, we could take care of our own problems quickly." This is a nice thought, but it wouldn't happen—and not because of lack of commitment or concern. It wouldn't happen simply because, in many areas, environmental protection is expensive. Its price must go into the cost of the product . . . and that product must compete with products manufactured by other producers. So, without standards, any industry is theoretically at the competitive mercy of its worst environmental performers, in the short-term at least.

In the long-term, the opposite often is true. The fact that my company's founders determined to hold on to their lands and to keep timber harvest within sustainable limits 71 years ago has provided us with a timber supply today which gives us tremendous competitive advantages. It also helps provide the cash flow for environmental performance. But, society cannot wait for the long-term, now, nor can it repeal history.

So, it is in industry's real interest today that the environmental movement be kept

alive, that it improve its credibility, and that it expand its allegiances outside the campuses, and outside the upper middle clasess, to encompass all of society.

This will not be an easy task. In industry, we often criticize the "nuts" of the environmental movement. We tend to regard some of the more moss-backed in our ranks, however, as being merely "overly zealous." We have to recognize that the only essential difference between a "nut" and a "zealot" is one of perspective. One who overstates an issue in opposition to ours is a "nut." One who overstates our own issue is a "zealot." Both are equally dangerous to environmental solutions.

Rhetoric in environmental issues has in the past made its hazards clear. The practice of forest conservation in the United States was set back by more than a generation by one incident of rhetoric, an extemporaneous speech which resulted when a man who is justly one of our environmental heroes decided to play to the press gallery rather than to put the final touches on a problem virtually solved. Fortunately, there were no television cameras in 1905, or we'd probably be in even worse shape today.

In 1905, there was substantial agreement both in government and in the thoughtful leadership of the forest products industry that the frontier had ended. There was agreement that the pioneer tax laws—some states have yet to repeal them—which penalized reforestation or even the holding of cut-over lands, had to be changed. Rather than new farms and urban areas, the forest, it was agreed, had to become important. Timber harvests would have to be regulated, and fire protection and reforestation programs would have to be launched, with both private industry and government playing a role.

To this end, a forestry conference was called in Washington in 1905. The extent of the problem, and the difficulty of the solution, was recognized by those attending. F. E Weyerhaeuser told the conference that "only by tremendous effort can the lumberman himself, the legislator, and the voter be made to realize the importance and its possibilities." He had good reason to feel, however, that that effort was about to begin.

The organizer of the conference, Gifford Pinchot, had already shown him a text of the speech that Theodore Roosevelt intended to deliver. It was a strong bid for government-industry cooperation in definite conservation programs which, he said, would mean "the difference between mere agitation and *actual execution*."

Teddy didn't give that speech. He went to the podium, and looked out, not at his audience, but at the assembled press gallery. The leaders of a major industry were before him They were there to find solutions to a resource problem which had its origins in pioneer public policy—a policy which regarded forests as a barrier to settlement, and a barrier that had to be removed. They had been working with members of Roosevelt's administration for days to attempt to formulate the basic points which could overturn that philosophy and be translated into landmark conservation legislation.

However, they were there.

There always has been a certain amount of politics to environmentalism, and politics and drama are closely allied arts. There is political drama in a show of "courageous integrity" in the face of what can be pictured as power. There is political drama in the identification of evil, and the denunciation thereof, particularly in a setting of personal confrontation. Teddy couldn't resist.

His prepared talk, and with it the chance for legislation, was swept off the podium, and, extemporaneously, the famed "Timber Barons" speech began. His audience—which again I remind you, had gathered to discuss federal-industry conservation and reforestation legislation—was identified not only as consisting of "timber barons," but also of "skinners of the land" and "despoilers of the national heritage."

The phrases still echo. It was good press, and effective propaganda. Its effect was to set back the cause of private forestry by 30 years, and to prevent, perhaps for all time, a joint federal-private forestry effort.

Two years before that speech, Weyerhaeuser Company had signed an experimental agreement with what is now the Forest Service, in which the company not only agreed to place the planning and regulation of harvest and reforestation on its lands under federal control, but actually paid for the privilege of doing so. It was the sort of agreement which depends entirely on mutual trust, shared objectives, and mutual understanding. After the Roosevelt speech, the continuance of that agreement was unthinkable. It would be unthinkable today, not because of lingering animosity, but because, in the intervening years we were forced to develop our own expertise, which we feel today to be far superior to that which government could offer.

But, at any rate, the problem was ripe for solution in 1905, and, with joint effort, that solution was possible then. The rhetoric of self-intoxication delayed that solution in the private sector until 1941, and the ultimate solution in the public sector is still bogged in controversy. It took highly effective rhetoric to bring about that result.

While rhetoric which keeps the problem alive, and the occasion for rhetoric therefore continuous, is satisfying emotionally, we cannot afford it today. We simply don't have 36 years this time to engage in verbal self-gratification while the solutions are delayed.

Stuart Chase, earlier this year in a *Saturday Review* article, did a rather incredible thing. He held the forest products industry out as *the* prime American example of sound resource use philosophy. He pointed out that timber not only was a potentially renewable resource, but that it was in fact being renewed—recycled continually, if you will—and that it was not only being renewed, but increased through resource management.

It is a hopeful sign that he has not yet been publicly vilified, that he seemingly has not had to give up his environmentalist credentials. He approached our environmental problems with a clear head and eye, and therefore was able to make some constructive suggestions.

Within the past few months, however, many other certified environmentalists have turned away from reality, and have stepped up the attack, slaying mythical dragons to the applause of the faithful.

Our industry has watched this process with something akin to resignation; things haven't changed much since 1905:

When the tree is harvested, that part of the forest is gone forever.

Old growth timber has been living since timber began.

Clearcutting patches in the forest disrupts the ecology.

Timber harvests destroys wildlife.

The national forests should be kept sacrosanct; they have never heard the whine of the chainsaw, and they never should.

Recycling a ton of paper saves 17 trees.

Cutting the mature forest endangers oxygen supply.

Wood-based materials should be replaced with other materials, which have less environmental impact.

These are comments which have been not at all unusual recently. Some have appeared in prestigious journals, occasionally under the bylines of noted environmentalists. They have commonality. All of them are completely untrue. Several of them, in fact, are 180 degrees from reality.

More than 1.5 million people work in the forest products industry. There probably are about 6 million people in their immediate families. Conservatively, there may be 60 million people on their periphery, close enough to discuss such things with them.

In other words, nearly one-third of the people in the United States are in a position to know that certain spokesmen for the environmental movement don't know what they are talking about, in connection with this one industry. The majority of this one-third, of course, is concentrated in the middle and lower classes, and much of it is concentrated away from the major urban centers. It is a segment of the population which generally receives communications, rather than gives them, and it usually receives them after media filtration of the thoughts expressed in the avante-garde journals, which in turn often have filtered thoughts originating on the major campuses. It is, nevertheless, a segment of the population with a certain amount of integrity, with a certain commitment to societal objectives, and it is a population segment which votes. And, it has been delivered a message. That message comes through to them as "the environmental movement is so much hogwash; it doesn't know what it is talking about—but it threatens my security."

Add to this aerospace. Add to this the electric power industry. Add to this the oil industry. Add to this agriculture. Add to this the dweller of the urban ghetto, who thinks he sees the white upper middle class deserting its essential alliance with him, and diverting its efforts toward the protection of its own environmental values. There are environmental problems in aerospace, in forest products, in the electric power industry, in oil, coal, and agriculture—and in the cities. These problems must be identified, and the solutions must be found. But, this identification must be exact, the information must be correct, and the current state of the problem, not the historical nadir, must be examined. In other words, the rhetoric must be truthful. And it can be truthful only if it is informed.

And, the solution proposed can be acceptable only if it is just. If it is to be just, it must take into account the valid economic aspirations of the American people—those nearly 30 million people still below the official poverty level, those in the blue-collar and service segments, those racial and ethnic groups who have finally, after decades or centuries of striving, finally begun to achieve middle class status, or are struggling to maintain it.

So, credibility is a major problem, one which is already beginning to lessen the effectiveness of the environmental movement.

Justice is the fatal problem, and the currently popular adoption of "Zero Growth" as a movement objective most assuredly will provide the coup de grace. For, "Zero Growth" is a thoroughly unjust, and totally elitist, philosophy.

For that reason, its support comes almost wholly from the upper middle class—not because the upper middle class is inherently unjust, but because it often seems congentially unaware. It talks much about The People—but it has seldom met one. When such a meeting does chance to occur, the results are often catastrophic. Unusually, the problem is resolved by a unilateral decision that the person was not, actually, a People after all.

If zero economic growth, and environmental correction, are to be dual objectives of the environmental movement, the movement should at the least be aware of the implications. Those proposing it are willing to make some personal sacrifices, to be sure. But they are proposing not inconvenience but utter disaster for the least fortunate in our society.

Environmental improvement requires money—vast sums of money, if the problems are to be met. Money is a finite resource, although, like timber, it is capable of growth,

resulting from economic expansion. A dollar, in order words, represents a fractional share of the nation's total economic resources. If those resources do not grow, neither does the money available to meet society's needs.

Unless the economy grows, in other words, there will be no *extra* funds to meet the needs of environmental improvement, much less the needs of the cities or the needs of the poor and striving. So, with Zero Growth, the problem becomes one of financing environmental programs. If they are given first priority, the money simply has to be taken from other programs. Some can come from defense, but not enough. Most will have to come from governmental social programs, and from the individual's pocket. And, there still are millions of Americans so close to the personal survival line that they cannot withstand such a double assault on their security.

Industry, in a Zero Growth situation, will to survive, have to turn increasingly to automation, to reduce its labor content. The ranks of the jobless, also swelled naturally, even with mandatory population control, annually for the next 80 years, will become an army—probably, quite literally an army.

And, most important of all, the aspirations of all of the lower income groups will have been thwarted. Economic expansion provides the mobility between classes. Without it, the lines set. Those who are comfortable now may suffer some minor inconveniences, but they will remain at the top of the heap. Those on the lower economic rungs will have been told, loud and clear: "I've got mine, buddy. Too bad about you." This is a truly revolutionary message; rather, it is the type of message which calls for revolution.

Whether the economy is a public-private mix, as ours is now; whether it is statist, socialist, theocratic, capitalist, or is operated by local people's communes—it matters not a whit. The total impact of Zero Growth upon society would be exactly the same.

Ah, but couldn't redistribution solve the problem?

There are numerous statistical studies available, originating from all points of view. The question of incentives completely aside, the answer is always the same. The only effect would be to group us all into what NBC recently called the "lives of desperation" of the lower middle class, with the hope of exit removed.

Zero Growth is not a solution. It is a barrier to environmental improvement, not only in its proposed solution, but in the mere fact of its voicing. It is the simplistic answer of the well-fixed dilettante. It is a piece of shoddy merchandise which just won't sell, and it endangers the reputation of the whole environmental shop. And, again, it is a reactionary and unjust solution. It was tried once before in Western history, and the social system adjusted to it. The system was called feudalism, and its heyday is called the "Dark Ages." The elite appeared to enjoy it, even though they had to give up central heating.

At the beginning of this talk, I said that the environmental movement was one of the most hopeful developments in American history. It is perhaps too early to use the very "was," but the last chance is upon us.

It was, or is, hopeful because it holds the promise of uniting a disparate people in a common objective, because, for almost the first time it permitted almost everyone to develop an emotional commitment to community responsibility. Then, the people in the big houses on the hill began to kick their neighbors in the teeth, all in the name of the environment. They told lies, not because they wanted to lie, but because they were afraid to grub around in the dirt to ferret out the truth, or because their experience was too limited to recognize it. Some of the less fortunate members of the community, in the face of such treatment, lost interest almost immediately.

But, others had achieved a new awareness, and began to realize that even though some of the leaders might be wrong, the basic cause was right.

This, I think, is where we are today. The environmental movement can be maintained, there is a greater awareness, and broader potential support than ever before.

Some have become cynics, and they will be hard to reach again. Both must have only become mildly skeptical. They are willing to move—but they must now be reconvinced.

This means that those who would lead the movement must first prepare themselves with research and fact. It means that they must arrive at some understanding of the hopes, fears, and aspirations of the great majority of the American people, must recognize their essential integrity, and must realize that economics is not a dirty word, but a tool for survival. It means that they must lead with rhetoric which may be emotional, but cannot be irrational. It means they must seek out solutions based on factual situations, nor upon myth. It means that there must be recognition that simplistic catchwords are not enough, and that cooperative efforts are needed to solve exceedingly complex problems.

It means that priorities must be set, and timetables agreed upon. It means that all of society's needs must be considered, and the costs, both to the individual and society, honestly calculated—and the programs honestly sold. It means that the leaders must be willing to work, not merely willing to find scapegoats and to lead mock attacks upon them.

If such leaders can arise, and arise quickly, environmentalism can become a continuing major force in our society.

If they cannot—it's back to beer and the TV set, while the sky outside gradually darkens.

ADMIRAL AND FORMER SENATOR THOMAS HART

Mr. WEICKER. Mr. President, Adm. Thomas Hart once remarked of the Spanish American War that—the days of chivalry had not ended. His entire life gives testimony to the fact that the era of the great citizen-soldier has not ended either.

In a career that spanned six decades, Admiral Hart demonstrated time and again an unabating desire to serve his Nation and its people.

From the very start, first in the Naval Academy's entrance exam, and then graduating 13th in his class, Thomas Hart seemed marked for success.

In war, on the battleship *Massachusetts* in the war against Spain and as a submarine commander in World War I, Admiral Hart proved himself a capable, dedicated officer.

In peace, as instructor at the Naval Academy, and later its commandant, Admiral Hart molded young minds to the capable service of their country.

Above all else, it was strength of character that set Thomas Hart apart. Perceiving Japanese buildup in late 1941, he ordered the heavy warships under his command to Australia. His fears proven justified, he arranged the successful naval evacuation of the Philippines. Later in the war, he commanded American naval forces in the battle of Macassar Strait, in which nearly 40 Japanese ships were destroyed.

Admiral Hart's distinguished career of national service closed with his appointment to the U.S. Senate in 1945. He served his Nation and his State of Connecticut in that capacity until his retirement on November 5, 1946.

On Thursday, July 8, the body of Adm. Thomas Hart was laid to rest at Arlington National Cemetery. Thomas Hart is now a part of our Nation's past. And one could wish no better for America, than that men of his kind be a part of our Nation's future.

THE CONVENTION ON POLITICAL RIGHTS FOR WOMEN

Mr. PROXMIRE. Mr. President, one of the United Nations Human Rights Conventions provides for equal political rights for women. This modest document deserves the attention of the Senate, and I speak today to expound the merits of its ratification.

The Convention on the Political Rights of Women contains three fundamental political rights for women: the right to vote in all elections, the right to be eligible for election to public policymaking organizations, and the right to hold all political offices and to exercise public functions.

Not one of these three principles poses any challenge either to our legal system or to our traditions and culture. As Dean Rusk said in a letter to President Kennedy advocating the treaty's ratification:

> No substantive legal questions are involved in the United States becoming a party to this convention. Article I, relating to the right of women to vote, merely reflects the principle established by the 19th Amendment to the Constitution of the United States. . . . The eligibility of women to be elected and to be appointed to public office established by national law in the United States has long been recognized in law and practice.

As we read in the media every day, women in the Nation are reexamining their place in society and are demanding that they be counted man's equals in various walks of national life. Our ratification of the Women's Rights Convention would affirm our commitment to the goal of equality for all humankind.

Those who are impatient with us proclaim, as did the Washington organization, Women United, that discrimination against women is one of the greatest hypocracies of our Western democracy. Mr. President, I would suggest that we must close the gap between the ideals expressed since this Nation's inception and the actual practices we see in our society today. We must show these nations around the world that have already signed this worthy convention that we have accepted women as political equals, and that we have rejected any medieval superstitions about the inability of women to determine their own political futures. We must show the world, by the ratification of this modest but historically significant convention, that we as a nation, men and women alike, stand united to defend our freedoms and to cherish the ideals upon which those freedoms are founded.

LEAD PAINT POISONING

Mr. SCHWEIKER. Mr. President, I invite the attention of Senators to the serious need for adequate funds for the Lead Paint Poisoning Prevention Act, Public Law 91–695. Following is the text of my statement before the House Appropriations Subcommittee for the Departments of Labor and Health, Education, and Welfare on this matter. A Health Education, and Welfare analysis of the dimensions of the lead-paint problem reports that annually up to 400,000 children contact the disease and 200 die each year. Over 12,000 children are treated yearly. The cost of hospital treatment in an uncomplicated case is between $1,000 and $2,000.

Up to 8,000 children suffer some degree of mental retardation each year because of this disease. Medical and educational costs for life for moderately retarded children are about $11,000. For severely retarded children, the costs for life are $250,000 for each child. Thus, if only 60 children were prevented from contracting severe mental retardation by this disease, the entire $15 million which I am requesting for this program would be saved. Nearly 1,000 children a year who contract the disease will potentially receive severe permanent brain damage or physical handicaps.

I am hopeful that Congress will recognize the need to act quickly to provide sufficient funds to put an end to this totally preventable disease.

I ask unanimous consent that the text of my statement and supporting statistics be printed in the RECORD.

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

STATEMENT OF SENATOR RICHARD S. SCHWEIKER ON LEAD-BASED PAINT POISONING PREVENTION

Mr. Chairman, distinguished members of this subcommittee, I appreciate having the opportunity to address you today as you consider the appropriations for the 1972 budget request of the Department of Health, Education and Welfare. Specifically, I am deeply concerned that the Lead-Based Paint Poisoning Prevention Act, P.L. 91–695, which was enacted into law on January 13, 1971, be adequately funded. Congress has authorized $30 million for this 2 year program to eliminate the causes of lead-based paint poisoning and to treat those who have already been hurt by ingestion of the paint particles.

This program was to be in force for part of fiscal year 1971 and for the whole of fiscal year 1972. $10 million was authorized for FY 1971 and $20 million for FY 1972. Yet to date, only minimal funds, well under $500,000 have been appropriated for the implementation of this urgently needed program.

Lead paint poisoning, a preventable disease, has remained until recent years a low priority in most of our urban health departments. The result has meant that countless numbers of children residing in "lead-belts" primarily in Puerto Rican and black communities have been afflicted with a disease which should have never occurred.

The disease, according to Jane S. Lin-Fu, in an article entitled "Childhood Lead Poisoning" published in Children and reprinted by the Department of Health, Education and Welfare, occurs most frequently among children residing in housing units constructed prior to World War II, although it can occur in any dwellings where lead-based paint has been used. Children will commonly put items such as paper, pieces of plaster, woodwork and other similar items in their mouths, and swallow them. This is particularly true in dilapidated housing where these substances are common and children suffer from a disease called pica, in which a child has a perverted appetite for non-food items.

Repeated ingestion of these lead-painted substances can lead to mental retardation, cerebral palsy, optic atrophy and impairment of intellectual ability. Tragically, it can, and does result in death for many children. The most common victims of this disease are children between the ages of one and six. The article by Jane Lin-Fu-indicates that within this age range, children between the ages of one and three comprise 80–90% of the cases. Additionally, and perhaps most tragically, over 50% of all deaths from lead poisoning occur in two-year olds.

Mr. Chairman, I ask you to amend the HEW budget request for fiscal year 1972 which your subcommittee is considering to include the appropriation of at least $15 million for the funding of the Lead-Based Paint Poisoning Prevention Act. This funding level would be well within the amounts authorized by the Congress for fiscal year 1972, and would enable the federal government to begin to assist local governments in actively carrying out the intent of this program.

Mr. Chairman, the victims of lead-based paint poisoning are almost invariably children. The Department of Health, Education and Welfare has estimated that 200 children are dying every year as a consequence of ingesting particles of lead-based paint. Another 400,000 children a year become severely ill, many suffering irreparable brain damage, because the lead-based paint has not been removed from the interiors of their houses.

Many of the small children who are affected by the lead paint can be helped if their condition is promptly diagnosed and treated. Of course, the treatment accomplishes little if the children are again confronted by lead paint when they return to their homes from having received medical attention.

Mr. Chairman, the funds which are expended to remove the causes of lead-based paint poisoning and to treat those who are afflicted by it could soon be recouped by the saving which would subsequently accrue from a reduction in the expenditures for medical treatment of this disease. Couple this with the very real benefits which can be obtained by ending for all time the loss of human resources and the psychological damage of the death and suffering inflicted by this totally preventable disease, and I believe we have a compelling and economic argument for adequate funding of this program.

I appreciate your consideration of my testimony concerning this urgent situation.

ESTIMATION OF CHILDHOOD LEAD POISONING IN UNITED STATES—1971

APRIL 1971.

(NOTE.—Lead poisoning is not an officially reportable disease in the majority of U.S. cities and states and therefore the following figures are only estimates.

The definition of a "case" is a very poorly defined area (some cities use elevations above 60 μgm) and the most important aspect is that these are at-risk children with elevated lead burdens, that may result in symptomatic lead poisoning with just a minor illness or the onset of spring and summer.)

Deaths—200/year.

Cases—250,000–400,000 Potential per year (including elevations above 40 ugm Pb/100ml whole blood and subclinical effects).

Treated—12,000–16,000/year.

Cost for hospital treatment of an uncomplicated case of lead poisoning—$1,000–$2,000.

Elevated blood-lead levels (above 40 ugm) without symptoms—5–10% in screening studies of high-risk children (up to 45% reported).

Symptomatic Lead Poisoning—1–5% of children with elevated blood lead.

Encephalopathy—5% of those with symptomatic lead poisoning (higher where index of suspicion is low).

Permanent Brain Damage—25%–40% of those with encephalopathy (brain swelling).

Potential Handicaps—Up to 50% of cases with encephalopathy have some degree of residual physical handicaps.

Mental Retardation—6,000–8,000/year (varying from "slow learners" to those institutionalized).

Medical and Educational costs for life of moderate retarded—$11,000.

Medical and educational costs for life of severely retarded—$200,000–$250,000.

Cost of rehabilitating housing unit containing lead-based paint—$400–$1,500/unit (depending on the type of repair and locality).

Lead poisoning—accounts for only 5% of all accidental preschool childhood poisonings.

Lead poisoning—accounts for as many as 70% of all preschool childhood deaths of ingestion.

High-risk Housing (built prior to WWII)—30 million housing units. (6 million dilapidated).

Amount of lead required—A child eating a few small leaded paint chips a day (the size of an adult's thumbnail) for about 3 months or longer can develop clinical symptoms of lead poisoning.

ROGER S. CHALLOP, M.D.,
Pediatric Consultant, U.S.P.H.S., BCEM.

WE MUST ENCOURAGE BOAT SAFETY

Mr. McINTYRE. Mr. President, I wish to commend my distinguished colleague from New Hampshire (Mr. COTTON) and other Senators who have worked on the Federal Boat Safety Act of 1971, which the Senate passed on Monday. S. 696 provides a coordinated national boating safety program involving both the Federal Government and the States.

The need for this kind of comprehensive legislation has been apparent for some time. The number of persons participating in boating activities has been increasing by leaps and bounds; recreational boats in the United States increase at a rate of 4,000 per week. Along with the increasing number of boaters we face an increasing incidence of boating accidents resulting in death, injury, and property damage.

While it is true that many of these accidents are due to carelessness on the part of boaters, many of them could have been prevented by reasonable construction and equipment standards, such as minimum stability criteria, capacity plates which indicate the maximum safe load and the maximum power for the boat.

I believe that the Federal Government has an obligation to set such standards just as it had with regard to aircraft and automobile safety. Surely, no one would contest that the need is as great, in view of the proportion of people who are killed as a result of boating accidents. In the last 5 years, this figure reached an alarming 7,000.

I believe S. 696 could substantially reduce this level of fatalities. First of all, the bill would insure better and safer boats and boating equipment by requiring manufacturers to meet certain standards set by the Department of Transportation. Secondly, the bill would

encourage States to develop boating safety programs by giving them financial help. Since approximately half of all fatalities occur in waters under sole State jurisdiction, State participation is essential.

So I commend Senator COTTON, who introduced the bill, and other Senators who have worked on it. I feel that they have made a valuable contribution toward the goal of affording consumers full protection against unnecessary hazards. I am confident that the Federal Boat Safety Act will be recorded as an important milestone in the consumer protection effort.

LOUIS ARMSTRONG—TRIBUTE TO SATCHMO

Mr. JAVITS. Mr. President, it is always a difficult task to explain or interpret genius, yet when Louis Armstrong died last week the world lost a genius in his field. Satchmo's humanity and his musical talent almost defy translation into the written word. The influence of innovation in the development of an art form can scarcely be overestimated. The contribution of Louis Armstrong to the field of music is clearly one of the rare examples of a great and unique artistic gift. It sought regions hitherto unexplored, and in this way Satchmo developed what became the jazz solo.

In addition to his inestimable contribution to the evolution of jazz, Satchmo, whose music was universal, was an ambassador of the first magnitude, spreading a message around the world which soared above the restrictions of language.

Mr. President, 6 years ago when I recommended that Satchmo be considered for the Presidential Medal of Freedom for his services to his country, I stated that his work was the work of an entertainer with so much humanity and so much talent that he enthralled peoples of scores of nations and all races throughout the world and he deserved the title "Ambassador Satch." For that is a measure of the good will for the United States that Louis Armstrong produced with his trumpet.

Although Satchmo is dead, his soul will live on forever in the music he created and the pleasure he gave—a gift he willed to all the peoples of the world.

I ask unanimous consent that the New York Times obituary on the life of Louis Armstrong be printed in the RECORD. Mrs. Javits joins me in extending to Lillian Armstrong our most sincere sympathy.

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

LOUIS ARMSTRONG, JAZZ TRUMPETER AND SINGER, DIES

(By Alben Krebs)

Louis Armstrong, the celebrated jazz trumpeter and singer, died in his sleep yesterday morning at his home, 34–56 107th Street, in the Corona section of Queens. He had observed his 71st birthday Sunday.

Death was attributed to a heart attack. Mr. Armstrong had been at home since mid-June, when he was discharged from Beth Israel Medical Center after 10 weeks of treatment for heart, liver and kidney disorders. He seemed in good health during an interview June 23, in which he played his trumpet and announced his intention to return to public performances.

"I'm going back to work when my treaders get in as good shape as my chops," he said, noting that his legs were weak from his hospitalization.

President Nixon released this statement:

"Mrs. Nixon and I share the sorrow of millions of Americans at the death of Louis Armstrong. One of the architects of an American art form, a free and individual spirit, and an artist of worldwide fame, his great talents and magnificent spirit added richness and pleasure to all our lives."

Tributes to Mr. Armstrong also came from a number of leading musicians, including Duke Ellington, Gene Krupa, Benny Goodman, Al Hirt, Earl (Fatha) Hines, Tyree Glenn and Eddie Condon.

Mr. Ellington commented: "If anybody was Mr. Jazz it was Louis Armstrong. He was the epitome of jazz and always will be. He is what I call an American standard, an American original."

"He could play a trumpet like nobody else," Mr. Condon said, "then put it down and sing a song like no one else could."

Mr. Hines, who frequently said he had taken his piano style from Mr. Armstrong's trumpet style, remarked: "We were almost like brothers. I'm so heartbroken over this. The world has lost a champion."

In Washington, the State Department, noting that Mr. Armstrong had toured Africa, the Middle East and Latin America on its behalf, said:

"His memory will be enshrined in the archives of effective international communicatons. The Department of State, for which he traveled on tours to almost every corner of the globe, mourns the passing of this great American."

The entertainer's final appearance was last February, when he played a two-week engagement at the Waldorf-Astoria Hotel.

A master showman known to millions as Satchmo, Mr. Armstrong lived by a simple credo. Putting it into word a couple of years ago, he said:

"I never tried to prove nothing, just always wanted to give a good show. My life has been my music, it's always come first, but the music ain't worth nothing if you can't lay it on the public. The main thing is to live for that audience, 'cause what you're there for is to please the people."

Mr. Armstrong was first and most importantly a jazz trumpet player without peer, a virtuoso soloist who was one of the most vivid and influential forces in the development of American music.

But he was also known to delighted millions around the world for his ebulliently sand-papery singing voice, his merry mangling of the English language and his great wide grand-piano keyboard of a smile.

Jazz music, probably the only art form ever wholly originated in America, and Louis Armstrong grew up together in New Orleans. It was in a seamy slum there that Mr. Armstrong learned to love and play jazz in the company of gamblers, pimps and prostitutes.

But in time he was to play his trumpet and sing in command performances before royalty and, through his numerous worldwide tours, to become known unofficially as "America's ambassador of good will."

RECOGNIZED FOR ROLE

Jazz experts, even the purists who criticized Mr. Armstrong for his mugging and showmanship, more often than not agreed that it was he, more than any other individual, who took the raw, gutsy Negro folk music of the New Orleans funeral parades and honky-tonks and built it into a unique art form.

Over the years, his life and his artistry changed radically. He left New Orleans for Chicago in the early nineteen-twenties, when he was still playing the cornet, and before 1930 made some of his most memorable recordings—with his Hot Five or Hot Seven groups.

Mr. Armstrong won his initial fame playing an endless grind of one-night stands. Under constant pressure to put on a show that made the customers tap their feet and cry for more, he did not hesitate to exploit a remarkable flair for showmanship. His mugging, his wisecracking and most of all his willingness to constantly repeat programs that had gone over well in the past won him the cheers of his audiences, along with the disapproving clucks of some of his fellow musicians and jazz specialists.

The criticism that he no longer improvised enough, innovated enough, mattered little to Mr. Armstrong. He dismissed the more "progressive" jazz approved of by some leading critics as "jujitsu music."

He did not mind being called "commercial" because he followed popular music trends, and he deliberately introduced into his repertory crowd-pleasers such as "Mack the Knife" and "Hello, Dolly!," which put his recordings on the best-seller charts when he was in his 60's.

LIKE "SANDPAPER CALLING"

As his ability to play his horn exceptionally well waned with the years, Mr. Armstrong supplanted his trumpet solos with his singing voice. An almost phenomenal instrument in its own right, it has been compared to iron filings and to "a piece of sandpaper calling to its mate."

Just watching an Armstrong performance could be an exhilarating experience. The man radiated a jollity that was infectious. On stage he would bend back his stocky frame, point his trumpet to the heavens and joyfully blast out high C's. When he sang he fairly bubbled with pleasure. And as he swabbed away at the perspiration stirred up by his performing exertions, Satchmo grinned his famous toothy smile . . .

LEFT WITH GRANDMOTHER

Mr. Armstrong's father, Willie Armstrong, who stoked furnaces in a turpentine factory left Mrs. Armstrong when the boy was an infant. Leaving the child with his paternal grandmother, Mrs. Armstrong went to live in the Perdido-Liberty Street area, which was lined with prostitutes' cribs.

"Whether my mother did any hustling I can't say," Mr. Armstrong said. "If she did, she kept it out of my sight."

However, Louis, who rejoined his mother when he was 6 years old, recalled that for many years afterward there was always a "stepfather" on the premises and that before his mother "got religion and gave up men" around 1915, "I couldn't keep track of the stepdaddies, there must have been a dozen or so, 'cause all I had to do was turn my back and a new pappy would appear." Some of them, he added, "liked to beat on little Louis."

However, Mr. Armstrong was always intensely fond of his mother, and he cared for her until her death in the early nineteen-forties.

Dippermouth, as he was called as a child, and his friends often sang for pennies on the streets. To help support his mother and a sister, Barbara, Louis delivered coal to prostitutes' cribs and sold food plucked from hotel garbage cans.

The night of Dec. 31, 1913, Louis celebrated the New Year by running out on the street and firing a .38-caliber pistol that belonged to one of his "stepfathers." He was arrested and sent to the Colored Waifs Home for Boys.

"Pops, it sure was the greatest thing that ever happened to me," Mr. Armstrong said. "Me and music got married at the home."

PLAYED IN HOME'S BAND

Peter Davis, an instructor at the home, taught Louis to play the bugle and the cornet. Soon the boy became a member of the

home's brass band, which played at socials, picnics and funerals for a small fee. Louis was in the fifth grade when he was released from the home after spending 18 months there. He had no other formal education.

The youth worked as a junkman and sold coal, while grabbing every chance he could to play cornet in honky-tonk bands. The great jazz cornetist Joe (King) Oliver befriended him, gave him a cornet and tutored him.

"I was foolin' around with some tough ones," Mr. Armstrong recalled in 1969. "Get paid a little money, and a beeline for one of them gambling houses. Two hours, man, and I was a broke cat, broker than the Ten Commandments. Needed money so bad I even tried pimping, but my first client got jealous of me and we got to fussing about it and she stabbed me in the shoulder. Them was wild times."

In 1918, Mr. Armstrong married a 21-year-old prostitute named Daisy Parker. Since Daisy "wouldn't give up her line of work," Mr. Armstrong said, the marriage was both stormy and short-lived.

The same year he was married, Mr. Armstrong joined the Kid Ory band, replacing King Oliver, who had moved to Chicago. In the next three years he marched with Papa Celestin's brass band and worked on the riverboat Sidney with Fate Marable's band. Dave Jones, a mellophone player with the Marable band, gave him his first lessons in reading music.

FAME WAS SPREADING

By then Mr. Armstrong's fame was spreading among New Orleans musicians, many of whom were moving to Chicago. In 1922 King Oliver sent for his protégé. Mr. Armstrong became second cornetist in Mr. Oliver's by then famous Creole Jazz Band. The two-cornet team had one of the most formidably brilliant attacks ever heard in a jazz group. Mr. Armstrong's first recordings were made with the Oliver band in 1923.

The pianist in the band was Lilian Hardin, whom Mr. Armstrong married in 1924. Miss Hardin had had training as a classical musician, and she gave him some formal musical education.

Mrs. Armstrong, convinced that as long as her husband stayed in the Oliver band he would remain in the shadow of his popular mentor, persuaded him to leave the band in 1924 to play first cornet at the Dreamland Cafe. The same year he joined Fletcher Henderson's orchestra at the Roseland Ballroom in New York.

For the first time, Mr. Armstrong found himself in the company of musicians of an entirely different stripe from those he had known in New Orleans and Chicago who, like himself, had fought their way up out of the back alleys and were largely unschooled in music. From these men, many of whom had conservatory educations, he learned considerable musical discipline.

Moving back to Chicago in 1925, Mr. Armstrong again played at the Dreamland Cafe, where his wife, Lil, had her own band, and with Erskine Tate's "symphonic jazz" orchestra at the Vendome Theater. It was at that point that he gave up the cornet for the trumpet.

"I was hired to play them hot choruses when the curtain went up," Mr. Armstrong recalled. "They put a spotlight on me. Used to hit 40 or 50 high C's—go wild, screamin' on my horn. I was crazy, Pops, plain nuts."

BILLED AS "WORLD'S GREATEST"

During his second Chicago period, Mr. Armstrong doubled in Carroll Dickerson's Sunset Cabaret orchestra, with billing as the "World's Greatest Trumpeter." The proprietor of the Sunset was Joe Glaser, who became Mr. Armstrong's personal manager and acted in that capacity for the rest of his life. Mr. Glaser died on June 6, 1969.

In that Chicago period, Mr. Armstrong began to make records under his own name, the first being "My Heart," recorded Nov. 12, 1925. Louis Armstrong's Hot Five (and later Hot Seven) recorded, over a three-year span, a series of jazz classics, with Earl (Fatha) Hines on the piano. These records earned Mr. Armstrong a worldwide reputation, and by 1929, when he returned to New York, he had become an idol in the jazz world.

While playing at Connie's Inn in Harlem, Mr. Armstrong also appeared on Broadway in the all-Negro review "Hot Chocolates," in which he introduced Fats Waller's "Ain't Misbehavin,'" his first popular-song hit. (He later appeared as Bottom in "Swingin' the Dream," a short-lived travesty on "A Midsummer Night's Dream." Over the years he appeared in many movies, including "Pennies From Heaven," "A Song Is Born," "The Glenn Miller Story" and "High Society.")

For several years, Mr. Armstrong "fronted" big bands assembled for him by others. By 1932, the year he was divorced from Lil Hardin Armstrong, he had become so popular in Europe, via recordings, that he finally agreed to tour the Continent.

It was while he was starring at the London Palladium that Mr. Armstrong acquired the nickname Satchmo. A London music magazine editor inadvertently invented the name by garbling an earlier nickname, Satchelmouth.

ONE FOR THE KING

While he was in London, Mr. Armstrong demonstrated memorably that he had little use for the niceties of diplomatic protocol.

During a command performance for King George V, Mr. Armstrong ignored the rule that performers are not supposed to refer to members of the Royal Family while playing before them and announced on the brink of a hot trumpet break, "This one's for you, Rex."

(Many years later, in 1956, Satchmo played before King George's granddaughter, Princess Margaret. "We're really gonna lay this one on for the Princess," he grinned, and launched into "Mahogany Hall Stomp," a sort of jazz elegy to a New Orleans bordello. The Princess loved it.)

One of Mr. Armstrong's pre-World War II European tours lasted 18 months. Over the years his tours took him to the Middle East and the Far East, to Africa and to South America. In Accra, Ghana, 100,000 natives went into a frenzied demonstration when he started to blow his horn, and in Leopoldville, tribesmen painted themselves ochre and violet and carried him into the city stadium on a canvas throne.

His 1960 African tour was denounced by the Moscow radio as a "capitalist distraction," which made Mr. Armstrong laugh.

"I feel at home in Africa," he said during the tour. "I'm African-descended down to the bone, and I dig the friendly ways these people go about things. I got quite a bit of African blood in me from my grandmammy on my mammy's side and from my grandpappy on my pappy's side."

PLAYED WITH BIG BANDS

Before the war, Mr. Armstrong worked with several big bands, including the Guy Lombardo orchestra, concentrating on New Orleans standards such as "Muskrat Ramble" and "When the Saints Go Marchin' In" and on novelties such as "I'll Be Glad When You're Dead, You Rascal You." He did duets with Ella Fitzgerald and he accompanied Bessie Smith.

After 1947 he usually performed as leader of a sextet, working with such musicians as Jack Teagarden, Earl Hines, Joe Bushkin and Cozy Cole. He was a favorite at all the jazz festivals, in this country and abroad.

Mr. Armstrong lost track of the number of recordings he made, but it has been estimated there were as many as 1,500. Dozens have become collectors' items.

The jolly Mr. Armstrong was quite inured to his fame as a jazz immortal. Not too many years ago, he was interviewed backstage by a disk jockey who began with the announcement, "And now we bring you a man who came all the way from New Orleans, the Crescent City, to become a Living American Legend." The Living American Legend, who was changing his clothes, dropped his trousers and began the interview with the observation, "Tee hee!"

"Tee hee" was part of a uniquely Armstrong vocabulary, which included Satchmo-coined words such as "commercified" and "humanitarily." In his speech he arbitrarily inserted hyphens in the middle of words ("ar-tis-try" and en-ta-TAIN-uh") and, unable to remember names too well, peppered his conversations with friends and interviewers with salutations such as "Daddy" and "Pops."

Despite the hard life he led—traveling most of the time, sleeping too little, living out of suitcases, eating and drinking too much or not enough—Mr. Armstrong, even into his 60's, was still going strong. His chest was broad and powerful, and his 5-foot-8-inch frame carried a weight that varied between 170 and 230 pounds.

CONCERNED ABOUT HEALTH

He was, however, keenly aware of his health. "I'm one of them hy-po-CHON-dree-acs," he would say with a delighted laugh. He was afraid of germs and always carried his trumpet mouthpiece in a carefully folded handkerchief in his back pocket. He liked to talk at length about his physic, a herbal mixture called Swiss Kriss, while at the same time he recounted how unwisely he sometimes ate, especially when his favorite food, New Orleans-style red beans and rice, was set before him.

Although in latter years he suffered from a kidney ailment, Mr. Armstrong's greatest worry was chronic leukoplakia of the lips, what amounted to a tough corn that resulted from blowing his horn. He used a special, imported salve to soothe his lips.

"If you don't look out for your chops and pipes," he said, "you can't blow the horn and sing. Anything that'll get in my way doin' that, out it goes. That trumpet comes first, before everything, even my wife. Got to be that way. I love Lucille, man, but she understands about me and my music."

He was referring to the former Lucille Watson, whom he married in 1942.

He loved all forms of music. When asked what he thought of the country-an-Western and folk music so favored by the young, he replied, "Pops, music is music. All music is folk music. I ain't never heard no horse sing a song."

Some Negro militants criticized Mr. Armstrong for his earthy speech and his habit of rolling his eyes and flashing his toothy grin while performing. They said he was using stereotyped characteristics of the happy-go-lucky Negro and playing the Uncle Tom. Mr. Armstrong ignored the charges.

COMMENT ON SELMA

Nevertheless, Mr. Armstrong, on learning in 1965 that the police in Selma, Ala., had taken violent action against freedom-marching Negroes in that city, told an interviewer:

"They would beat Jesus if he was black and marched. Maybe I'm not in the front line, but I support them with my donations. My life is my music. They would beat me on the mouth if I marched, and without my mouth I wouldn't be able to blow my horn."

For many years, Mr. Armstrong refused to perform in New Orleans, his hometown, because of segregation there. He did not return until 1965, after passage of the Civil Rights Act. On that occasion he triumphantly played with an integrated band in the city's Jazz Museum, a shrine built around the remains of the old shack in which he was born.

Reflecting on his more than 50 years as a musician, Mr. Armstrong said, "There ain't

going to be no more cats in this music game that long."

There was no doubt that he was the most durable of the great jazzmen, nor that millions of people held him in great affection. His fellow musicians, many of whom were influenced by his artistry, looked upon him with awe.

Miles Davis, a contemporary jazz star, has asserted that "you can't play anything on a horn that Louis hasn't played." Teddy Wilson, who played piano with Mr. Armstrong in 1933, has called him "the greatest jazz musician that's ever been."

And Leonard Feather, the eminent jazz critic and author of "The Encyclopedia of Jazz," wrote of Mr. Armstrong:

"It is difficult . . . to see in correct perspective Armstrong's contribution as the first vital jazz soloist to attain worldwide influence as trumpeter, singer, entertainer, dynamic show business personality and strong force in stimulating interest in jazz.

"His style, melodically and harmonically simple by the standards of later jazz trends, achieved in his early records and unprecedented warmth and beauty. His singing, lacking most of the traditional vocal qualities accepted outside the jazz world, had a rhythmic intensity and guttural charm that induced literally thousands of other vocalists to imitate him, just as countless trumpeters through the years reflected the impact of his style.

"By 1960, Armstrong, set in his ways, improvised comparatively little; but he retained vocally and instrumentally many of the qualities that had established him, even though entertainment values, by his own admission, meant more to him than the reaction of a minority of musicians and specialists."

As for Mr. Armstrong, it was pleasing his listeners that really mattered.

"There's three generations Satchmo has witnessed," he said, "the old cats, their children and their children's children, and they still all walk up and say, 'Ol Satch, how do you do!' I love my audience and they love me and we just have one good time whenever I get up on the stage. It's such a lovely pleasure."

Mr. Armstrong is survived by his widow, the former Lucille Wilson, and by an adopted son, Clarence Hatfield of New York. He also leaves a sister, Mrs. Beatrice Collins of New Orleans and two half-brothers, Henry and William Armstrong, both of New Orleans.

A funeral service will be held Friday at 1 P.M. at the Corona Congregational Church, 34th Avenue and 103d Street. Burial will be in the Flushing Cemetery.

The honorary pallbearers will include Governor Rockefeller, Mayor Lindsay, Bing Crosby, Ella Fitzgerald, Guy Lombardo, Duke Ellington, Dizzy Gillespie, Pearl Bailey, Count Basie, Harry James, Frank Sinatra, Ed Sullivan, Earl Wilson, Alan King, Johnny Carson, David Frost, Merv Griffin, Dick Cavett and Bobby Hackett.

Mrs. Armstrong requested that flowers and cards be omitted and said those wishing to do so could send contributions in her husband's memory to the Kidney Research Foundation and to the Sickle Cell Anemia Foundation, which promotes research on a disease that mainly afflicts blacks.

NATIONAL ENERGY NEEDS AND BALANCED NATIONAL GROWTH

Mr. HUMPHREY. Mr. President, as we proceed through these summer months we are again reminded of another crisis faced by our Nation, today—namely our "energy crisis." As we continue to fall further and further behind in meeting our country's increasing requirements for power we are also again reminded of our failure to plan and to invest in what is required today to meet the needs of tomorrow. Annual per capita consumption of power is expected to increase fourfold within the next 30 years.

Although President Nixon's recent call for the development of a national energy policy was in recognition of this crisis, it falls far short of satisfying the urgency of the problem. A coordinated national policy on energy is desperately needed, and both the Congress and the President should make an immediate effort to forge whatever short range solutions are required to conserve our Nation's energy resources and simultaneously, launch another effort to plan and develop the additional energy resources that will be required to accommodate the continued economic and future growth of our country.

The added requirements of accomplishing these objectives in coordination with our other national goals of balanced national growth and preserving our environment places even more importance on the need to get this planning effort underway immediately.

Mr. President, the New York Times is currently publishing a series of articles concerning this vitally important subject. I ask unanimous consent that they be printed in the RECORD.

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

NATION'S ENERGY CRISIS: IT WON'T GO AWAY SOON—PART I

(By John Noble Wilford)

For the third straight summer Americans by the millions are living under the daily threat of power brownouts, blackouts and possible electricity rationing. But it is more than a seasonal shortage of power. It is part of a national crisis that won't go away—the energy crisis.

"The electric power supply situation in parts of the United States appears to be worse than last summer," reports the President's Office of Emergency Preparedness. Only the West Coast, according to the report, seems assured of adequate power for the moment.

In New York City, the margin is so thin that electric utility officials are counting on emergency gas-turbine generators standing ready on barges along the waterfront. Even so, there is no assurance that on some hot, humid day lights will not flicker out over large areas of the city.

Nationwide, authorities in the Administration and out expect the crisis to continue for some time.

In fact, they say, it is likely to persist for years, perhaps for as long as the industrial-technological civilization that has made modern America a model for many other nations continues to proliferate in its present form.

For it arises from a bewildering, seemingly unresolvable dilemma that has made energy, as one scientists said, the "Doctor Faustus of our age."

Americans are demanding more and more energy—more petroleum to turn the wheels of transportation, more oil, natural gas and coal to fire the boilers of electric utilities, more fuels and electricity for heat in the winter, air-conditioning in the summer and the year-round operations of industry. In the last 15 years, total consumption doubled; in the next 15 years, it is expected to double again.

But Americans are also demanding a quality environment. Appalled at ugly strip mines, oil slicks from tanker spills and leaky offshore wells, denuded corridors of land for transmission lines, sulphur oxides and fly ash from power plants and the specter, real or imagined, of radioactive perils from nuclear centers, they are resisting the construction of precisely those new facilities that are essential to the production of more power.

In the last few years, moreover, numerous technical breakdowns at power plants and miscalculations by both utilities managers and Federal officials have, under the most charitable interpretation, made an inevitable crisis worse.

Now, when thoughtful people close to the issue talk about solutions, they almost unanimously fall back on nuclear energy as the only satisfactory way to accommodate society's needs and keep the traditional energy distribution system intact.

But some are also beginning to ask questions about the larger economic system itself, about its underlying notion of freewheeling permanent growth and about what, short of rigid national controls, could replace it if it should fail to meet the crisis.

Is it possible to have a thriving, motorized, computerized, air-conditioned society with a high standard of living shared by as many as possible and a largely uncontrolled economy—and to have a healthy, comfortable, even beautiful, environment, too?

A FAUSTIAN BARGAIN

At the beginning of the Industrial Revolution man unconsciously but decisively struck a Faustian bargain, giving up a bucolic environment for a power beyond anything his and his animals' muscles could provide. This eventually made it possible for modern man to command, at the twist of a knob on a 300-watt television set, an electrical force the equivalent of the energy output of a grown man, an unseen slave, and to harness in the Saturn 5 moon rocket the power of 900,000 horses.

Only now—now that the world is more crowded and energy is being expanded at a rate more prodigious than anyone could have foreseen when Watt invented the steam engine—are the implications becoming sharply defined in the form of a perplexing question:

Can modern man strike a balance where he once struck a bargain?

The difficult search for answers, only barely begun, leads down many avenues: economic, technological, ecological, political, social and philosophical. "The energy situation is a microcosm of the problems facing the nation," says Dr. Edward E. David Jr., science adviser to President Nixon.

In order to obtain a balance with the environment, do you slow down the accelerating trend of energy consumption—and if so, how?

STAGNATION A RISK

Americans are 6 per cent of the world's population, but consume 35 per cent of the world's energy output. Since 1947, their consumption of electricity has been rising at an average rate of 7 per cent a year. Natural gas consumption has been rising at a rate of 5 to 6 per cent a year, with oil at 3 per cent and coal at 2 per cent.

Last year, despite the economic recession and declining birth rates, consumption rose even more sharply. Americans used 4.5 per cent more energy than in 1969, and 9.2 per cent more electricity.

If this consumption trend continues, Americans in the year 2000 would be using the equivalent of 76 trillion kilowatt hours of electricity and other energy sources—nearly four times the present usage rate.

But will the trend continue? Can it? Should it? And if it does not, do you risk economic stagnation, unemployment, even a decline in national power vis-a-vis the rest of the world? Can you accept the psychological wrench of living in a nation with its foot

off the accelerator, after two centuries of vigorous and glorified growth?

Or do you increase the energy output, since it is a human tendency to want more and since it will take massive amounts to recycle wastes, treat sewage, run air-pollution-control mechanisms and power mass transportation systems needed to reduce auto pollution?

Do you raise prices of fuels and electricity to help pay for cleaning up the environment—even if it means dimming the prospects of poorer people to share fully in the high-energy society?

Do you encourage development of new, "cleaner" energy technologies—and if so, which ones? Can you get people who are increasingly disillusioned with technology to accept more nuclear power and pay for greater research toward non-polluting," virtually inexhaustible power from controlled nuclear fusion?

Or do you reject nuclear energy and continue to "live off earth's capital"—the limited, non-renewable fossil fuels (coal, oil and gas) that took millions of years to form and, in some cases, may last only another century? What, then, do you leave for generations to come?

And even if energy resources were infinite—if fusion became a practical way of supplying nuclear power years from now—do you want power plants everywhere you look? Do you ignore the warnings of scientists who say that the environment is finite?

ALL ENERGY ENDS AS HEAT

All energy, scientists point out, eventually ends up as heat. The biosphere—Spaceship Earth's life-support system, that thin global envelope of air, water and soil that sustains life—can absorb only so much excess heat without atmospheric consequences perhaps as dire, some scientists say, as the melting of polar ice and flooding of coastal civilization.

"The 'scarcity' of the environment is now replacing the scarcity of fuel as the critical constraint in growth of the energy industry," says Dr. Norman H. Brooks, professor of environmental science at the California Institute of Technology. "The environment can no longer be regarded as infinite."

As in any crisis, this one has its optimists and alarmists. Petroleum companies and electric utilities see the problem primarily as one of meeting energy demands, if possible with a minimum impact on the environment. The Atomic Energy Commission takes the position that there is no big problem, if only the public would accept nuclear power as its salvation. Many environmentalists tend to overlook economic needs, seeing only the smog and oil spills.

Part of the problem is that few people are really talking to each other, or listening. A recent discussion between two Massachusetts Institute of Technology professors, both electrical engineers, illustrates the point.

One said: "I worry about our continued energy growth. Some place we reach real trouble, and I bet it comes by 2100." To which his colleague responded: "I can't see how you're going to limit demand and go live in a tent by Walden Pond." The first professor snorted: "That's a Philip Sporn answer, and it's stupid."

Philip Sporn is the retired president of the American Electric Power Company. At a recent seminar on energy in Washington, Mr. Sporn conceded that the doubling of electricity demand every decade, a trend all this century, has "definite limits" and that the environmental concern "is legitimate enough." But he defended most utility practices, while ecologists at the seminar spoke mostly of the biosphere and rarely about filling immediate energy needs.

SLIGHT MOVE TOWARD ACCORD

There are, however, some small beginnings toward a reconciliation of the two points of view. This is occurring where the problem is especially acute and controversial—over the issue of where to build new power plants.

Many of the nation's 3,400 power plants are old and inefficient and will have to be replaced soon. Moreover, the Federal Power Commission estimates a need for at least 255 new plant sites (91 for fossil-fuel plants, 164 nuclear) by 1990. Most of these new plants are expected to be mammoth, with greater potential for environmental damage.

For this reason, among others, proposed plant sites are being scrutinized more closely than ever. Even without serious opposition from conservationists, it now takes six to eight years for a new plant to move from conception to operation. Consolidated Edison Company's proposed Storm King plant on the Hudson has been tied up in the courts since 1965—with no resolution in sight.

An experiment in Minnesota serves as a possible model for reducing some delays raised by environmental questions.

Early last year, the Northern States Power Company in Minneapolis decided to share some of its decision-making responsibility for plant site selection with groups concerned with protecting the environment. Under a policy of "open planning," representatives from some 30 groups joined a task force set up by the utility.

Some were skeptical, suspecting it was only a public relations ploy. Some in the company were none too happy about sitting down with their sharpest critics. But after six weeks of meetings, recalls R. W. Comstock, Northern States Power's director of environmental affairs, the more vociferous critics settled down and the task force got busy on its recommendation for where to put the company's next power plant.

RECOMMENDATION FOLLOWED

They had four sites from which to choose. They rejected the company's first choice, the Louisville swamp on the Minnesota River, because the area was being considered as a state park. They ruled out two other possibilities because other plants were already in the area. Instead, they selected a site in Monticello, Minn., which the company deemed the least desirable economically. Nevertheless, Northern States Power followed the recommendation.

"It looks at this point as if the company will be able to install a generating station without a major public confrontation for the first time in over a decade," Mr. Comstock says. The citizens group has moved on to studies of future plant sites and the whole question of future energy needs.

Open planning is still highly controversial. Some utility executives see it as just one more nuisance in the already difficult procedure of getting plant sites approved. In some states, utilities must get 30 to 40 licenses, permits and certificates—from power, health, wildlife, waterways and other agencies—during the course of planning and building a plant.

Conservationists would like to see more utilities adopt more planning similar to the Minnesota example, but preferably at an even earlier stage of decision-making. Eventually, they want it made a permanent, legislated part of utilities industry operations.

As Peter Borrelli, eastern representative of the Sierra Club, an environment-protection group, says:

"Even to environmentalists, regardless of how hard a position they take on energy growth, certain facts jump out and present awesome managerial problems. Even if growth is curbed, even with zero population growth, we are going to see a three fold increase in electric power consumption in the next 20 years. It's going to happen, and we have to learn how to deal with this."

The Edison Electric Institute, an association representing 185 of the major investor-owned utilities, favors an approach to plant-site approval called "one-stop shopping."

"ONE-STOP SHOPPING"

The idea, which a few states have adopted, is to expedite site approvals by eliminating the need for a utility to go through two or three dozen state agencies. One agency, usually the equivalent of the public utility commission, would have over-all authority. Such is the purpose of legislation supported by Governor Rockefeller in the New York State legislature this year.

Most conservationists find one-stop shopping unacceptable. State utility commissions, they complain, are "historically in the pocket of industry" and do not normally take into serious consideration such issues as land conservation, wildlife protection and water pollution problems.

While plant-siting delays could prolong the crisis, that was only one factor in bringing about the immediate energy problems. Aside from pressures generated by environmentalists, the crisis is seen as the almost inevitable result of management miscalculations, technological troubles and certain Governments policies.

In the case of electric power, for example, the nation's utilities underestimated demand. The Federal Power Commission had predicted in 1964 a 6.5 per cent annual growth rate, which became the basis for most planning. But the growth rate in recent years has run close to 9 per cent because, in part, of an unexpectedly sharp rise in air-conditioning.

Another miscalculation was made back in 1966 when the nation's first truly commercial nuclear plant was completed at Oyster Creek, N.J. Utilities began "thinking nuclear." They rushed to place orders. Consequently, the coal industry slowed down the development of new mines and, looking for new markets, signed some big export contracts, especially with Japan.

But manufacturers had trouble meeting delivery scheduled for nuclear facilities. Some of the units had to be sent back to the factory because of poor workmanship. Shortages of skilled construction labor, strikes and various installation problems also contributed to delays of months and often years.

By then, one energy expert says, "it was too late to shift gears." Utilities were forced to rely a little longer on their older generators, which presented maintenance problems of two kinds.

One was the result of the utilities' "load-building" promotional policies, industry experts explain. They heavily promoted air-conditioning, among other things, so that summer and winter demands would balance out. But their success left them with little time to take generators "off line" for maintenance. The result was more equipment breakdowns.

And because of another trend—toward "economies of scale" through the use of bigger and bigger generators—a single breakdown could eliminate practically all of a utility's total reserve capacity. This was why the nine-month breakdown of "Big Allis," Con Edison's temperamental million-kilowatt generator in New York, was of such concern. That single generator accounts for 13 percent of Con Edison's installed capacity this summer.

Short-sighted management is often given as another reason for the utilities' current predicament. The utilities, their critics say, have rarely attracted the more talented engineers or encouraged technical or managerial innovation.

Dr. Carroll L. Wilson, a professor at M.I.T.'s Sloan School of Management, observes: "In the utility industry, it's been so damned easy to grow. You didn't have to be half smart."

The attitude of some managements, says Mr. Borrelli of the Sierra Club, is "just push the juice out and pray."

FEDERAL AGENCIES BLAMED

Some of the blame, the utilities contend, rests on the Government regulatory bodies for the way they establish electricity rates. Utilities complain that they are not usually allowed to charge enough to finance expansion as rapidly as necessary.

It costs about $250-million to build a million-kilowatt fossil-fuel generating plant and as much as $280-million for a nuclear plant of the same capacity. Utilities say that with some of their present profit margins they find it hard to borrow the money for such expansions.

The low rates, which are based primarily on a return on invested capital, are also cited by the industry to explain its reluctance to invest heavily in research. Many of the state power commissions do not allow the companies to treat research as a business expense.

Utilities now spend less than 1 percent of sales a year directly on research, primarily on transmission technology. Most fundamental research is financed by the Government and the electrical equipment manufacturers.

Another critical element in the current crisis involves the supply of fuels.

For years petroleum has been the nation's primary energy fuel. Last year it supplied 43 per cent of all domestic energy demands; natural gas was next, with 33 per cent; bituminous coal, 20 per cent; water power, 4 per cent; anthracite, 0.3 per cent, and nuclear energy, 0.3 per cent. The figures add up to more than 100 per cent because the larger ones are rounded off.

NO IMMINENT THREAT

Although fossil fuel resources are finite, there is no threat of imminent depletion. According to recent Government estimates, the earth's coal will probably hold out for at least three or four centuries. Natural gas and oil, including that in oil shale and in the polar regions, may run out in a century.

But there is the more immediate problem of getting the fuels, especially the cleaner, environmentally acceptable ones, out of the ground and to market in sufficient quantities.

More and more communities, including New York, Chicago, Los Angeles and Boston, now requires or soon will require utilities to burn only fuels with 1 per cent sulphur content, or less. The restriction, made to reduce dangerous sulphur dioxide emissions, rule out much of the nation's available coal and crude oil. Chicago, near the big Illinois coal fields, must haul in low-sulphur coal from Wyoming at premium prices.

Aside from environmental concern, there is increased pressure on fuel supplies because of the growing importance of electricity. About two-thirds of the energy in coal or petroleum is lost in generating electricity, escaping out the stacks and into the water used for cooling.

There is no sure end to the nation's energy crisis in sight. John A. Carver, Jr., a member of the Federal Power Commission, predicts: "For the next three decades we will be in a race for our lives to meet our energy demands."

On a national scale, there is a developing consensus among engineers and economists, utility executives and environmentalists over the need for a better-coordinated, long-range energy policy.

The "unrealistically" low price of electricity commands much attention. A 1 per cent tax or a surcharge on all electricity bills has been recommended to finance research in new technologies and to help curb demand. A similar suggestion, which President Nixon has endorsed, is that energy prices should reflect the "full cost to society"—what the product costs in water and air pollution as well as in raw materials and other conventional costs.

Meanwhile, in the absence of a coordinated national policy on energy, state agencies regulate local utilities and energy prices. The Federal Power Commission is responsible for the price of natural gas and some hydroelectric matters. The Atomic Energy Commission promotes and licenses nuclear power. The Department of the Interior oversees oil import quotas, mine safety, offshore pretroleum deposits and other resources on public lands. Other agencies, local and Federal, are concerned with pollution standards.

The White House would like to see most of the Federal energy programs combined within a single Department of Natural Resources, which is part of the President's proposed governmental reorganization plan.

Although the energy industry has reservations about more Government restrictions, there is a new recognition that, as Mr. Comstock of Northern States Power puts it, "the old rules of the game have changed" and that it would help to agree on some new rules concerning both energy and the environment. No one expects it to be easy.

"There are no miracle solutions," Mr. Comstock says. "There are only hard choices—hard choices for me, for you, for my corporation, for all institutions, and some of these choices must be made very soon."

SUPPLYING MAJOR FUELS POSES INCREASING PROBLEMS

Although the fuels that run the American economy are in no imminent danger of depletion, the nation's energy managers foresee an increasing number of problems supplying society's prodigious demands.

The following, based on interviews and Government studies, is a situation report on the major fuels:

PETROLEUM—Demand is outracing the exploration and development of new reserves. Industry observers estimate that it will take $300-billion for expansion and exploration in this decade, twice the capital outlay in the '60's. The new Alaskan reserves had been counted on by 1972 but will probably not be drawn on until 1974 or 1975.

President Nixon, in a message to Congress last month proposed speeding up the leasing concessions on the continental shelf for more oil and gas drilling. The White House would also like to negotiate an agreement to draw more oil and gas from Canadian fields.

INDUSTRY COSTS DOUBLED

The price of heavy fuel oil, which is used by utilities and industry, is almost twice as high in some markets as it was two years ago. One reason is the shortage of tankers, which limits the supply at a time when more utilities are switching to oil from coal for environmental reasons.

Despite quotas and other restrictions, imports now account for 23 per cent of the 14.7 million barrels of oil burned daily in the United States. By 1980, it is estimated, imports will run to 40 per cent of the oil supply, making the energy industry increasingly subject to the vagaries of international policies.

NATURAL GAS—The cleanest of the fossil fuels, natural gas supplied two-thirds of the growth in the nation's energy production since World War II. But it is being used up faster than new reserves are being developed.

The industry contends, and many economists agree, that gas prices are set too low to encourage development of new fields. A petroleum company can make more money investing in oil than in gas. As regulated by the Federal Power Commission, the industry says, wholesale prices for natural gas intended for interstate distribution are pegged about 40 per cent below what it brings on the world market.

COAL—Partly as a result of the rush to nuclear plants, the number of the nation's operating coal mines has dropped from 7,900 in 1960 to about 5,000. Production has declined slightly, while demand has risen. Coal exports now run $900-million a year.

This, plus a shortage of available railroad cars caught many utilities and industries last fall with barely enough coal to run from week to week. It could happen again.

SAFETY RAISING COSTS

Further complications are the newly enacted mining safety measures, which are expected to increase the cost of digging coal and force more mines out of operation. Also, if strip mining is outlawed or severely restricted, as is being proposed in West Virginia, the result could be even greater coal supply problems. Strip mining is the cheapest method of extraction.

URANIUM—The supply of usable uranium at economical prices may run out in a few decades if, as predicted, nuclear power becomes a significant source of electricity.

At the current price of $8 a pound, the Bureau of Mines estimates an available uranium supply in the United States of 160,000 tons. Consumption in 1970 was 1,280 tons, and is expected to increase sharply in the next decade.

NATION'S ENERGY CRISIS: NUCLEAR FUTURE LOOMS—PART II

(By John Noble Wilford)

Slowly, reluctantly and fearfully, the United States is moving toward a nuclear-powered future. It is not that people have learned to love the atom; it is because few can think of any other acceptable answer to the nation's energy crisis.

Nuclear power is technically difficult, initially expensive, a source of thermal pollution and the subject of acrimonious controversy and widespread anxiety about possible radiation hazards.

And yet to a growing number of technologists, economists and political leaders, it is the only way within the traditional economic's system to meet the ever rising consumer demand for a steady supply of reasonably inexpensive power without ravaging the environment.

Thus the Nixon Administration has made nuclear power the keystone of its "clean energy" plan for the decade. And future Administrations, barring unforeseen discoveries, can be expected to follow the same general policy.

For nuclear power, despite its drawbacks, is without doubt more plentiful, ultimately cheaper and relatively less damaging to the environment than other fuels. The alternatives, in other words, could be worse.

Coal, for example, is still plentiful; it might last for a few more centuries. But it cannot last forever. Most coal moreover, is too full of sulphur to meet present environmental standards. Thus no new fossil fuel plants are allowed in the entire Los Angeles basin. And the extraction of coal exacts great environmental and human costs.

The cheapest way to extract coal is by strip mining, which now accounts for one-third of production. But strip mining is desolating tens of thousands of acres a year of some of the most beautiful mountain country in the nation, with little likelihood that the damage will ever be repaired. Only 58,000 of the 1.8 million stripmined acres have so far been restored, the Department of Interior reports.

But if strip mining is outlawed, as many conservationists are urging, then a greater reliance will have to be placed on deep mining, which is not only roughly three times as expensive but more hazardous as well. More than 80,000 miners have died in deep mine accidents since 1910. Safety precautions, while they might make the process humanly acceptable, would make it even more expensive and less economical.

Other sources of energy are equally problematic. Petroleum costs are rising as the search for new supplies grows more difficult and expensive, extending to the poles and farther out on the continental shelf. The price of fuel oil in Boston, for example, has

doubled in a year's time. Before oil begins running out in a century or so, it may have to be rationed so that what is left is used only for transportation and the manufacture of plastics—not for burning up in the production of electricity or home heating.

RELIANCE ON FOREIGN SOURCES

Moreover, a continued reliance on petroleum and natural gas would mean a growing dependence on foreign sources. American demand for petroleum will reach 28 million barrels a day by 1985, the Humble Oil and Refining Company estimates, and only 11 million barrels are expected to be domestic.

More than 90 percent of the fuel oil used on the Eastern Seaboard already comes from abroad, mostly from the Caribbean. This gives a number of foreign governments a major voice in the price and flow of American fuel.

Damming more rivers cannot fill the need for energy either. Hydroelectric power accounts for only 4 per cent of present energy production, and most of the suitable dam sites have been exploited. Even the Tennessee Valley Authority, originally a water power project, now derives less than 20 per cent of its power from hydroelectric facilities.

Harness the tides or tap steam inside the earth? These are considered interesting but limited alternatives. Convert sunlight directly to electricity? Engineers doubt this would ever be practical for large-scale energy generation.

At every turn, then, the complications confound an easy solution to the energy crisis and nuclear power seems more and more attractive.

AN ALCHEMIST'S DREAM

Nuclear reactors now produce 1.4 per cent of the nation's electricity. By 1980 the figure is expected to be 25 per cent, and by the turn of the century 50 per cent. Electricity then will crackle along high-voltage lines from "nuclear parks," clusters of reactors far from urban centers, and through submerged lines from reactor stations on platforms anchored miles out in the Atlantic and Pacific waters.

Present nuclear reactors will seem old-fashioned. The more advanced types, called "breeders," will be a sort of alchemist's dream, making more fuel than they consume. Eventually, perhaps as early as the year 2000, there may be machines, based on the sun's energy-generating processes, that run on fuels almost as abundant as water itself.

But no energy-environment equation is ideal, not even the nuclear alternative. Nuclear power has its drawbacks, too.

Its technology has turned out to be more complex than expected. Development costs are high. Capital costs of a large nuclear plant have risen sharply in the last three years, from about $120 for each kilowatt capacity to more than $200.

Nuclear reactors produce even more waste heat than fossil-fuel generators. The problem of "thermal pollution," the heating of a steam or lake to the point that it can become inhospitable to fish, has disturbed environmentalists. And the safety of reactors is a matter of bitter controversy.

Since no one can forget nuclear energy's devastating debut at Hiroshima, people harbor deep-seated fears about anything atomic, fears over explosive accidents, insidious radiation leaks and the problem of how to dispose of radioactive fuel residues.

Public protests are holding up construction of several nuclear plants. The titles of some recent, widely discussed books reflect the gnawing concern: "Perils of the Peaceful Atom," "The Careless Atom" and "Population Control through Nuclear Pollution."

TOUGHER SAFETY RULES

Responding to recent attacks, the Atomic Energy Commission announced last month even stricter safety standards for nuclear reactors and reduced sharply the limit on the amount of radiation exposure that the public is permitted to receive from reactors—down to 1 percent of the level permitted under current Federal radiation standards. Still, some critics raise questions about long-term genetic effects from repeated exposure to these miniscule doses.

These drawbacks and fears have been largely responsible for the slow and reluctant acceptance of nuclear power—until now. Whatever their reservations, engineers and many environmentalists, economists and utility executives now can see no realistic alternative to the atom.

"Nuclear power certainly is the best answer to our needs right now and probably in the long run," says Byron Lee, Jr., assistant to the president of the Commonwealth Edison Company of Chicago. By the end of the year, 25 per cent of the utility's generating capacity will come from nuclear power.

Although the initial capital investment is higher for a nuclear plant, Mr. Lee says, fuel costs over the estimated 30-year life of a plant are considerably lower. And because low-sulphur coal and oil are expensive in the Midwest, as in other regions, nuclear power is also considered "environmentally preferable."

The trend toward nuclear power is strong. Although only 21 commercial nuclear reactors are now in operation, supplying less than 1 per cent of the nation's energy needs, more power-generating capacity is now on order for atomic plants than for the conventional types. There are 54 under construction in this country, and orders for 42 more. Even a major Texas utility, in the heart of gas country, plans to go nuclear.

$2 BILLION ASKED BY NIXON

The nuclear commitment was reinforced last month when President Nixon asked Congress to pledge $2-billion in Federal funds over the next decade for development of a commercial "fast breeder" reactor. This is considered the next major step in nuclear technology.

Conservation of resources is the breeder's chief selling point.

Conventional nuclear reactors of the water-cooled types obtain energy from the splitting, of fission, of the extremely scarce form of unanium, U–235. It makes up only seven-tenths of 1 per cent of natural uranium, and is in danger of depletion in a few decades. The more abundant U–238 is the nonfissionable part of the fuel mix.

As the U–235 fissions, it releases energy, which boils water and creates the steam to drive turbines and produce electricity. Apart from the fuel and its unusual properties, the method is essentially the same as in ordinary fossil-fuel steam generators.

In the process, some neutrons that are released turn the U–238 into the fissionable plutonium, but in an inefficient manner. The breeder reactors will make the most of this transmutation of elements.

"A QUESTION OF RELIABILITY"

In the breeder, a fissionable fuel, either U–235 or plutonium 239, will be split for the heat-to-steam-to-electricity process. The surplus neutrons, allowed to travel at faster speeds, will react with the U–238 in such a way as to produce 14 atoms of plutonium for every 10 atoms consumed.

Like other nuclear technologies, the breeder has its highly vocal critics. A group of scientists, headed by Dr. Margaret Mead, the anthropologist, has filed a suit in Federal court in an effort to stir a national debate on the advisability of developing the breeder. They maintain that the A.E.C. has failed to make public enough information to judge the potential impact of breeder reactors on the environment.

To many scientists, however, the breeder is only an interim technology, a holding action until they can master the difficult art of controlling thermonuclear fusion. This is the release of tremendous energy through the fusing of light atoms, which is the basis of the hydrogen bomb and of the nuclear reactions going on inside the sun.

Although President Nixon has asked for $2-million in addition to the $30-million already budgeted for fusion, a number of scientists call the lower priority for this technology "a disgrace." They predict the Soviet Union may be the first to harness fusion.

As Dr. Richard F. Post of the Lawrence Radiation Laboratory at Livermore, Calif., puts it: "We've got two really good horses to ride and we ought to ride them both." He predicts that fusion power will be controlled in the 1980's and be economically "in full swing" by 1990.

Most scientists are somewhat less optimistic. They doubt that fusion will be a practical source of energy until after the turn of the century. A few question whether it will ever be practical.

Fusion's promises seems to make the continued effort worthwhile. Fusion produces few worrisome radioactive wastes except tritium, which most specialists believe can be recycled through the system without significant hazard.

More advanced fusion techniques might lead to direct conversion from energy to electricity, thus bypassing the steam process and its wasteheat inefficiencies. A runaway chain reaction would be unlikely, since the fusion reaction stops if it cools ever so slightly.

Another important advantage it that the most likely fuel for fusion would be one or more forms of hydrogen, such as deuterium, which are derived from sea water. Thirty cubic kilometers of seawater could contain a deuterium energy equivalent to the current inventory of the earth's fossil fuels.

Not all current energy research involves nuclear technology.

A number of researchers are working on processes to remove polluting chemicals from fuels before combustion and on devices, such as improved electrostatic precipitators, to clean stack gases. Utilities are supporting research to improve transmission lines, since up to 20 per cent of the electricity generated is lost in transmission. This will become more critical as power plants are increasingly placed farther from urban centers.

Aircraft engine manufacturers are stepping up the development and sales of gas turbines, which are similar to jet engines, for generating electricity.

Though relatively small, gas turbine plants can be turned on and off quickly to handle a utility's periods of peak demand or as a back-up facility. They can burn a variety of liquid or gaseous fuels, from natural gas to kerosene, switching from one to another at a moment's notice.

One of the more promising lines of research is directed toward converting high-sulphur coal into sulphur-free, pipeline-quality gas—a synthetic form of natural gas.

The Department of Interior's Office of Coal Research is doubling its efforts in coal gasification, aiming toward the operation of a large demonstration plant by 1976. A smaller pilot plant is running in Chicago.

HEATING CRUSHED COAL

The gasification process involves heating crushed coal under very high pressures. Reactions between steam and the coal's carbon give off carbon monoxide and hydrogen. In a series of further reactions, sulphur is removed and the gases are converted to methane, which is what natural gas is.

Dr. Hoyte Hottel, proposed emeritus of chemical engineering at M.I.T., who is making a comparative study of new fuel sources for Research for the Future, Inc., is not optimistic about extracting oil from the plentiful shale deposits in the Western states.

"It requires heating up so much inert material to get a few gallons of oil," Dr. Hot-

tel says. "I'm for leaving it alone until we've made more use of our other resources."

Many other technologies are expected to be investigated through a new National Science Foundation program called Research Applied to National Needs. The largest single item in the program's $81-million budget is energy resource research and analysis.

Through evolving combinations of research, nuclear and otherwise, the nation's engineers, scientists and energy managers hope to find the technological "fix" for the current crises. It is a traditionally American response, this faith that it all can be worked out through some more Yankee ingenuity.

There are those, however, who have some doubts. Even new technologies, they say, may not be sufficient unless Americans learn to curb their seemingly insatiable appetite for more and more energy.

NATION'S ENERGY CRISIS: IS UNBRIDLED GROWTH INDISPENSABLE TO THE GOOD LIFE?—PART III

(By John Noble Wilford)

In searching for ways to meet the nation's soaring energy needs without damaging the environment, some American experts are beginning to question one of this country's most cherished beliefs: the idea that boundless economic growth is indispensable to the good life.

If the environment is finite, according to these social scientists, engineers, economists and environmentalists, then perhaps economic growth has its limits too, particularly the unbridled growh that has characterized the United States almost from the start.

What those limits are, or more specifically how a slow-growth economy would be managed and what the social and political implications of such a policy of national planning might be, are questions that the critics of growth have given little detailed thought to.

But they agree that the changes needed to contain the energy crisis may well prove to be radical since, if the logic of the situation is carried to its end, whoever sets priorities for energy consumption wields enormous power over the economy and over the entire national life style.

They are convinced, in any case, that change of some sort will be essential. As Dr. Barry Commoner, an outspoken Washington University biologist, asserts:

A HOST OF PROBLEMS

"The environment got there first, and it's up to the economic system to adjust to the environment. Any economic system must be compatible with the environment, or it will not survive."

Controlling growth, economists say, would confront the nation with a host of difficult problems. Unemployment could rise. The poor could be locked in their poverty. Education, research and cultural pursuits might suffer. The nation could lose economic and political stature.

Millions of individual decisions traditionally made through the random choices of consumers and the supply-and-demand forces of a relatively uncontrolled economy would have to be passed upward to the national level and made through some form of comprehensive national planning.

Most authorities agree that such far-reaching Government power would run against the American grain and that the American people would not easily accept more controls unless the energy crisis got much worse. What the critics of growth are saying, in a word, is that the crisis is getting worse, and rapidly.

Consumption of all energy souces is rising between 3 and 4 per cent a year, which is faster than population increases and basic economic growth. By the year 2000, according to some projections, there will be 320 million Americans (compared to 203 million now), and they may be using three or four times the current energy output. Hardly a shore or river bank would be without a power plant every few miles.

REEXAMINATION SUGGESTED

"We're not pessimists or doom-mongers. We just see technological reasons to do some new social thinking," says Dr. John List, assistant professor of engineering at the California Institute of Technology's new Environmental Quality Laboratory.

"We've got about 20 years in which to reorganize," Dr. List continues. "Population growth hardly comes into it at all. It's growth in per capita consumption. It's just plain affluence. The only way out of it that we can see is to curb the energy consumption per person. Not exactly a no-growth situation, but slow it draw from this 9 per cent [growth rate] madness."

A recent energy report by the President's Office of Science and Technology stated:

"It may well be timely to re-examine all of the basic factors that shape the present rapid rate of energy growth in the light of our resource base and the impact of growth on the environment."

Even Charles F. Luce, chairman of the Consolidated Edison Company, concedes:

"The answer to all of these environmental and resource problems is that we simply use less goods and services. In other words, that we get off this growth kick our economy has been on throughout the history of our country."

When slow-growth or no-growth ideas are raised, businessmen, economists and engineers usually react with variations of the time-honored principle that growth is progress and progress is good. They stand firm on the premise reflected by John L. O'Sullivan, the American editor credited with coining the expansionist expression "manifest destiny." Said Mr. O'Sullivan in 1845: "The only healthy state of a nation is perpetual growth."

BASIC LAW OF BIOSPHERE

But a crisis; if not completely catastrophic, can change thinking patterns and give impetus to social invention, as the economic crisis of the Depression years did in this country. To ecologists, such radical thinking is once again a necessity.

One of the basic laws of the biosphere is that energy, when expanded, ends up as heat—the warmth of a stove or light bulb, the blast of an industrial furnace, the heat of an auto engine and the heat emitted by power plant stacks and cooling waters.

In power plants, conventional or nuclear, only 30 to 40 per cent of the fuel's heat is converted to electricity, and engineers doubt there can be any significant improvements in efficiency for at least two or three decades. Consequently, some 60 per cent of the heat is released in a concentrated dose at the power plant site and the other 40 per cent over the points of use, primarily the urban areas.

At some point, scientists caution, the cumulative effects of power generation could alter global climate.

CUTBACK WILL NOT BE EASY

Slowing down the rate of increase in energy consumption will not be easy. It would not help much to abolish many of those gadgets of affluence, such as the electric toothbrush or electric carving knife. Each uses less than 8 kilowatt hours a year.

The big residential consumers are refrigerators, electric air-conditioners, freezers—all considered necessities by the "haves" and desired objects by the "have-nots." New Yorkers, for example, may not want Con Edison to spoil the Hudson Valley any more with power plants—but they keep buying more air-conditioners.

And residential consumption is slightly less than a third of the total. According to the Edison Electric Institute, 41 per cent of electricity is consumed by industry, 32 per cent residential, 23 per cent commercial (stores, shopping centers, office buildings, hospitals, etc.) and 4 percent others (street lights, subways, etc.).

How to slow down growth—through restrictions on energy consumption or reductions in economic development in order to curb energy demand—is something most economists would rather not contemplate. Adam Smith, in "The Wealth of Nations" two centuries ago, summed up their position:

The progressive state is in reality the cheerful and the hearty state to all the different orders of the society. The stationary state is dull; the declining, melancholy."

Some economists, like Yale University's Dr. Henry C. Wallich, dismiss no-growth ideas as "absolute bunk."

They see more unemployment as the most immediate and deplorable effect. According to a "law" worked out by Dr. Arthur Okun, a senior fellow at the Brookings Institution and former economics adviser to President Johnson, the nation's basic economy must grow at a rate of 4 to 4½ per cent annually to absorb the growing labor force and increases in productivity, the output per man-hour. A 1 per cent drop in economic growth would thus lead to a one-third of 1 per cent rise in unemployment.

"BEAUTIFUL THOUGHTS"

Any fundamental curbing of energy consumption, economists say, would mean stabilizing the gross national product, the total output of goods and services, which currently runs at an annual rate of slightly more than $1-trillion.

The only remotely realistic way to do that, the economists add, is to reduce the hours people work each week. It would mean asking people to trade added income for more leisure, to sacrifice future increases in their standard of living.

"What are they going to occupy their time with?" Dr. Wallich asks. "Religious contemplation, art, beautiful thoughts?"

The effect this could have on poor people presents a serious problem. Methods often suggested for reducing energy consumption, such as substantial price increases, would hit the poor hardest.

For a person in Harlem or Watts it could make the difference in having air-conditioning, or even a fan. More important, it could cost him his job. The increases could also hurt the users of subways and other electric mass-transit operations, but not the people who ride to work in automobiles, which are responsible for great amounts of pollution.

For these reasons, critics often call slow-growth ideas an "elitist" attitude, which one industry executive described as "I've got mine, Jack, let's stop here."

Critics of the critics, however, say the impact on the poor could be ameliorated through income redistribution and other social legislation. Besides, they say the argument is often used by "people who never really gave a second thought to poor people before."

Another argument against curbing energy production is that cleaning up the environment will take more, not less, energy. W. Donham Crawford, president of the Edison Electric Institute, contends:

"If you want to replace the internal-combustion engine with mass transit in our polluted cities, if you want to recycle aluminum and steel cans into useful products, if you are going to try to clean up the sewage and rivers and lakes, if you're going to clean the air, it will take enormous amounts of electricity."

CONFLICT OVER TIMING

But the conflict between many economists and ecologists may be over matters of timing and magnitude rather than of principle.

Dr. Walter W. Heller, University of Minnesota professor and former chairman of the

Council of Economic Advisers under President Kennedy, says:

"I think of growth as a source of the problem, but also as a solution. We're doing a bad enough job in the face of growth. An absence of growth would be a corrosive factor in solving our problems. But we must, in time, redirect the proceeds of growth, and the first claim should be on repairing the ravages of growth."

It is also possible that growth rates will begin to taper off because of natural economic and cultural forces.

In California, as in many fast-growing states, there is a shift in construction from single-family homes to multiple dwellings; an apartment uses about two-thirds the electric power of a single-family house. Lower birth rates will mean a decrease in the labor force's growth 20 years from now, and there is already a gradual shift in the labor force from manufacturing to less power-demanding service and trade occupations.

Even without additional taxes or surcharges to support research and to discourage over-use, all forecasters predict considerably higher costs of energy, perhaps 50 per cent increases in the decade. This would be a result of resource scarities and the costs of anti-pollution measures.

And it just may be that there is a saturation point for human energy needs. How many more cars and air-conditioners and appliances can the American middle classes need or want? Perhaps the consumers' boom will cool off. Perhaps at some point most growth in energy demand will reflect population gains and the acquisitions of poorer people.

END TO "EXPONENTIAL CURVES"

This could bring to an end the "exponential growth curves" that have been the pattern all this century—that is, the doubling of electricity consumption every 10 years. It has to end sometime, through some natural or willed deceleration, because, as Dr. Dennis Gabor, the British technologist, says:

"Exponential curves grow to infinity only in mathematics. In the physical world, they either turn round and saturate, or they break down catastrophically."

In random but not insignificant ways, Americans are showing signs of turning away from reflex Chamber-of-Commerce boosterism to a more selective approach toward growth.

Cancellation of the supersonic transport was the most dramatic expression of such a questioning attitude, Dr. John Kenneth Galbraith, the Harvard University economist, calls the SST decision "historic" because "for the first time we decided the advantages of a new type of growth were outweighed by the disadvantages."

Similar public protests killed proposals for a jet airport in the Everglades and the Cross-Florida Barge Canal.

BASIC SOCIAL ISSUES

But to embark on a conscious policy of curbing growth, raises fundamental social questions that go much deeper than the economics of living. They strike at the heart of American ethics and philosophy.

"Up till very recently, man has inhabited, psychologically, a virtually unlimited flat earth," says Dr. Kenneth E. Boulding, a University of Colorado economist, explaining the potential impact of the finite-earth concept on man's thinking. "There has always been somewhere to go over the horizon, some boundary to the known world beyond which there were further worlds to explore. Now this long period of human expansion has suddenly come to an end. We are living in just so big a house and there are only so many things that can be done with it. The psychological impact of this shift has barely begun to be felt."

Advocating a new "ecologic ethic," Dr. Garrett Hardin, professor of biology at the University of California at Santa Barbara, says:

"The ethical system under which we operated in the past was possibly adequate for an uncrowded world. But it is not adequate for a world that is already critically overcrowded, a world in which it is increasingly difficult for anyone to do anything at all without seriously affecting the well-being of countless other human beings."

No crisis so complex can be easily solved, but the few ideas being discussed generally involve the types of social innovations that may be necessary to match the nation's technological capabilities. The ideas center on some kind of national energy policy in the broader context of national economic and environmental planning. As a beginning, air, and water and other environmental standards are being established on a national basis for the first time.

NEW IDEAS DISCUSSED

Writing in the summer issue of The American Scholar, Dr. Peter L. Marks, professor of biology at Cornell University, went so far as to advocate abolishing all state, county and city governments and replacing them "with regional governments based on ecological boundaries," such as a watershed.

Since he joined the General Electric Company last year, Dr. Thomas O. Paine, former head of the National Aeronautics and Space Administration, has initiated a "strategic study" of the nation's energy situation. The study, which is not yet completed, explores such ideas as regional land-use and water planning, a national energy system of interconnected transmission lines and priorities for resource exploitation and technological development.

These represent the probing first steps as the nation learns to make the transition from what Dr. Boulding of the University of Colorado, calls the "cowboy economics" of unfettered growth to the planned, orderly growth of "spaceship economics," the concept of man's dependence on a finite enclosed life-support system known as earth.

The energy crisis reflects the difficulty of that transition, the slow weighing of the costs of radical social change against the costs of letting things go unchanged. The crisis also confirms the agonizing truth of Buckminster Fuller's words.

"Now there is one outstanding important fact regarding Spaceship Earth," Mr. Fuller, the inventor, says, "and that is that no instruction book came with it."

MANMADE CALAMITY IN EAST PAKISTAN

Mr. SAXBE. Mr. President, I invite the attention of Senators to further press accounts concerning the manmade calamity in East Pakistan.

On Monday I called upon the World Bank to make the Cargill report available to Congress—CONGRESSIONAL RECORD, July 12, 1971, page 24485. On Tuesday, the New York Times published excerpts from this report and I commend it for taking this action. However, I would still desire to read the full text of this report. It would be most helpful in light of the Saxbe-Church amendment to suspend economic and military aid to the Government of Pakistan until distribution of food and other relief measures, supervised by international agencies, take place on a regular basis throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan.

The World Bank report is said to have concluded that new international development "will have to remain in a state of suspension for at least the next year or so."

The Saxbe-Church amendment now has 30 cosponsors. Today I am pleased that the Senator from Maryland (Mr. BEALL) has decided to join us, and I ask that his name be added as cosponsor of amendment No. 159 to S. 1657, the International Security Assistance Act of 1971. Offering graphic testimony to the realization that the situation in East Pakistan has deteriorated to such an extent, our amendment now has nearly one-third of the Members of this body as cosponsors.

Mr. President, I ask unanimous consent that a number of articles on Pakistan be printed in the RECORD.

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

[From the Far Eastern Economic Review, June 19, 1971]

SOUL ON ICE

Syngman Rhee, Ngo, Diem, the Greek colonels, Trujillo . . . the list of despots propped up by United States troops and money since the war is long and shameful. But America, however despicable the conduct of its various satraps, has never supported one whose behaviour produced wanton death and destruction on a scale approaching the atrocities inflicted on the people of East Pakistan since March. This time, the "imperialists" cannot be held to account for murders by the tens of thousands, the barbaric treatment of innocent civilians and the desperate flight of six million Bengalis to India. This time the accusing finger points towards Peking. Conscious of the outrages perpetrated against China's millions in the past century, Peking's friends now witness what seems a partnership in destruction between West Pakistan and China. They can only wonder what tortuous opportunism makes Peking dare to announce in the midst of the carnage in East Pakistan increased aid for a military government which deliberately decided to veto the electoral triumph of East Pakistan's Sheik Mujib—a government which has unleashed a ferocious soldiery armed with Chinese weapons upon a people which had long hailed Mao Tse-tung as its hero.

War, genocide, famine and epidemics, the cynics would say, have been Asia's natural lot. East Pakistan, on this reckoning, is no more than an extreme instance of the catastrophes which periodically engulf the region. But China's indifference to the destruction of the Bengali community of East Pakistan tarnishes its image of political good faith. Peking has proclaimed its devotion to the cause of popular revolution against unjust tyrannies and suppression of the masses by force. It has derided the politics of expediency. It has proudly pledged that, unlike the Soviet "social imperialists", it will never let the cries of the oppressed go unheeded. Yet now China, by insisting that the East Pakistan tragedy is an internal problem and that the Chinese will defend the military administration of Yahya Khan against outside intervention, is playing by the rules it despises.

If the same argument is applied to Indochina, Peking's grounds for supporting the assistance rendered by North Vietnam—kinship, culture and a common revolutionary history—to the South Vietnamese, Cambodians and Laotians are totally eroded. Peking, together with the rest of Asia, is anxious to prevent a military confrontation between India and Pakistan over the fate of the Bengalis. But its approach to New Delhi has been confined to allowing Pakistan's government to utter threats which quoted Chou En-lai's pledge of suport against India. Ignoring the fact that the minority section of a country is butchering an under-

privileged majority on racial grounds, it has made no effort to force Islamabad to control the savagery of its battalions.

China has never pretended revolutionary principles take first place over national interests. But, in this case, "national interests" seem unprecedentedly suspect. Contrary to the cynics' judgement, Asian memories are not short. Peking should enquire among its own people whether they have expunged from their souls the horrors of the Japanese invasion. The moderation shown by China in dealing with border problems, its willingness to permit accommodations with such formerly implacable foes as Malaysia and the Philippines and its shrewd response to the United States' attempts to patch up relations after two decades of hostility, are proof that China is ruled by men whose minds are far from mean or incapable of burying the past for China's future benefit. But these very virtues make China's policy towards East Pakistan—where it has the power to stop the carnage tomorrow—all the more alarming.

China is not alone in letting East Pakistan die an agonising death. The United Nations has tried desperately to shuffle off any involvement. Western governments shrug their shoulders and blame the disaster on the permanent quarrel between India and Pakistan. But, where others have shown difference, China has lent the hangman more rope. In showing itself no more moral—and, startingly, possibly less—than the rest of the international family of nations, China has jettisoned its revolutionary soul.

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

WORLD BANK PANEL SEES DELAY IN AID FOR EAST PAKISTAN—SUGGESTS DEVELOPMENT HELP BE HELD UP BECAUSE OF RAVAGES BY MILITARY—VAST FOOD FLOW URGED—RESTORATION OF CIVILIAN RULE IS VIEWED AS ONLY PATH TO RETURN TO NORMALCY

(By Tad Szulc)

WASHINGTON.—A special World Bank mission has concluded that East Pakistan has been so ravaged by the West Pakistan military crackdown that new international development efforts "will have to remain in a state of suspension for at least the next year or so."

The mission's report, which has been obtained by The New York Times, is based on visits to East Pakistan between May 30 and June 11 to assess the effects of the central Government's suppression of the Bengali separatist movement.

The report also recommended massive food shipments to prevent starvation as a result of the disruption transportation and agricultural production in the rice-growing province.

RETURN TO CIVILIAN RULE URGED

According to the mission of the International Bank for Reconstruction and Development, East Pakistan is most unlikely to return to normal "until there is a drastic reduction in the visibility—and, preferably, even the presence" of the West Pakistani military and the reestablishment of civilian administration.

Since the army crackdown began March 25, at least 200,000 people, many of them Hindus, are reported to have been killed and in excess of 2.5 million people have become refugees in India.

On the basis of the 10,000-word report the World Bank recommended June 21 against new assistance to the Government of President Agha Mohammad Yahya Khan by an 11-nation consortium aiding Pakistan.

NO IMPROVEMENT SEEN

The mission, which was headed by a Briton, I. P. M. Cargill, director of the World Bank's South Asia department, emphasized that there were no signs that "normality is being approached or that matters are even moving in that direction" or that "the situation will improve significantly or rapidly."

It said that the two most formidable constraints that must be removed are "the general sense of fear and lack of confidence on the part of most of the population" and "the complete dislocation of the communications system."

"Perhaps most important of all," the report added, "people fear to venture forth and as a result, commerce has virtually ceased and economic activity generally is at a very low ebb.

"There is also no question that punitive measures by the military are continuing, as considered necessary by the martial-law administration; and whether directed at the general populace or at particular elements, these have the effect of fostering fear among the population at large."

"Insurgent activity is continuing" the mission found, and "this is not only disruptive in itself, but also often leads to massive army retaliation."

"In short, the general atmosphere remains very tense and anything but conducive to the resumption of normal activities in the province as a whole," the report said.

Because of the controversial and politically delicate character of the report—the United States, for example, holds that international assistance to the Pakistani Government should be maintained—its contents have been kept secret.

ACTION BY M'NAMARA

On Saturday Robert S. McNamara, the bank's president, authorized its distribution on a confidential basis to the institution's 21 executive directors and alternates, which made it available to the United States Government through the United States executive director, Robert E. Wieczorowski.

An eyewitness account of the situation in the western section of East Pakistan, written by Hendrik van der Heijden, an economist and mission member, described the town of Kushtia as looking "like a World War II German town having undergone strategic bombing attacks" as a result of 12 days of "punitive action" undertaken by the West Pakistani Army.

Mr. van der Heijden reported that "90 percent of the houses, shops, banks and other buildings were totally destroyed" and that the population "was down from 40,000 to 5,000."

"Kushtia, as someone told me is the Mylai of the West Pakistani Army," he wrote. "There was only one reaction: to confirm that impression."

He reported that in Jessore, another East Pakistani town, some 20,000 people were killed and the city center was destroyed. "Virtually all economic activity has come to a halt," he added.

"Generally, the army terrorizes the population, particularly aiming at the Hindus and suspected members of the Awami League," Mr. van der Heijden said. The Awami League, which was East Pakistan's dominant political party, was banned when the military action began.

A TOWN "DEMORALIZED"

In the farm community of Khulna, the World Bank official wrote, "agriculture was in a shambles, the people demoralized."

Mr. van der Heijden noted that on the level of the farm communities, known as Thana, "the shock waves of the army action hit the hardest; it was at this level where the hope for agricultural development was." The hope has been set back by at least five years, he added.

"It is doubtful whether any government can effectively deal with these people in the near future," he said of the communities' residents.

The over-all report, drawn from accounts by mission members who toured East Pakistan, described the disruption of economic and social activity and said:

"The situation is very far indeed from normal; nor are there any signs that normality is being approached or that matters are even moving in that direction."

Discussing the "minimum conditions for normalization," it said that "it is most unlikely that any significant movement will occur" unless "normal civilian administration" is restored.

CALLED MOST CONTROVERSIAL

That, according to authoritative bank officials, is the most controversial aspect of the report because the recommendation that the army be removed touches upon the central political issue in the conflict. It is tantamount, they said, to a demand that President Yayha Khan reach a political accommodation in East Pakistan—meaning autonomous rule by the Awami League, which won an election last December.

The view taken by high World Bank officials is reported to be that the Government would divert funds originally earmarked for the eastern province to bolster the western economy, which has also suffered seriously. That view has also been taken by Britain and Canada, but the United States, despite its public urgings of a political accommodation, refuses to deny economic assistance.

United States officials were unable to say whether the visits to India and Pakistan last week by Henry A. Kissinger, the White House special assistant for national security affairs, would result in a change in policy. That includes the honoring of export licenses for military equipment issued before March 25.

As far as can be ascertained, the Nixon Administration believes that East Pakistan's inability to resume normal economic development should not deter the international community from maintaining high levels of aid to the central Government. The Administration has asked Congress to authorize $118.3-million in economic aid for the current fiscal year.

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

EXCERPTS FROM WORLD BANK GROUP'S REPORT ON EAST PAKISTAN

(WASHINGTON.—Following are excerpts from a report by a mission of the International Bank for Reconstruction and Development that visited East Pakistan last month and from a report on a survey of the western area of the province by Hendrick van der Heiden, an economist and member of the mission. The reports were obtained by The New York Times.)

MISSION'S REPORT

The situation is very far indeed from normal; nor are there any signs that normality is being approached or that matters are even moving in that direction. For this picture to be changed it appears that, as a minimum, two formidable constraints must be removed or overcome.

[1]

The general sense of fear and lack of confidence on the part of most of the population.

The immediate manifestations of this fear and absence of confidence are the persistent failure or refusal to report for duty, which is particularly prevalent among the lower grades of civil servants and workers but is far from absent at the higher levels, and the general hesitation of those who have returned to expose themselves either physically or in the realm of policies and ideas. Few are functioning properly. The effects are evident throughout the administration and the private sector, as well as in the [lack of] interaction between the two; and the result is recorded in the nonresumption of normal activity throughout the economy.

Furthermore, there are no signs that the situation will improve significantly or rapidly. Two dates—April 21 and June 15—were set by the Government for all workers to return to their jobs without prejudice. The second date has now passed, and still the

calls and professions of "normalcy fast returning to complete normalcy" are going out. But people remain afraid and untrusting, and it is most unlikely that economic pressures can or will be generated which are sufficiently strong to overcome this reserve.

If the condition of fear in the countryside should come to exceed that in the cities or if there should be a general failure to solve the food problem, resulting in wide spread starvation, workers and people generally might be forced back into the cities and towns in large numbers. But neither of these solutions is in any way desirable.

[2]

The complete dislocation of the communications system.

Its major manifestation is almost complete absence of movement of people (except within towns) and of the exchange of goods between regions and sectors anywhere within the province. So long as it continues, this situation will exert a strong negative effect upon all efforts to revive the economy and to meet the basic needs of the population—including, in particular, their food requirements.

Minimum conditions for normalization

In the present political circumstance, it is impossible to predict what might constitute a sufficient set of conditions for a normalization process to begin. There are, however, a number of necessary conditions.

First, it is most unlikely that any significant movement in the direction of normality will occur until there is a drastic reduction in the visibility—and, preferably, even the presence—of the military and a re-establishment of normal civilian administration in East Pakistan. Secondly, the food problem must be solved. For the present, this means programing the massive imports which will be required over the next 12 months, and re-establishing—by some combination of permanent and temporary measures—an adequate transport and distribution system. Thirdly, any remaining available resources must be directed first to rehabilitation and reconstruction and to breaking the most important and most persistent physical and organizational bottlenecks impeding efforts to get the economy going again.

One implication of this set of priorities is that the development effort will have to remain in a state of suspension for at least the next year or so. On the whole, this is certainly inevitable; however, there are some areas of extremely high priority where development programs should be resumed at their previous—or even higher—levels at the earliest opportunity. A list of such areas would include as a minimum: rice research, jute research (market) and promotion, seed production and improvement (rice and jute), food storage and distribution and rural infrastructure—including the rural works, irrigation and integrated rural development programs.

ECONOMIST'S REPORT

Jessore

Approaching Jessore, it became soon clear that this was the area where the army punitive action had been very severe: From the air, totally destroyed villages were clearly visible, a building was still on fire, and to the eastern side of the runway a good many houses had been destroyed. The airport was heavily guarded by armed forces, who also controlled access to the airport.

The authorities estimate that the population of Jessore itself is down from 80,000 to 15,000–20,000. Some 20,000 people were killed in Jessore. The city's center has been destroyed; commerce has come to a standstill. More than 50 per cent of the shops have been destroyed.

Damage to housing in Jessore district is so severe that the authorities estimate that some 450,000 people have been affected out of a total district population of 2.5 million. Half a million people have fled to India.

The Jessore area is by no means secure. Government officers cannot any more easily enter the villages as they run the risk of being shot by the "miscreants." A number of these incidents took place in the week before I arrived, and the army is reacting to these incidents by burning down the villages from which these shots are being fired. Generally, the army terrorizes the population, particularly aiming at the Hindus and suspected members of the Awami League.

Khulna

Khulna City has been substantially damaged. Very heavy destruction was observed in the areas alongside the road and along the river leading up to the newsprint factory and the Platinum Jubilee jute mill. As a result of the disturbances, the destruction of houses and the continuing uncertainty regarding life and property. The population of greater Khulna is down from 400,000 to 150,000.

The administration of Khulna district was back to 80 per cent of its original strength. There are serious police shortages, but the situation is improving. Some senior police officers have been recruited from West Pakistan. The road to Jessore and Kushtia is generally unsafe, particularly at night. Schools are open, but attendance is very poor. The Polytechnic institute, as well as colleges, however, have not yet started.

The main problem affecting Khulna is communications: The telephone system works but mail service is very irregular. There is only marginal truck traffic on the roads: Less than 5 per cent of normal. The army has requested many vehicles and launches, including Government vehicles, and many have been taken to India. Rail service is off by 50 per cent. There are very few buses on the road. Spare parts are a problem. Shortages of kerosene, edible oil and diesel oil exist in the villages.

The area surrounding the Platinum Jubilee jute mill has undergone very substantial damage. In fact, the destruction of houses and buildings reminds of Arnheim in 1944. Also, many workers' houses destroyed. The area is deserted now. Less than 7 per cent of the mill's permanent labor force had returned to the job.

The Khulna thermal power station was supposed to have been completed by mid-1971. However, there is now a six months' delay in commissioning the plant; the Czech consultants have left, as have the Czech erection supervisory staff. Forty-five per cent of the staff has not yet returned to the job.

Mungla

The city of Mungla, the town where the labor for Chalna Anchorage lived, have been virtually obliterated by naval shelling. The population, therefore, is down from 22,000 to 1,000. Damage was extreme: Houses, the market place, the telephone exchange, power distribution lines, etc. are all totally destroyed.

Phultala

Perhaps the most impressive visit I made was to Phultala. Fifty per cent of the population of this Thana has fled (some 20,000 out of a total of 42,000), mostly Hindus, leaving behind unattended plots of land, houses, etc. Everything had been disrupted there: The livestock officer had been killed, the whole administration was in chaos, the people bewildered. It is doubtful whether any Government can effectively deal with these people in the near future. It is at the Thana lever where the shock waves of the army action hit the hardest. It was at this level where the hope for agricultural development was. It has been set back by at least five years.

Khustia

It was only April (some 20 days after the army moved into Dacca), that the army moved north from Jenidah and into Khustia. There must have been very strong resistance. When the insurgents withdrew the army punitive action started. It lasted 12 days and left Khustia virtually deserted and destroyed. The population was down from 40,000 to 5,000. Ninety per cent of the houses, shops, banks and other buildings were totally destroyed. People were sitting around dazed. When we moved around everyone fled. It was like the morning after a nuclear attack. The people were terrified and still shocked and dazed. I asked them to show me a shop where food was being sold: It was in the next ninety minutes impossible to find one.

[From the New York Times, July 14, 1971]

PAKISTAN CONDEMNED

The report of a World Bank mission to East Pakistan last month is a devastating indictment of the West Pakistani military crackdown in Bengal. It strongly challenges the Administration's policy of continuing both military and economic support for the Yahya Khan regime in Islamabad.

Excerpts from the report, published in this paper yesterday, tell of death and destruction throughout the region. A mission member describes the Bengali town of Kushtia, for example, as looking "like a World War II German town having undergone strategic bombing attacks" as a result of twelve days of "punitive action" by the West Pakistani Army. The Army, he reports, "terrorizes the population, particularly aiming at the Hindus and suspected members of the Awami League."

This official confirmation of earlier widespread reports of barbaric action in East Pakistan renders inexcusable any further shipment of American military equipment to the Pakistani armed forces. Military supplies already en route to Pakistan can and should be promptly diverted, just as food shipments were diverted from Chittagong soon after the outbreak of fighting. There are clear grounds for suspending all further military and economic aid to the Pakistani Government, excepting relief supplies, until the reign of terror in East Pakistan is ended and steps are taken to restore power to elected representatives of the people who are currently in prison or in hiding.

The World Bank also offers strong practical grounds for a moratorium on development assistance. Contrary to Pakistani Government claims, the mission reports that "the situation is very far indeed from normal, nor are there any signs that normality is being approached or that matters are even moving in that direction." Citing disruption in East Pakistan caused by "the general sense of fear and lack of confidence on the part of most of the population" and "the complete dislocation of the communications system," the report concludes that new international development efforts "will have to remain in a state of suspension for at least the next year or so."

Ten members of the eleven-nation Aid to Pakistan consortium apparently concurred with that finding when the group met in Paris last month. The United States inexplicably did not. Continuation of American development assistance to Pakistan is incomprehensible in the face of that international consensus and of the damning evidence contained in the World Bank report.

[From the New York Times, July 14, 1971]

WEST PAKISTAN PURSUES SUBJUGATION OF BENGALIS

(NOTE.—The following dispatch was written by the New Delhi correspondent of the New York Times, who was expelled from East Pakistan on June 30.)

(By Sydney H. Schanberg)

NEW DELHI.—Army trucks roll through the half-deserted streets of the capital of East

Pakistan these days, carrying "antistate" prisoners to work-sites for hard labor. Their heads are shaved and they wear no shoes and no clothes except for shorts—all making escape difficult.

Every day at the airport at Dacca, the capital, planes from West Pakistan, over a thousand miles across India, disgorge troops dressed in baggy pajama-like tribal garb to appear less conspicuous.

Street designations are being changed to remove all Hindu names as well as those of Bengali Moslem nationalists as part of campaign to stamp out Bengali culture. Shankari Bazar Road in Dacca is now Tikka Khan Road, after the lieutenant general who is the martial-law governor of East Pakistan and whom most Bengalis call "the Butcher."

Those are but a few of the countless evidences, seen by this correspodent during a recent visit to the eastern province, that Pakistan's military regime is determined to make its occupation stick and to subjugate the region of 75 million people. The West Pakistanis are doing so despite a crippled economy, the collapse of governmental administration, widening guerrilla activity by the Bengali separatists, mounting army casualties and an alienated, sullen popoulation.

To insure troop strength in East Pakistan, the Government has leased two Boeing 707's for a year from a private Irish-owned charter airline, World Airways, to carry reinforcements for an army put at 70,000 to 80,000 men and replacements for casualties.

In addition to the daily troops arrivals, the Government is bringing in wave upon wave of West Pakistanis to replace East Pakistanis in Government jobs. No Bengali is trusted with a responsible or sensitive post; even the man who cuts the grass at the Dacca airport is a non-Bengali.

Few Bengali taxi drivers remain. Their jobs have been given to non-Bengali Moslem migrants from India such as the Biharis, who have identified and sided with the West Pakistani-dominated Government and who are serving as the army's civilian arm, informing and enforcing.

The West Pakistanis are discouraging the use of the Bengali language and trying to replace it with their own, Urdu. Soldiers tell the Bengalis disdainfully that theirs is not really a civilized tongue and that they should start teaching their children Urdu if they want to get along. Merchants, out of fear, have replaced their signs in English because they don't know Urdu.

"PEACE COMMITTEES" FORMED

Throughout East Pakistan the Army is training new paramilitary home guards or simply arming "loyal" civilians, some of whom are formed into peace committees. Besides Biharis and other non-Bengali, Urdu-speaking Moslems, the recruits include the small minority of Bengali Moslems who have long supported the army—adherents of the right-wing religious parties such as the Moslem League and Jamaat-e-Islami.

In the election last December those parties failed to win a single seat for East Pakistan in the National Assembly.

In a sense the election spawned the crisis, for the Awami League, an East Pakistani party campaigning for more self-rule for the province, unexpectedly won a national majority. With the previously suppressed Bengalis about to assume a strong national role, the leading political group of West Pakistan, the Pakistan People's party, refused to attend the coming session of the National Assembly, which was to have written a new constitution to restore civilian rule. President Agha Mohammad Yahya Khan responded by postponing the session, set for March 3.

NEGOTIATIONS AND ATTACK

Protests and rioting erupted in East Pakistan, and the Bengalis answered the Awami League's call for a noncooperation movement in defiance of the military.

The President flew to Dacca to negotiate with the Awami League leader, Sheik Mujibur Rahman. During their negotiations, on the night of March 25, the army launched a surprise attack on the largely unarmed civilian population to try to crush the autonomy movement. The league was banned and Sheik Mujib jailed as a traitor.

The initial Bengali resistance—led by men in the police and national army who had switched allegiance—was quickly routed, but it is now emerging from its Indian-border sanctuaries, with new recruits and supplies, to wage Vietnam-style guerrilla warfare—and cause increasing torment to the army.

Since the offensive began the troops have killed countless thousands of Bengalis—foreign diplomats estimate at least 200,000 to 250,000—many in massacres. Although the targets were Bengali Moslems and the 10 million Hindus at first, the army is now concentrating on Hindus in what foreign observers characterize as a holy war.

The West Pakistani leaders have long considered the Hindus as subverters of Islam. They now view them as agents of Hindu India, which has been accused of engineering the autonomy movement to force Pakistan's disintegration.

Of the more than six million Bengalis who are believed to have fled to India to escape the army's terror, at least four million are Hindus. The troops are still killing Hindus and burning and looting their villages.

West Pakistani officials insist, however, that normalcy is returning and have appealed to the Hindus to "return to their homes and hearths," assuring them that they have nothing to fear. Only a handful of refugees have returned and the reception centers the Government has erected to show foreign visitors remain largely deserted.

SEEKING RESTORATION OF AID

Army commanders recently spread the word that low-caste Hindus were welcome to return to their homes. Observers view the gesture cynically, pointing out that without the low-caste Hindus—menial laborers, sweepers and washermen—the army has no one to do its dirty work.

Apart from the refugees in India, there are in East Pakistan millions of displaced Bengalis who fled their home when the army came and are still afraid to return.

Recently there have been signs that the troops have been ordered to carry out their operations more subtly and less in the public eye. The orders, according to foreign diplomats, are inspired by Pakistan's desire to persuade an 11-nation consortium to resume economic aid, temporarily suspended in censure of the army repression.

[A special mission of the International Bank for Reconstruction and Development, which coordinates the aid program, has reported that the ravages by the military in East Pakistan will require that development efforts be suspended for at least a year. The mission made a widespread survey of the province in May and June.]

Diplomats in Dacca attribute Pakistan's decision to allow foreigners to travel freely through East Pakistan and to readmit foreign newsmen—who had been barred since the offensive began except as participants in Government-guided tours—as part of the campaign to restore the aid.

Nonetheless the killing though it is more selective and less wholesale, has not stopped, and the outlook, most observers believe, is for a long and bloody struggle.

BENGALIS PASS THE WORD

Foreign missionaries, who are posted even in the remotest parts of East Pakistan, report new massacres almost daily. One missionary said that the army recently killed over 1,000 Hindus in a day in a section of Barisal District, in the South. Another reported that in Sylhet District, in the northeast, a "peace committee" called a meeting of all the residents of one area, ostensibly to work out a reconciliation. When everyone had gathered troops arrived, picked out the 300 Hindus in the crowd, led them away and shot them.

Whenever a Bengali talks to a foreigner in public he is running a risk. At ferry crossings Bengalis sidled up to this correspondent's car to whisper a few scraps of information about army terror or, with a quick smile about a raid by the guerrillas of the liberation army.

As soon as six or seven people gathered a West Pakistani soldier or policeman would saunter over, glowering at the Bengalis, and they would melt away.

The presence of the army and its civilian informers notwithstanding, the Bengalis somehow find a way to tell their stories to the foreign visitor—by slipping notes into his car or arranging clandestine meetings.

At one such meeting in a town not far from Dacca, a merchant related that a soldier arrested him one day for no reason, confiscated his money and watch and took him to the police station, where he was jailed for a night before being—miraculously, he felt—released.

The merchant said he had spent the night praying and reading the messages that covered the walls of his cell—scrawled there by previous prisoners. The messages, he said, were nearly all alike, giving the name and address of the prisoner and the date of his arrest and saying: "I may not live. Please tell my family what happened to me."

Not one of them has been heard from since, the merchant added.

PROPERTY DAMAGE HEAVY

The killings have been matched by the property damage the army has inflicted everywhere. In the countryside—for miles at a stretch sometimes—villages have been burned to the ground on both sides of the road. In the cities and towns large areas have been reduced to rubble by heavy gunfire.

The Bengali says the troops were simply bent on wanton destruction. The army says that it never fired unless fired upon, but field commanders boast that in most towns there was little or no resistance.

Why all the devastation? they are asked. It was all done by "miscreants," is the stock answer.

Though some Bengalis are trickling back to population centers, most towns still have only half or less of their original numbers. and parts of some areas, like the northwest region, are virtually deserted.

Fields of untended rice are choked with weeds. On jute plots where dozens of farm laborers once toiled only a few bent backs can be seen. East Pakistan's jute, the tough fiber for gunny sacks, is the mainstay of the national economy, being the biggest single export and earner of foreign exchange. All signs indicate that the coming crop will be a poor one.

Even if the crop were good, the jute factories, with much of their skilled labor gone, could not handle it. They are operating far below capacity.

RIVER TRAFFIC HARASSED

The insurgents continue to harass river traffic, trying to disrupt military movements and prevent harvested jute from reaching the factories. They have already sunk several jute barges in the Jessore-Khulna region, a rich jute area.

The East Pakistani tea industry has been even more badly crippled, and the Government has reportedly had to order two million pounds from foreign sources for West Pakistani consumers.

West Pakistan's economy is one of the roots of the bloodshed. Another is the wide ethnic gap between the light-skinned, Middle Eastern Punjabis who dominate in the western

wing and the dark-skinned, Southeast Asian Bengalis of the east. Except for their common religion, Islam, the two peoples are as different as can be.

From Pakistan's formation 21 years ago, the more prosperous western wing with a minority (55 million) of the population, was looked down on and exploited the poorer Bengali majority. The Bengalis grew bitter as they watched the foreign exchange earned in the east go to pay for the West Pakistani-dominated army and build the industries and development projects of the west.

Even the few development projects in East Pakistan have been halted now because of the terror, insecurity and lack of civilian administration in the countryside.

RESISTANCE SEEMS TO GROW

Nevertheless, the military, by rounding up laborers, has finally gotten the key ports of Chittagong and Chalna functioning again at a reasonably effective level, but there are goods to load onto outgoing ships except what was in warehouses before the fighting.

Food shortages are becoming serious in some areas and experts predict that the situation could reach famine proportions unless the army can restore the disrupted transport system and distribute available food.

Such restoration does not seem likely because the Bengali resistance, though still disorganized, appears to be gathering momentum—with increasing assistance and sanctuary, and sometimes covering fire, from India.

Thousands of young Bengalis are being trained in demolition and guerrilla tactics—often on the Indian side of the border, with India providing many of the instructors. The first elements of the new guerrillas are beginning to flow back into East Pakistan.

More and more road and railway bridges are being blown up and electrical power supplies knocked out. Some of the demolition work has been expert. Road mines are becoming common. Often the army, which is on combat alert, cannot get local contractors to repair the damage, so it uses forced labor with meager results.

Outside Comilla not long ago the guerrillas blew a rail bridge. A repair train was sent out with army guards. The guerrillas attacked the repair train in broad daylight, killing the fireman and taking a hostage. The train sped back into town.

PAKISTAN: SEE FOR YOURSELF, YAHYA

(By Werner Adam)

DACCA.—The present crisis in East Pakistan, unlike the natural catastrophe of last November's cyclone, had not left too many marks, said President Yahya Khan in his first press conference two months after military intervention in his nation's east wing. He added that he would soon visit East Pakistan to see the situation for himself.

Such a move indeed is desirable since the president's judgment to date seems to have been based exclusively on reports from his own military chiefs in the east. These reports have reflected exaggerated optimism rather than cool realism. In fact, there are many far worse scars left by the recent man-made calamity than last year's tidal wave. There's no doubt that the Pakistani army won the first round against secessionist forces and succeeded in gaining almost complete control of the province. But a much more difficult problem—which may prove insurmountable at least in the short term—lies ahead. This is to regain the confidence of the defeated Bengalis.

The national flag flying in all villages and towns today is more of a signal of fear than loyalty, depression than hope. East Pakistan's body may still be intact but no blood runs through its veins.

Possibly the most depressing experience for the visitor is to find a ghostly emptiness pervading settlements which once bubbled with life. Millions have fled the towns straddling the main traffic routes running parallel to the Indian border. They may return only when the army has further consolidated its control and proved that it is sincere in its promise that amnesty will be granted. Though Dacca, the capital, and other cities such as Chittagong and Comilla are hesitatingly returning to life, the province as a whole is far from normal.

"What else can you expect after a civil war?" said a West Pakistani civil servant just posted to Dacca. Indeed, what else? But was it really civil war?

It seemed more a battle between Bengalis and non-Bengalis, a bloody collision between totally different ethnic groups regardless of their views on Islam, considered by Pakistan's founders as the binding factor in national unity.

The events of March and April until recently remained a mystery to the outside world. Today they speak for themselves. The headquarters of outlawed Awami League leader Sheik Mujibur Rahman at Chittagong are still caked with blood, a grim memorial to a slaughter of Urdu-speaking Biharis by Bengalis.

Hundreds were killed at the Awami League offices and at a jute mill just outside Chittagong where a kindergarten became the execution centre for women who were first raped and then, along with their children, beheaded.

In Thakurgaon, a town in northern East Pakistan which has a large non-Bengali population, the killing may have been even worse. There I saw hundreds of women crying in the streets—widows of some of the 7,000 Biharis reported to have been massacred.

What happened when the army finally moved can only be imagined. But the story was clearly written in the fearful faces of the town's Bengalis: Whenever a soldier appeared they quickly ducked from view or saluted anxiously.

Even clearer proof of how the rebels acted and the troops retaliated can be seen in the ruins at Khulna, Jessore, Chittagong and many other places. There streets have been almost totally razed. The few buildings left standing are deserted. Most shops remain closed.

After touring the province, talking with army officers, Biharis and Bengalis, it was not difficult to piece together a chronology of events which led to the carnage. President Yahya obviously decided finally on March 23 or 24 to call for army intervention after the failure of his negotiations with Sheik Mujib on the degree of autonomy East Pakistan should have.

Yahya believed he had evidence that the Awami League high command was going to arrest him and capture Dacca airport and Chittagong harbour. The army, according to Major General Rao Farman Ali, responsible for civil administration in the province, also had reason to fear rebellion by the East Pakistan Rifles, the East Bengal Regiment and the police in collaboration with Dacca University students.

When the army finally struck at the East Pakistan capital on March 25 it had three objectives: control of the barracks, the police headquarters and the university. In the night which followed the army apparently made a terrifying example of Mujib's followers. The immediate result was that Bengali forces across the province turned on their West Pakistani officers, killed them and then launched into an orgy of bloodletting, the Awami League action against Biharis at Chittagong being their example.

Major General Rahim Khan, martial law administrator of East Pakistan's Sector I who has his headquarters at Dacca, admitted that five battalions of the East Bengal Regiment (about 4,000 men), about 14,000 members of the East Pakistan Rifles and almost 30,000 police had deserted government ranks. "We are very much ashamed of it," said the general. "That was the first mutiny in the Pakistani army."

Rahim Khan claimed that at the time of intervention only 8,000 West Pakistani soldiers were in the east wing, "but within five weeks we got every inch of East Pakistan under our control".

This seemed a slight exaggeration when other reports were considered. However, in a week of touring the province I did not see a single incident and all army officers insisted that "the war is over". They even scoffed when asked if there was a likelihood of increased guerrilla activity during the monsoon season or of Indian intervention.

Said Rao Farman Ali: "Our only major task left now is to remobilise the economy in general and the communications system in particular." The vital rail link between Dacca and Chittagong, broken by the blowing up of three bridges by the rebels, would be restored by this week, he said. When this was achieved rice and wheat distribution to the northern parts of the province would no longer be a problem.

Asked about the refugee problem, Rao Farman Ali said: "If India would stop its malicious propaganda concerning conditions in East Pakistan and refrain from deliberately creating a refugee problem it would be much easier for us to finally normalise the situation. Nevertheless we are hopeful because the people already have started coming back."

However, the present collaboration between Biharis and the army, held up as an example of the "return to normal" in East Pakistan, must in itself be open to question. The Bengali majority obviously see it as a move directed against them.

For President Yahya, the crucial question is whether to find a political solution which would create confidence, or to sue for confidence and thus pave the way for a political solution. As things stand, his only chance seems to be to offer the Bengalis a political scheme which will provide them with greater autonomy. If the plan he has promised to announce does not include such an assurance, it will be virtually impossible to fill the giant political vacuum created by the outlawing of the Awami League.

INDIA-PAKISTAN—DOUBLE-THINK?

(By Nayan Chanda)

BONGAON.—Perhaps no place is better suited than this Indian border town 57 kilometres north of Calcutta to witness how the tide has turned in the struggle for "Bangla Desh" (East Pakistan). Barely two months ago, while Pakistani forces were still confined to their cantonments and the Mukti Fauj (Liberation Forces) held undisturbed sway over the rest of the countryside, Bongaon had a festive air.

The green-red-and-gold flags of Bangla Desh fluttered everywhere on the road leading to the border with East Pakistan. Tiny paper flags adorned rickshaws doing a roaring business carrying enthusiastic Bengalis to the border for a glimpse of the newly-emerged nation. Student organisations and other social welfare agencies were sending loads of food and medicines for the Mukti Fauj via Awami League volunteers across the border.

Today the flow is reversed. Refugees are streaming out of East Pakistan. In Bongaon the flags have disappeared. Lusty cries of "Jai Bangla" ring out no more. Discussion in the town now centres on the problem of refugees and often ends with bitter accusations against the Indian government for having missed its big chance. "Had New Delhi recognised the Bangla Desh government immediately and sent in military assistance while the Pakistani army was bottled up in its cantonments there would have been by this time a friendly state on our border," said a local doctor. "And now in return for the few

packets of loaves and medicine our boys gave to Bangla Desh we are receiving millions of refugees. What a bargain."

The influx of refugees started as a trickle in early April but soon swelled into a cascade as the Pakistani army tightened its grip. Bongaon which, according to a recent census, had a population of 50,000, in the last two months has received more than 300,000 refugees who, simply by their presence, are threatening to suffocate the town.

The local administration is on the verge of collapse; food is scarce and prices have soared; some roads are almost choked with refugees who have put up pitiful shelters of palm leaves, grass and cardboard. (During the monsoon the road is the only vacant space on which it is possible to camp.) On top of all this has come cholera. One resident noted bitterly: "This is Yahya Khan's way of wreaking vengeance on us for the moral support we gave to Bangla Desh."

Although an oversimplification, the statement may not be totally absurd. There is ample evidence to prove that the exodus is largely at the instigation of Islamabad. The refugees who came in April were mostly fleeing from army slaughter and included a fair proportion of Moslems. In that phase, the army did not discriminate between Awami League supporters—Hindus or Moslems.

But by mid-May, with the re-establishment of military control over the province, refugee numbers suddenly increased and there was a change in their make-up. Overwhelmingly, the refugees who have crossed into India since are from the eight million-strong Hindu community in East Pakistan. They have been forced to leave their homes after having their properties systematically looted by local "peace committee" members. (The "peace committees" were set up by members of the Moslem League and Jamat-i-Islami under direction of the army.)

General Yahya Khan might be hoping to kill two birds with one stone by "generating" refugees. By getting rid of the "secessionists"—Awami Leaguers and Hindus who voted massively for Sheik Mujibur Rahman—he probably is aiming to consolidate Pakistan as an Islamic state. At the same time Yahya might be hoping to ruin the social and economic fabric of eastern India, already in pretty bad shape, by inflicting staggering numbers of refugees upon it.

Indian Premier Indira Gandhi initially hoped that within six months conditions in East Pakistan would be favourable enough for the refugees to return. Hence she preferred to call them "evacuees" on a purely "temporary basis". But already two months have passed and prospects of the refugees returning remain as bleak as ever. Last week 10,000 East Pakistanis who had fled to the north-eastern Indian state of Meghalaya could stand the hunger, disease and inhospitable climate no longer. So they chose to risk the dangers of returning to East Pakistan. But in West Bengal it seems the refugees would rather die of cholera or starvation than go back to their homes.

Mohadev Mondal, a 50-year-old Hindu farmer from Bansberia, in East Pakistan's Khulna district, whom I met in a tattered tent at the end of Calcutta airport, said: "Come what may, we'll not go back. Who can trust the Moslems again? They asked us to vote for the Awami League and we did. But when the war started the same fellows turned Moslem League supporters and looted our house."

The elected Awami League candidates from his constituency—one Hindu and one Moslem—were, he said, "good men". But they fled with their families immediately after the war broke out. "When the Khans (West Pakistanis) became victorious, the local Moslem League chaps and erstwhile Awami Leaguers turned on us—the Hindus. They said 'India is your place, go there'."

Once an owner of 25 acres of land and six buffaloes, Mohadev is now a pauper, surviving on the Indian government hand-out of 400 grams of rice and 200 grams of potato per head per day.

Not only are the people unwilling to return to Pakistan. They are reluctant too to leave West Bengal for other Indian states. Here, despite all the problems, the climate is familiar and the local people speak their language. Other Indian states too are reluctant to take in the destitute refugees, particularly as they are Bengalis who have a reputation for being politically active. With great difficulty, the central government has persuaded Madhya Pradesh, Andhra Pradesh and Orissa to temporarily accommodate some refugees at central expense. But even now the government finds that special trains carrying refugees from Calcutta to Madhya Pradesh have only 20% of their original loading when they reach their destinations—the rest having dropped off along the line through West Bengal.

Central and state officials are worried about the political role the refugees will play if they settle in West Bengal. They are quite aware that homeless, jobless refugees in West Bengal have turned to left extremism. Most of the educated and unemployed today in the state are from rootless refugee families and they have provided the hard-core cadres for leftist parties like the Communist Party Marxist and the Communist Party of India (Marxist-Leninist).

Already 186 industrial units in the state have been closed, leaving more than 50,000 jobless. Thousands of graduates churned out by the universities every year are joining the army of unemployed. If the worst fears materialize and the millions do not return to East Pakistan, the result could be an explosion enveloping the whole of "Bangla Desh" —and that means both "east" and West Bengal.

VIETCONG PEACE PROPOSAL

Mr. MUSKIE. Mr. President, the recent peace proposal advanced by the Vietcong representative in Paris, Madame Binh, suggests there could be a possible breakthrough in the long-stalemated negotiations to end this tragic war. A significant new element in the proposal is the offer to release American prisoners of war if the United States agrees to a total withdrawal by the end of this year. The Vietcong have proposed that the release of prisoners should begin with the commencement of our troop withdrawals, and end on the day of our final troop withdrawal. Apparently the Communists are willing to negotiate about withdrawal of our troops and return of our prisoners without demanding that we negotiate about the political future of South Vietnam.

Mr. President, whatever objectionable elements may be contained in this latest proposal, we should be greatly heartened by this apparent pledge by the other side that the establishment of a date certain for total U.S. troop withdrawals will lead to a release of our prisoners. I urge the administration to seize upon this change in the Vietcong negotiating position to work positively for a negotiated settlement at Paris. We cannot afford another lost opportunity to end our involvement in Indochina.

I have said many times that our total withdrawal must be conditional upon the release of all of our prisoners. The fate of these prisoners in the north and elsewhere in Indochina has been one of the most disheartening aspects of our involvement. Families have waited too long to be reunited or even to have word of American servicemen reported missing in action. Further suffering by these men and their families is intolerable.

Mr. President, last month the Senate and House of Representatives of the State of Maine passed a joint resolution memorializing Congress in respect to prisoners of the Vietnam war. The resolution, which I wholeheartedly support, urges Congress to take all possible steps to gain the release of names, addresses, and state of health of every captive American; to press for the repatriation or removal to a neutral country all sick and wounded prisoners; to urge the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and to bring the pressure of world opinion on the North Vietnamese Government to abide by the terms of the Geneva Convention.

Mr. President, the resolution of the Maine Legislature concludes by expressing on behalf of the people of Maine—and, I am certain, of us all—our sympathy, moral support, and great respect for the unfailing courage of our Americans who are prisoners of war or missing in action and their patient and courageous families.

Mr. President, I ask unanimous consent that the complete text of the joint resolution of the Maine Legislature be printed in the RECORD:

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

JOINT RESOLUTION MEMORIALIZING CONGRESS IN RESPECT TO PRISONERS OF THE VIETNAM WAR

We, your Memorialists, the Senate and House of Representatives of the State of Maine assembled in the regular session of the One Hundred and Fifth Maine Legislature, do respectfully represent that:

Whereas, the Governments of the United States and North Vietnam are parties to the Geneva Convention; and

Whereas, it is the intent of the Geneva Convention that the high contracting parties to the convention insure the proper and humanitarian treatment of prisoners; and

Whereas, the Government of North Vietnam has not conformed its actions to the terms of the Geneva Convention and has shown a blatant disregard for the feelings of the families of prisoners held; now, therefore, be it

Resolved: That we, your Memorialists speaking for and on behalf of the people of the State of Maine, recommend and urge that the Congress of the United States take all possible steps to gain the release of names, addresses and state of health of every captive American; repatriate or remove to a neutral country all sick and wounded prisoners; permit the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and abide by the Geneva Convention, which they have signed, in the sending and receiving of prisoner mail, including shipments of food, clothing, medical supplies and educational and recreational materials and to bring the weight of world public opinion to bear on the Government of North Vietnam to require them to live up to the terms of the Geneva Convention which our government has signed in good faith and with which we are conforming; and be it further

Resolved: That copies of this resolution, duly authenticated by the Secretary of State,

be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the members of said Senate and House of Representatives from this State; and be it further

Resolved: That the Maine Legislature also express, on behalf of the people of Maine, our sympathy, moral support and great respect for the unfailing courage of our Americans who are prisoners of war or missing in action and their patient and courageous families.

FIRST MEMBER OF CONGRESS OF PUERTO RICAN ORIGIN

Mr. JAVITS. Mr. President, the election of my New York colleague, HERMAN BADILLO, to the U.S. House of Representatives, was a first and a landmark for the Puerto Rican community of the United States.

The editorial, published in El Diario, the leading Spanish language newspaper in New York, on May 26, 1971, notes this historic breakthrough. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered printed in the RECORD, as follows:

[From the El Diario (N.Y.) May 26, 1971]

OUR CONGRESSMAN

At last we have a Congressman—our Congressman—Herman Badillo. Not only the Puerto Rican community, not only the 400,000 people whom he represents, but all citizens can congratulate themselves on having a man in Congress who is a tireless worker, sensitive to their problems, responsive to their needs, a man who possesses the conviction and the courage to carry on the struggle in Congress for the poor, the oppressed, and the underprivileged.

Our Congressman has been called "Mr. Urban Affairs," and that he is. More than any man in public life, he is concerned to remove the blight from our cities, and he is determined to take vigorous measures to stop the progressive decay of urban America.

Attempts were made to stop our Congressman's crusade for our city. The most shameful and barefaced was to assign him to the House Agriculture Committee. Had he meekly accepted this assignment he would have lost contact with the problems of the cities. But our Congressman did not accept the assignment. He challenged it—successfully—before the full Democratic caucus and won an assignment to the important and prestigious Committee on Education and Labor.

Less than a week later he led twenty other Congressmen from New York in a vigorous protest against the failure of the U.S. Office of Education to give New York its fair share of funds for bilingual education programs. Together with Congressmen Ryan and Scheuer, he kept up the pressure for more than two months. The result was victory—a million dollar increase in funds for bilingual education for New York.

On March 4th Herman Badillo made his first major speech in Congress. He dealt with the financial crisis in New York and in other cities and he proposed a massive federal loan program to the states and cities. This was not just another proposal, a mere plea, but a well-reasoned, carefully thought-out program that was feasible and practical. Twenty-three Congressmen supported his bill, H.R. 7367, that would end our financial crisis. Wilbur Mills, chairman of the House Ways and Means Committee, has promised to consider the bill next month.

On May 4th Herman Badillo again addressed the House of Representatives, this time to indict the federal programs and laws that were discriminating against Puerto Rico, and to propose a sweeping program of economic development for Puerto Rico. He is now battling for Puerto Rico's full participation in the new welfare reform and social security bill.

Our Congressman has opened four offices in the three communities of the 21st Congressional district. These offices are staffed by full-time professional workers who are fully equipped to deal with the day-to-day needs of his people in New York City. Congressman Badillo has obtained the cooperation of state legislators and city councilmen in making these offices complete legislative centers. And now he is establishing Community Planning Councils, similar to the planning boards he created when he was Borough President of the Bronx.

And all this he has accomplished in the first hundred days since he took office. Unlike most Congressmen, who are silent and acquiescent and content to follow the leadership of old and tired politicians, our Congressman has taken the initiative, has been aggressive in presenting his program, and has assumed leadership in the struggle to make our cities liveable. Our Congressman is a leader, not a complacent, self-satisfied, humble follower.

It is elevating, it is inspiring to see a man fulfill his promise. It is a rare thing these days for a representative to really represent the people. Herman Badillo is fulfilling his promise. As he grows, we grow with him. As we take pride in him, we take pride in ourselves.

NEW JERSEYITES MOBILIZE TO FIGHT POLLUTION

Mr. WILLIAMS. Mr. President, throughout our country there is a rapidly growing awareness of the crisis which has been created by man's careless use and abuse of his natural environment. Citizens, and government officials at every level, are awakening to the urgent need to reverse the pollution trend, and they are launching a multitude of efforts to accomplish that goal.

In New Jersey we are, unfortunately, intimately acquainted with virtually every pollution problem that man has brought about. Therefore, it is appropriate that New Jerseyites should be in the forefront of the effort to clean up our environment.

Recently, newspaper reporter Gordon Bishop, in a 5-part series published in the Newark Star-Ledger, examined some of the ways in which New Jerseyites are mobilizing for the battle against pollution. They include the activities of the State department of environmental protection, municipal environmental commissions, recycling centers, and efforts to conserve areas of particular ecological import in their natural state.

In the first paragraph of his series Mr. Bishop wrote, "A dynamic citizens' force—of young and old alike—is emerging in New Jersey and its mission is to save the State from further environmental destruction." And he goes on to make it clear that this "citizens' force" is made up of people from every walk of life, and every age group. But it is interesting to note that the two groups which provide the backbone of the antipollution workforce are young people and the elderly. In this campaign, young and old are working together closely and enthusiastically, proving that the generation gap is not unbridgeable after all.

Mr. President, I feel that concerned people throughout the country may benefit by learning about some of the things being done in New Jersey to fight pollution. I ask unanimous consent that the series of stories from the Star-Ledger be printed in the RECORD.

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

[From the Newark Sunday Star-Ledger (N.J.), June 27, 1971]

YOUNG AND OLD SWELL RANKS OF ENVIRONMENTAL MOVEMENT

(By Gordon Bishop)

A dynamic citizens' force—of young and old alike—is emerging in New Jersey and its mission is to save the state from further environmental destruction.

As more and more people, homes, cars, highways and factories crowd out the Garden State's disappearing landscape, the air becomes dirtier, the water filthier and the earth more contaminated with garbage and litter.

To stop this unconscionable trend, concerned citizens throughout the state are beginning to get together and organize environmental groups into a grassroots movement capable of changing the business-as-usual conditions before it's too late.

The environmental grass-roots movement is spreading through the Garden State like wild flowers, and is touching everyone—corporate executives, senior citizens, municipal planners, students, businessmen and officials at every level.

It's not uncommon nowadays to see a 70 or 75-year-old conservationist working side-by-side with a teenage "eco-freak" cleaning up a riverbank or littered campsite. They come from all over, from all walks of life, for a single purpose: A better quality of life on the planet.

"The kids today are truly alert, sensitive. They're doing what we never dreamed of doing when we were growing up," said Milton Busz, 74, of Union Township, a retired Newark mailman.

"I live next to a park and I'm constantly picking up trash and cleaning up the parking lot. A couple of boys always pitch in and help me. They seem to know better than adults that you shouldn't throw your garbage anywhere you want," Busz said.

Working as a parttime school-crossing guard in Union, Busz said he can "see the kids getting involved in the environment." He believes they have the ability to stem the rising tide of pollution and effect "radical changes" this decade.

The students at Battle Hill School in Union have learned that working with older people on cleaning up the environment is a natural way to bridge the generation gap.

"We're all in this together—we've all got to work at it," said Carol Burdi, an 11-year-old fifth grader.

"The older people are working with us because they really want us to have a clean place to grow up and live in, like they had when they were young," Carol said.

Her fifth-grade class went to Biertuempfel Park in Union last March and pulled pieces of junk cars and junk from a stream there. "We wore sneakers to protect our feet and worked all day cleaning up the stream," Carol said.

She's also concerned about her family's summer home in Toms River. "We have a place on the lagoon, but the water is polluted and we're trying to do something to stop it."

About the future, Carol said she plans to have "only two children" because of the population explosion. "It's up to us to change everything. It's our future at stake."

Her teacher, she pointed out, shows how "pollution is destroying everything." The Battle Hill School also is trying to educate the students into an "environmental awareness," Carol added.

The citizens' forces in New Jersey began to stir about two years ago, but they're moving on all environmental fronts as if there's no tomorrow.

Here are a few examples of what's happening around the state:

The Springfield Chapter of Save Our Environment has launched a clean-up campaign before planting trees, shrubs and flowers this summer. It also has agreed to work with Union in the future to bring Springfield's recyclable bottles, cans and paper to a regional reclamation center.

Citizens in Peapack and Gladstone have formed a conservation commission and are conducting anti-litter campaigns and compiling human and natural resources data for educational purposes.

The residents of Irvington got officials to create a commission and then developed an ordinance prohibiting the sale of non-returnable and disposable beverage containers after Sept. 1.

After establishing an environmental commission, the citizens of Bridgewater Township launched a recycling program with more than 100 volunteers, salvaging glass, metal containers and paper.

In West Orange, the conservation commission is raising funds to purchase a park that will cost $700,000, and the Mountain High School Anti-Pollution Society has geared up for a communitywide recycling program this summer.

Environmentalists in Washington Township have alerted officials to a local chemical company that wants to remove up to eight million gallons of water a month from the Musconetcong River for cooling purposes. The township's commissioners of environmental protection will make the final official decision, after a study is completed on the impact such a move would have on the ecology.

Snowmobiles in East Amwell will be regulated as a result of action by the local conservation commission, which documented the destruction such vehicles can cause to the landscape.

"Education for Survival" and related environmental courses are being taught in the Madison and Lawrence Township school systems after conservationists insisted upon it.

The Union Township school system operates a Pollution Control Education Center which produces environmental materials such as sound movies and slide shows of New Jersey's rivers, parks and shore resorts. They were the first to film a documentary on the spreading pollution at Barnegat Bay.

A "Wade-In" was staged by the Passaic River Restoration Foundation in Chatham to show how much debris and junk can be pulled out of the river on any day of the week.

Youngsters from the Morristown High School Conservation Club helped to establish Patriot's Path, a nine-mile nature trail along the Whippany River.

Girl Scouts from Bergen County have sloshed around in the Hackensack River, removing junk tires, appliances and other assorted remnants of an affluent society.

Boy Scouts continually conduct clean-up campaigns along major thoroughfares and also put on "Mini-Teach-Ins" as part of its environmental education program.

The Cranford Conservation Commission is campaigning for a Rahway River Watershed Association to protect the ecology of the entire region.

The Bridgewater-Raritan West High School students sponsor public environmental expositions to show the extent of pollution in the North Jersey area.

The Gill School in Bernardsville borrowed several thousand dollars worth of pollution measuring equipment from Research-Cotrell in Bound Brook, to conduct tests of air and water around factories suspected of polluting the environment. The students will present whatever evidence they get to state environmental officials.

Students for Environmental Action in Summit are organizing citizens for the purpose of applying pressure on municipal officials to start enforcing anti-pollution codes.

Highland Park Conservation Commission reclaimed five acres of wasteland off the Raritan River and dedicated it as a nature site. Residents also installed soil erosion barriers.

The Raritan Valley Environmental Protection Council is urging private citizen's suits against alleged polluters under existing federal laws.

A group of Middlesex County high school students called "The Posse" are rounding up residents to participate in local environmental projects.

The East Brunswick Garden Club has managed to keep 1,700 acres around Jamesburg Park from encroachment by developers.

To combat pollution, a group of citizens formed the Middlesex County Advisory Committee on Environmental Protection. Now they're investigating polluters of the air, water and land.

Recycling projects sponsored by environmentalists are receiving wide public support in Bernardsville, Medford Township, Morristown, New Brunswick, Bedminster, Far Hills, Flemington, Princeton and East and West Windsors.

The streams and ponds of Harding Township will be preserved, thanks to the foresight of local conservationists who convinced officials to include the protection of these resources in the municipal master plan.

The Avalon Conservation Commission launched "Operation Dune Line," a project designed to protect the dunes from improper use. The seventh and eighth grade public and parochial school pupils planted more than 10,000 slants of beach grass to save the dunes from erosion.

The Lebanon Township Conservation Commission inaugurated a newsletter for distribution to all township residents. Its first issue warned of the danger of phosphates in laundry detergents that pollute rivers and lakes, and also urged residents to compost their grass and leaves instead of throwing them away in plastic bags, which do not decompose in garbage dumps.

Little Silver conservationists saved their wetlands and their neighbors in Middletown preserved a brook and adjoining land by dedicating the area as a park.

The Pinelands Citizens Advisory Committee is working with the state to preserve and protect New Jersey's vast pine barrens. The citizens are trying to save about 25,000 acres.

All of these groups represent only a random sampling of what's happening on the environmental scene in New Jersey. And the movement is still in its infancy.

Typical of the more dynamic grass-roots movement is the one that evolved in rural Roxbury Township, Morris County.

Before state legislation paved the way for local involvement, George McCloskey, a high school industrial arts teacher, already was serving as the community's conservation commissioner. As a one-man "environmental encyclopedia," McCloskey acted as advisor to the planning board, zoning board, health board and township committee.

After the legislation went through in the spring of '68 and a local commission was organized, McCloskey became its chairman. Two more school teachers, a school principal, barber, ATT executive, senior citizen and high school student joined the new commission.

The student, a non-voting member, serves as liaison between the commission and the youth of Roxbury.

One of the commission's first acts was to investigate a local motel operator who was allegedly polluting Drakes Brook. The commission advised the Board of Health and town fathers of the problem, and the motel operator was taken to court.

Subsequently, numerous improvements were made to the building's waste disposal plant. To assure no further pollution will occur, samples of the brook are checked periodically.

The commission also prevented New Jersey Power & Light Co. from spraying its rights-of-way with harmful insecticides. Any spraying materials to be used must now be approved by the commission.

A survey is currently being conducted to determine the township's future policy on garbage collection and disposal.

Regardless of the opinion poll, an ordinance will be adopted, requiring that all garbage be placed in biodegradable bags supplied by the township. Plastic bags prevent garbage from decomposing in landfill sites.

The commission also wants to know what percentage of the residents (pop. 17,000) would be willing to sort glass and metal containers and paper as part of a recycling program. The goal of every environmental group in the state is total recycling this year or next.

When it comes to enforcement, no person or institution is considered sacred, not even education. The environmental watchdogs recently gave the Roxbury Board of Education this tall order:

Eliminate an incinerator from plans for the new high school.

Make future purchases of milk in either glass or bulk containers.

Bail all waste paper for recycling.

School officials have acted on only the first order by replacing the incinerator with a garbage compactor. Burning has also ceased at all school buildings.

But milk is still purchased in plastic half-pint containers and paper is still going to the garbage dumps instead of being salvaged.

The Roxbury school system presently uses nearly a million cartons of milk and over 10,000 styrofoam cups annually.

"The institutions that should be setting the example are among the worst polluters in the state," McCloskey said.

Instead of singling out the Roxbury school system for not buying milk in bottles, the commission will ask the legislature to make it mandatory that milk be delivered in returnable containers to all school institutions in New Jersey.

"Multiply the amount of waste generated by the Roxbury schools by all the school systems in the state—and the contribution to air pollution and mountains of garbage and the total glut staggers the imagination," McCloskey exclaimed.

While Roxbury continues to press for a "decent quality of life" for all of its citizens many other communities have no local environmental protection at all.

Frank S. Harwood of Keyport exemplifies the plight of many citizens attempting to change the local status quo.

A retired American history teacher, Harwood, 79, has taken his singular environmental crusade to the Keyport Borough Council twice, and on both occasions he pleaded his case, and lost.

He asked the mayor and council to create an environmental commission to protect the borough's remaining wetlands.

Before the state's Wetlands Act was signed last Nov. 5, developers had quickly moved in and filled up seven acres of Keyport meadows.

The existing wetlands are now threatened by a sewer line which will cut through them, instead of being rerouted around the open marshes.

Harwood also investigated pollution of the Luppatalong Creek by a local company. He reported the matter to the State Department of Environmental Protection because, he said, local officials are "indifferent" and "obviously don't care what's happening to our lovely old town."

Keyport, population 6,000, covers a four-square-mile area at the Jersey Shore.

In a letter to Mrs. Helen Fenske, special assistant to the state environmental commissioner, Harwood expressed his deepest sentiments about man and his environment:

"I have done all I can, and I can do no more at my age . . . If no one else cares, the wetlands will just have to be ruined by a sewer line, or by business. I can't do more than to report flagrant violations to you as I hear of them.

"It will take millions of dollars to set the coast of New Jersey right, and I wish it might be done, but it seems rather hopeless to me.

"We can only do our best—and that is all."

The state environmental department has teamed up with Frank Harwood—and hundreds of others like him throughout New Jersey—in a massive effort to protect the water, the air, the land and the people from further pollution hazards.

The environmental movement officially got underway May 13, 1968, with state legislation permitting the creation of local conservation commissons.

Without effective environmental officials on the local level, working as watchdogs to protect a community from the threat of increasing pollution, the task of trying to save New Jersey's vast resources may never be accomplished, according to State Environmental Commissioner Richard J. Sullivan.

The State Department of Environmental Protection is now attempting to organize Environmental Commissions in every one of New Jersey's 567 municipalities. And the deadline for action has long since passed, Sullivan has repeatedly warned.

"We'll never get the job done unless the mayors and councils of every municipality cooperate by establishing a local environmental commission," Sullivan emphasized. "The people are asking to participate and to decide the kind of life they want in their neighborhoods."

Most of the decisions to build new homes, schools and industries are made at the local level, Sullivan said, and that's where environmental officials must play a vital role in shaping the character of their communities.

Only 94 conservation commissions or committees have been created by municipal decree—and that's after more than three years of probing and prodding by housewives, high school students and professionals alarmed over the rapid deterioration of the environment.

And many of these new commissions are merely serving in an advisory capacity to the mayor and council, instead of being able to make important decisions comparable to a planning board, zoning board or school board.

[From the Newark Star-Ledger (N.J.), June 28, 1971]

RECYCLING BEACHHEAD ESTABLISHED—MONTCLAIR ENVIRONMENTALISTS FIND STRENGTH IN UNITY

(By Gordon Bishop)

When a group of Montclair residents went to see their town fathers last year about forming an environmental commission, the reaction was: "We're already abounding with too many do-gooder organizations and crackpots chasing butterflies."

It was what they expected, the residents said, so they got together and used the local Bird Club (membership 200) to launch a campaign for an environmental commission.

The citizens quickly recruited the rank-and-file of Montclairs most active organizations: The Garden Club, Montclair Women's Club, League of Women Voters, Montclair Nature Center, Montclair Camera Guild and the Montclair members of the Sierra Club.

The Bird Club started its crusade Oct. 23, 1969, and by April 1970 they were prepared to write an ordinance for the town fathers to establish an environmental commission.

Last June, the "environmentalists," as they are referred to today, presented their case before the mayor and commissioners. They received a "polite but unenthusiastic" response.

"We have a fairly good government in Montclair. We're proud of our tradition and we have a pleasant community, so the officials at first couldn't understand why another commission or committee was needed," explained Fred Allis, president of the Bird Club and the citizen who spearheaded the movement.

A retired Naval officer, Allis, 62, realized that the officials "could see only trouble from the environmentalists, more interference."

Pressure mounted for citizen involvement. The Montclair Organizations for Conservation (MOC) was formed to act as the official bargaining agent with the mayor and town commissioners.

The original seven organizations were joined by the College Womens Club of Montclair, Conservation Club, Montclair State College, Junior League of Montclair, Montclair Historical Society, the Two Hundred Club and the Montclair Chapter of Zero Population Growth (ZPG).

Finally, officials asked MOC: "What can you possibly do for Montclair?"

MOC was armed to the treetops with answers and solutions to end the gradual environmental degradation in the 6.2 square miles of Montclair (pop. 44,700).

First of all, MOC said, nothing was being done about the imminent garbage crisis. And, equally important, the residents were fed up with throwing valuable resources away in their garbage every day. They wanted recycling.

Moving with caution, the town commissioners accepted the idea of an environmental watchdog, but with limited powers.

So instead of a full-fledged environmental commission with the powers to institute immediate reforms and enforce any new regulations, MOC wound up with a Montclair Conservation Advisory Committee, consisting of seven members appointed by the mayor.

"Half a loaf is better than nothing," Allis said. "Now it's up to us to prove we're worthy of working as a genuine municipal commission."

According to the resolution creating the committee, its duties shall consist of "being informed on all matters and conditions affecting or likely to affect the natural resources of Montclair, including air, water, open areas and flora and fauna."

The committee also will be expected to conduct research into all matters relating to environmental protection.

Furthermore, it will develop and promote (with the approval of the Board of Commissioners) conservation programs for Montclair.

The committee will cooperate with the public school system concerning educational programs on natural environment.

Although it will not have the power of final decision, the new committee can influence the Planning Board through recommendations on various plans and programs regarding natural resources.

Allis was appointed to the new committee and a list of potential candidates, submitted by MOC, is being screened by the commissioners before any appointments are made.

Since the commissioners' action May 4, MOC already has researched and presented a definitive study of a community-wide recycling program.

Montclair, like other densely populated North Jersey communities, faces a solid waste crisis. By 1973, most municipalities will be running out of places to throw away their garbage. The Essex County municipalities are most seriously threatened because the Hackensack Meadowlands dump sites are being phased out by the state over the next three years.

More than half of today's garbage can be reclaimed. About 51 per cent of household refuse alone contains paper products, all of which can be recycled with current technology.

MOC wants Montclair to get into the recycling business not only to reclaim glass and metal containers and paper and plastic products, but also as a means of significantly curtailing the rate at which garbage dumps are filling up.

The Salvation Army, Goodwill and the Mount Carmel Guild presently collect newspapers in Montclair, but their efforts yield only about three to four tons of paper a week.

MOC has proposed to the new committee (which is not yet fully organized) a municipal-sponsored program of recycling. It calls for separation of refuse at the source—home, business, industry.

Recyclable materials, such as glass, aluminum and steel cans and paper, would be collected separately from garbage by the municipal trucks.

Montclair collects 80 tons of refuse per day. About 10 per cent of it is glass. Some 60 tons of glass wind up in the garbage dumps each week.

MOC anticipates an initial yield of about 10–12 tons per week. At 12 tons per week, the gross income to Montclair would be $12,500 a year.

Convinced of the success of glass recycling, MOC is purchasing three electrically-operated glass crushers as its first investment.

But the big money-maker is aluminum, bringing $200 a ton. Glass nets $20 per ton. Newspapers, by comparison, have dipped to about $10 a ton. Two years ago they brought $20–$25 per ton, but the price is expected to go up as more and more companies specify recycled paper in their products.

Federal and state governments also are beginning to specify 10-20-30 per cent recycled paper in their purchase orders. This is seen as a boon to the recycling industries in the next two to three years.

Until a municipal pick-up program begins, MOC has designated three sites where residents can drop off their glass bottles: the Upper Montclair Erie Lackawanna Railroad Station, the Watchung Station, and the Montclair Erie Station on Walnut Street.

The recycling centers will be open from 10 a.m. to 4 p.m. on Saturdays. During the week, the sites are commuter parking lots.

The crushed glass will be transported Monday mornings to reclamation plants in North Jersey.

A total of 42 volunteers will be needed to man the three-hour shifts: one manager, three operators and three handlers.

Students are eligible, as there will be adult supervision. Two men also would be needed to drive a pick-up truck.

Allis has received a commitment from the American National Bank to purchase the required crushing equipment for about $4,000.

If the residents respond to the recycling program, MOC would be able to pay off the loan in six months.

Then a fund would be established once the loan is liquidated. Money from the sale of recyclables would be used for investigating and promoting further environmental projects.

MOC's goal is to start a recycling system

by Saturday, July 31. The program-for-action was submitted June 4.

By the end of the year, the Montclair Conservation Advisory Committee can then shoot for total recycling—"a dream that can be realized in less than half-a-year," Allis mused.

[From the Newark Star-Ledger (N.J.) June 29, 1971]

POLLUTION MUST BE HALTED WHERE IT BEGINS—LOCALLY

(By Gordon Bishop)

Where New Jersey's municipal governments had the vision to establish environmental commissions during the past three years, the citizens and communities have benefitted considerably.

Those municipalities that have failed to protect the endangered environment are beginning to pay the price in polluted water, land and air.

The Passaic, Hackensack and Raritan Rivers in North Jersey are ugly and unhealthy examples of prolonged pollution. To restore these priceless resources to their natural condition will cost millions of dollars over the coming years, an awesome burden that might have been avoided had local officials been more concerned about the quality of life in their communities during the past 50 years.

Central and South Jersey now face the same perilous plight. The Jersey Shore is gradually dying from sewage, sludge and chemical pollution—and many resort rivers and bays are teeming with pollution instead of healthy fish. Many waterfronts are condemned: No fishing. No swimming.

And more will be condemned unless pollution is halted immediately.

Enforcement of pollution codes and controlled planning must begin at the local level, according to state environmental officials.

The New Jersey Department of Environmental Protection claims it cannot possibly track down and crack down on every pollution violator in the state, nor can it tell a community how to develop. This is interference with "home rule." The responsibility ultimately must rest with municipal environmental officials.

To date, 94 municipal environment commissions have been established in New Jersey out of a possible 567.

What can an environmental commission accomplish? The records of just a few show what can be achieved in only a short period of two years, or less.

Since Feb. 24, 1969, the Little Silver Environmental Commission in Monmouth County has:

Assisted in the development of the new master plan.

Brought about passage of wetlands ordinance in April 1970, protecting the town's marshes from filling, dredging and bulkheading, thereby providing a place for the coastal fish to hatch and mature.

Been responsible for the restoration of areas damaged by sewerline construction.

Instituted a tri-boro recycling program with the environmental commissions of Fair Haven and Rumson.

Conducted stream pollution studies that revealed for the first time that Little Silver's waterways are "seriously polluted."

Launched an environmental education program that led to the formation of a citizens' group "Friends of Conservation."

Received $500 in matching grants for environmental projects from the Association of New Jersey Conservation Commissions.

Prepared the first completed list of historic sites.

The Little Silver record of accomplishments goes on and on, but, more importantly, are the commission's far-reaching goals.

"We need to expand our functions with regional groups—all communities in the Shrewsbury River Basin—to concentrate our efforts on the Fort Monmouth sewer outfall and the critical problem of dredging in Sandy Hook," explained Dirk Van Nest, chairman of the Litle Silver Environmental Commission.

"A regional group might develop intertown adjoining walkways and bike trails, and conduct regional sewer construction surveillance, and coordinate environmental studies in the schools. And we urgently need regional protection of wildlife habitat."

Obstacles to the environmental effort are everywhere.

"It is disheartening to see communities with environmental commissions going after the polluters, while neighboring towns with such commissions are oblivious to what's happening to our environments," Van Nest said.

Another critical priority in Monmouth County is solid waste collection and disposal.

As a result of the TriBoro recycling program the state may designate the area as a regional reclamation center. About 25 regional sites will be selected throughout the state and designations will depend heavily on whether a cluster of communities already is into recycling. Those that are farther along the path of recycling will be the first to be considered for regionalizaion.

In Fair Haven, there are 4,000 residents per square mile. Sanitary landfill sites are becoming scarce. Through reclamation of paper, glass, metals and plastic, the generation of solid waste can be cut down by more than 60 per cent.

Dery Bennett, chairman of the Fair Haven Environmental Commission, sees some hope for the future:

"The commission's presence is the first indication that the town is beginning to change is attitudes about how to handle land and water and how we want the town to look, smell and feel like in the future.

"We're always speaking around the town, emphasizing that the environment is fragile and that the people have got to change their ways: Fewer cars, smaller cars, mulching leaves instead of burning them, thinking about a town people can walk and ride a bike in, rather than only drive cars in, less fertilizers and pesticides . . ."

The suburbs are the first to feel the pressure of increasing congestion and pollution, and they tend to serve as a warning for what can happen to the still simple life-style of rural New Jersey.

Anticipating the rush to the unspoiled suburbs, residents there are starting to prepare themselves for the inevitable influx of families and factories this decade.

In Sussex County's Stillwater Township, a strong environmental commission pioneered a new zoning ordinance—the first of its kind in the state—protecting critical areas: Swamps, flood plains and waterways. No construction is permitted within 100 feet of any critical area. This is to prevent contamination of the township's water supply.

The Stillwater commission also was responsible for developing the basis of the township's zoning and planning laws.

Organized in March 1969, the commission immediately began to compile a comprehensive study of the township's soil composition. The nature of the soil will determine what type of building will be permitted.

Stillwater conservationists learned that only certain soils are compatible with building and population density.

Because rural areas do not have sewer systems, construction is dependent on a soil's ability to absorb septic seepage. If a soil has natural filtering qualities and will work effectively without leading to potential health hazards, it can be used for development.

Using the soil as a means of assuring planned and proper growth of a town is one way of protecting the environment, Stillwater conservationists believe.

[From the Newark Star-Ledger (N.J.) June 30, 1971]

SWAMPED BY POLITICS, APATHY—ECOLOGY IS OFTEN LEFT FOR LAST . . .

(By Gordon Bishop)

Politics and apathy often guide the destiny of local environmental organizations, especially in those communities which can least tolerate it because of mounting population and pollution problems.

The rapidly developing suburb of Jackson Township in Central Jersey is typical of the thinking and attitudes that prevail on the official level of many burgeoning communities throughout the state.

Local officials "see no need" for an environmental commission to protest the air, water and land from the pervasive forces of pollution.

"To save the environment, we've got to fight both politics and apathy," complained John E. Lynch, vice chairman of the Jackson Environmental Commission.

In 1970, Jackson Township allocated a $600 budget to the environmental commission to combat pollution in a 100-square-mile area containing 30,000 people—and the development boon in this once-remote area has just begun.

"We were locked into a situation of no working capital and were therefore very limited in introducing conservation projects," Lynch said.

In 1971, the commission submitted a modest budget of $1,000. The money was earmarked for a reforestation program for an area destroyed by fire earlier this year, in addition to a clean water program.

A small sum also was to be set aside for nominal expenses of the commission's part-time secretary—the person responsible for carrying out all the administrative work.

The Jackson Township Committee approved a budget of $360.

Lynch sent an open letter to the town fathers, pleading with the township committee to reconsider the environmental needs of the community. Lynch also reviewed, in depth, the proposed programs for the public's edification—and anticipated approval and support.

As a result of Lynch's public plea, the budget was increased to $500—$100 less than the "unworkable" 1970 budget, and only half of what was requested for 1971.

Unable to work with another limited budget, the commission had to fire its secretary. The secretary was being paid $20 per month, $50 less than the secretaries of other township boards.

Without sufficient capital to institute adequate environmental programs, Lynch was forced to ask for help from the Jackson Jaycees and the Jackson High School Student Council. Together, they started a conservation program under the Jaycees' "Do Something" campaign.

The Student Council volunteered the manpower needed for the reforestation program. An appeal went out to all Jackson residents for donations to pay for the trees to be planted.

The Oak Tree Adult Community, a senior citizen mobile home park, responded with a contribution of $134. It was enough to purchase 5,000 Norway spruce seedlings.

To date, the students have planted more than 1,000 seedlings. They plan to finish the job in September.

"If it weren't for the help of civic-minded groups like the Jackson Jaycees, Jayceettes, the students and seniors, the environmental commission would not be able to perform at all," Lynch said.

"Central Jersey is the fastest growing area in the state, yet our municipal officials have not yet seen fit to call in the environmental commission on the future building of our town.

"We must provide for proper garbage dis-

posal and protect our well water systems from industrial and residential pollution."

Lynch said the environmental commission is "not against growth in Jackson—however, we must recognize the need for better planning with ecology and conservation in mind."

Farther south, the Cape May Conservation Commission has been fighting a losing battle to save valuable marshes and estuaries—the nurseries for the coastal fish.

Although Cape May has one of the oldest conservation commissions in the state (formed two years ago), its efforts to stop pollution of a 3,000-acre marsh have been blunted by political bureaucracy, according to Dr. Ernest A. Choate, commission chairman and a retired high school principal.

About 1,000 acres of the marsh already has been destroyed by a sprawling garbage dump, and the rest of it faces extinction by the Cape May County Mosquito Commission, which wants to drain the marsh to eliminate the summer pests.

The State Wetlands Act prohibits the filling or destruction of coastal marshes, and Dr. Choate is counting on State Environmental Commissioner Richard J. Sullivan to save what's left of Cape May's marshes.

"Everything is always pending in government," Dr. Choate sighed. "By the time enforcement comes, there won't be any marshes left."

In Brick Township, the League of Women Voters has joined forces with the local environmental commission to oppose a developer's plan to fill 250 feet of Barnegat Bay, one of the Jersey Shore's most popular vacation resorts.

"We have visited this site to be developed and it appears to us that the request to extend the land in Barnegat Bay is based merely on the greed for more land to build more units, resulting in greater profit to the developer at the cost of this natural resource," Mrs. Eleanor Armitage, a League director, told the Brick Township zoning officials.

The battle between the citizens and the developer rages on. State officials are now investigating the case, in view of provisions of the Wetlands Act.

With a population of 35,000 Brick Township has had to put the brakes on further development because of low-lying land and high water tables. Many homes in Brick Township do not have basements. Septic tanks also raised havoc with homeowners, who often find their backyard sewer systems spilling over after heavy rainfalls.

Mrs. Armitage said it costs some homeowners as much as $50 to $60 a month to clean out their clogged and overloaded septic tanks. She charges the Brick Township Sewer Authority neglects "residents forced to live with constant health hazards."

The sewer authority is linking all new homes into the system, instead of permitting the installation of more septic tanks. Meanwhile, the oldtime residents must continue to cope with their inadequate and unhealthy septic tanks.

Throughout the state, the League of Women Voters is coaching conservationists on how to win environmental victories at the polls.

And so it was in Cherry Hill, where a local Environmental Action Committee supported four candidates who endorsed a municipal conservation commission.

After their election this past May, the winning ticket promised their conservation backers they would establish a fully empowered environmental commission as soon as they are installed in office July 1.

The Cherry Hill Environmental Action Committee will soon know whether the newly elected officials they supoprted intend to fulfill their promise to the voters.

[From the Newark (N.J.) Star-Ledger, July 1, 1971]

MORRIS WOMAN COORDINATES THE FIGHT—CITIZENS, STATE MUST MESH THEIR POLLUTION EFFORTS

(By Gordon Bishop)

Rescuing New Jersey's environment from the massive grip of pollution will require the energies and resources of every municipal governmental and citizens group in the state.

The challenge of coordinating the efforts of local environmental commissions and citizen committees in their all-out attack on pollution has been taken on by an ex-housewife, Mrs. Helen Fenske of Green Village, Chatham Township.

In the early '60s, Mrs. Fenske, as a concerned citizen, helped to preserve North Jersey's Great Swamp as a National Wildlife Refuge.

In her new role as coordinator of the Garden State's environmental movement, Mrs. Fenske is making her way around New Jersey organizing municipal environmental commissions and encouraging the formation of citizen conservation committees to help put "our house in order."

Mrs. Fenske is the new liaison between environmental organizations, official or otherwise, and the New Jersey Department of Environmental Protection (DEP). She also serves as a special assistant to State Environmental Commissioner Richard J. Sullivan.

Before joining the state department this year, Mrs. Fenske was on the staff of the Ford Foundation, working with environmental citizen groups around the country. Her mission: Bringing more people into the anti-pollution crusade.

She was responsible for a Ford grant to New Jersey's environmental commissions, giving local environmental officials the opportunity to participate in an annual seminar conducted by the state DEP. The 14-week seminars (three days a week) began last summer and will end next year.

During the sessions, which are held at Morris Plains, Rutgers University in New Brunswick, and at Monmouth County, local environmental officials learn the ABC's of pollution: Who's doing it, how to recognize and measure it, and, most critically, how to stop it under existing state and federal laws.

The State Environmental Department is now prepared to work with local environmental officials, advising them as to what procedures to follow under the state's new and stringent anti-pollution codes.

The first lesson environmentalists learn is how to deal with the political realities of government.

"A number of commissions have shown a lack of awareness of their role in working with municipal government," Mrs. Fenske said. "The new environmental officials must learn how to implement their ideas and programs within the whole system, not just from their vantage point."

To help both local environmental officials and citizen committees to carry out their objectives, Mrs. Fenske's office puts them in touch with the proper governmental agencies. It's a matter of knowing the "Who's Who" of pollution enforcement.

Under the category of water, there is ground water, water supply, flood control and pollution control.

Several agencies are involved in problems related to water. They are: the State Department of Health, the State Bureau of Geology, the State Division of Water Policy and Supply, the Federal Water Quality Administration, Regional Office; the State Division of Fish, Game and the Division of Shell Fisheries; the U.S. Army Corps of Engineers (which also regulates ocean dumping); the Soil Conservation Service and the universities in New Jersey—Princeton, Rutgers, etc.

The protection of air resources is also the responsibility of the State Department of Health, as well as the air pollution enforcement division in the State Environmental Department. New federal air quality standards will be enforced by the state, in conjunction with the Federal Environmental Protection Administration, Regional Office.

Solid waste management (or garbage collection and disposal) is under the jurisdiction of the State Environmental Department, municipal and regional health officers, county authorities and the State Public Utilities Commission.

Open space protection comes under the State Environmental Department, the Federal Housing and Urban Development Agency, and the State Bureau of Outdoor Recreation.

Several assistant attorneys general for the state also are assigned to the environmental department to prosecute alleged polluters.

To further assist local environmental officials and citizens, the New Jersey Association of Conservation Commissions was established three years ago, after enabling state legislation was passed permitting the creation of municipal environmental agencies.

The association is coordinated by David Moore, executive director of the North Jersey Conservation Foundation, located in Morristown. Moore, a former state environmental employe, took over the foundation's work after Mrs. Fenske, its founder, left for the Ford Foundation two years ago.

Mrs. Fenske said the municipal conservation commissions will be renamed "environmental commissions" in keeping with the federal and state environmental agencies.

"The task before us all is not merely conservation, but protecting all aspects of the environment and restoring the environment to a healthy condition fit for all living things," Mrs. Fenske said.

FREE TRADE IS COSTLY

Mr. FANNIN. Mr. President, among the trading nations of the world, the United States truly is the home of the free and the brave. We have virtually thrown our gates open to almost all goods from most of the world. We come the closest to actually living the ideal of "free trade."

And trying to live up to this ideal is costing us dearly.

While America moves toward freer trade, other major industrial nations shore up their protectionist barriers to keep out American products.

The president of Leverenz Shoe Co. in Sheboygan, Wis., John H. Esch, recently gave a speech in which he discussed the terrible toll that foreign competition has caused in the American footwear manufacturing industry. He gave the address May 19, 1971, as part of the "Seventh Annual Wisconsin International Trade Conference and World Trade Dinner."

This week we have had word that Italy has agreed to voluntary restraints on its shoe exports to the United States. This may be a step in the right direction, but Italy is only one of the shoe-producing nations doing business in the United States. And the U.S. shoe industry is only one industry now threatened by foreign imports.

Mr. President, I ask that the text of the speech by Mr. Esch be printed in the RECORD.

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

FREE TRADE VERSUS PROTECTIONISM?

When I was a boy I was intrigued by Aesop's famous fairly tale of the blind men and the elephant, and as a man I have tried to remember his lesson. You will recall that Aesop told of the blind men who sought to understand the appearance of an elephant. One, judging the elephant by his leg, assumed that an elephant must be something like a tree, another determined from the trunk that an elephant was like a serpent. The third felt the elephant's side, and thought that an elephant must be like a wall. Each attempted to judge an elephant from where he stood, and in each case it was not possible to get the complete picture from that position.

There is a great temptation to judge the issue at hand from the position of our personal economic interests. Those of us whose existence is threatened by imports can easily become inclined towards protection, and those of us who profit from exports are easily tempted to recommend a free trade posture for our country. I believe that when we stand back and look at the big picture, we discover that the truth lies somewhere in between.

Today I would like to seek an understanding of the big picture with you, by looking at the trade question in the light of these observations:

1. The issue of free trade versus protection is an academic question, because there is no free trade, especially for Americans.

2. There is a need for movement from our selfish interests to humanitarian concern for America and Americans.

3. Several economic facts of life dictate the necessity of a moderate defense of American labor and industry.

Considering the first of these contentions, I would like to make it clear that there is no free trade and that we are living in times of growing protectionism abroad.

Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, put it this way, "We are not facing a simple choice between free trade and protectionism, neither one of them exists anywhere in the world."

The tendency of our country to match protectionism abroad with our own free trade inclination was described well in an interview by Treasury Secretary Connally in the U.S. NEWS AND WORLD REPORT last month. Referring to our trading partners he said, "These countries have grown accustomed to our being relaxed, fairly generous, always forgiving, always easy in our dealings with them. Consequently, they have built up tariff arrangements, they have built up trade restrictions against U.S. goods, they have carved out territorial areas where they now grant preferences, and they expect us to take it and like it."

The policy that we have pursued in the years following World War II has been an understandable one. In 1946 we were sitting on nearly $25 billion in gold, we had the only viable economy in the free world, and we were generous in our trade agreements. We responded generously to the appeal of any free country in economic trouble, and in those days it was right that we should. Today we have a different situation.

My own personal experience includes a trade mission to England to purchase shoes for our company from an English manufacturer and to market our own Wisconsin made shoes in England. We had a product at the time that was in demand in England and that could have been sold in the market. I spent a day in the American Embassy and received the fullest measure of cooperation and assistance. In the end I discovered however, that the importing of shoes from England was a very simple proposition, but I was advised that I might just as well forget the possibility of exporting to England. The conditions were far from reciprocal, and there surely was no free trade for Americans.

In September 1970 the House Ways and Means Committee published a list of nontariff barriers to United States exports in 69 countries, and should there be any real doubt in your mind about the nonexistence of free trade in the world today, I would recommend this list to you. The listing includes quantative restrictions, quotas, tax supported subsidies, export credits, accelerated depreciation, insurance against loss, and outright prohibition. There is no free trade for Americans.

The theory of free trade is based on the assumption that manufacturers compete with one another across international boundaries on the strength of their own efficiency and technology. For American industry this is not the case. Today in America we can point with humanitarian pride to the legislative controls which have raised the standard of living of the American workman to the highest level in the world. American citizens rightfully enjoy the benefits of the 40 hour work week with time and one-half for overtime, the legal minimum wage, workmen's compensation, child labor laws, social security, and every other benefit. We also realize that every product manufactured in the country includes these costs in its selling price as well as the extraordinary high cost of being governed at all levels in America. The result of all of this is that the cost of any American made commodity is higher than its foreign counterpart, even if the cost of material, and processing is actually the same, or less. The American government imposes a heavy burden on the shoulders of the American manufacturer, and so long as he carries this burden without protection there is no free market for Americans.

Another American giveaway took place at Bretton Woods, New Hampshire in 1949, when the dollar was fixed as the international standard of exchange, and all other nations were allowed to devalue and revalue their currency when they see fit to make it more costly to sell in their markets, and to strengthen their position as exporters. Of all the nations in the world only the United States cannot exercise this option.

Bruce Clubb, United States Tariff Commissioner, emphasized the seriousness of this issue in this way, "Accordingly when we experience unusually great inflation, as we have for the past five years, we must ask our workers and investors to work harder, faster, and more efficiently to keep up with their foreign competitors whose costs are not rising as fast. When our workers and investors cannot keep up, then we ask them to change their line of work. Most other countries would take care of at least a portion of this problem by adjusting their exchange rate, rather than putting the entire burden of adjustment on their import competing industries."

The point that I have tried to make is simply this. Whether we wish to consider *tariff* and *nontariff restrictions*, whether we wish to consider inequalities of *cost burdens*, whether we wish to consider the practice of *illegal dumping*, or whether we wish to consider the effect of *inflation* on the inflexible dollar, the fact remains that free trade has been a *one way street* favoring our trading competitor. Our decision must be between giving away still more, settling for present inequality or providing reasonable protection to the threat of unfair competition.

A second appeal that I would like to make to you would be in behalf of a movement from *personal self interest* to a *humanitarian concern* for fellow Americans.

I think that I could help to make this point if you could take a walk through our factories with me, and I could introduce to you the many fine American citizens whose working lives have been spent making some of the finest of Wisconsin's men's shoes. Some are veterans, most are family people, many own homes, few, if any, have ever been on relief, or drawn unemployment insurance. They pay taxes in Sheboygan, New Holstein, Valders, or in the surrounding communities, and have contributed their full share to financing our state and our country throughout their wage earning years. They are citizens in good standing. Many of them will be through working for life if they lose their shoe factory jobs. Your computer may tell you that they are expendable, but if you knew them, your heart would tell you that they are not.

If you find it difficult to relate to these people as individuals, consider the effect of their employment on our relief rolls and on your tax burden. While there are many skilled workers in our industry, there are also many of modest skills. Many workers are from minority groups, and many live in rural America. In many a small town the local shoe factory is the largest employer. At a time when our country is presuming to do everything possible to provide hope and opportunity for the minority worker, for the low skilled worker, and for the rural poor, there is surprising reluctance to save an industry that has been fulfilling this obligation for America without any subsidy for years.

It is really necessary to move from our one-sided free trade posture in order to save an industry like the shoe industry? Here is a story of what has happened:

In 1956 imports were *1%* of American production.

In 1970 imports became *42%* of American production.

While we have been talking about what might be done to save the shoe industry for America, imports increased 27.4% in the first quarter of 1971. In March they were 67% of production. 85 factories closed last year, a net loss of 140 for the decade. Production is the lowest in 15 years.

Optimists say that in ten years the domestic footwear industry will be gone unless some form of protection is offered. Pessimists say that it will take only five years. Whether it be five years or ten, the effect on the American consumer will be disadvantageous. If you were not to consider the loss of the individual jobs or of the industry of concern, the effect on the American consumer-at-large should be a matter of concern. When the American footwear market is at the control of foreign manufacturers, and freed of local competition, the American consumer will pay the price. The dumping will stop and the profit taking will begin. Not only that, should there be a national emergency in the future, ours will be a nation without shoes or apparel, regardless of price.

The point that I am trying to make is that I recognize that trade is a two way street. We must seek a balance that will permit vital industries to survive, that will make available a balance of jobs to match the talents and skills of American labor, that will permit the importing of sufficient goods to eliminate the inefficient American manufacturer, and that will permit sufficient exportation of America's superior products to strengthen our economy and balance our payments. Each of us has an obligation to stand back from our self-interest in this matter, and to recognize the needs of America and Americans.

Finally I would like to submit other reasons for retreating from our unilateral free trade policy, and undertaking a moderate defense of self-interest.

It is argued that our national economy can prosper by matching cash outflow due to imports with growing exports. The truth is that in the trillion dollar world market United States manufacturers are losing ground. Inflation and rising costs are taking United States products out of the world market. The

United States share of world exports in 1968 was 23.8%, in 1969 23.3%, and in 1970 down to 22%. Ours is a declining share of the world market. While this conference is to be commended on its resolve to reverse this trend, we can ill afford to gamble our national economy on this hope.

The rumors of favorable trade balance in the past simply have not been true. Export figures have included AID giveaways and Public Law 480 exports that are paid for in foreign currency. The true result has been a deficit trade balance. More than that when you recognize that freight and insurance costs on imports are actually a cash outflow, we find that in the last four years our deficit trade balance has risen from $186 million to $1.7 billion. (U.S. Department of Com-census publication FT990 and Trends in Foreign Trade).

With reference to this trend, Treasury Secretary Connally states, "I am not one of those who treats this whole question of foreign trade with benign neglect. I am worried about it. All I am saying is that if other nations are concerned—as they ultimately will be if we continue to have balance of payment deficits of $10 billion a year—they must be fair with us. We don't have reciprocity in our trade agreements. I think we are entitled to it. It is just that simple." Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, put it this way, "Many people feel that the expansion of exports will restore our balance of trade to a healthy condition. Certainly export growth plays a large role in meeting this objective. But over the last decade our imports have been rising more rapidly than our exports, and this is building problems for our balance of payments far into the foreseeable future."

Students of the international economy are impressed by the spectacular growth and the prosperity of the Japanese economy and the European Common Market. The theory that the American economy can only grow with the continuation of free trade policies is left subject to real doubt when we realize that both the booming Japanese and Common Market economies are intensely protectionist. The success of these economies commends to us a re-evaluation of our unilateral free trade policies, and a reasonable defense of our own interests.

I have tried this morning to appeal to you for an open mind, recognizing that this is essentially an American problem that must be viewed from outside our special interests. I pointed out that we do *not* have an opportunity to elect free trade as a practical alternative, because there is *no free trade for Americans* in the real world, and I emphasized the *need* for a reasonable level of *protection* for American *labor* and *industry* because it is our duty to our citizens, our *international credit* demands it, our *trading partners* are *prospering* under it, and our *national economy requires* it. Should there be any uncertainty in your mind as to where to begin with a reasonable level of protection, may I suggest *shoes?*

NEEDED—ANOTHER MANHATTAN PROJECT

Mr. BAYH. Mr. President, Jerry Finkelstein, the publisher of the New York Law Journal, in a recent editorial proposed that the Nation should be meeting the tragic crisis of our drug abuse epidemic with the same massive national response that the United States produced during World War II with the "Manhattan Project." After the war, Congress established the Atomic Energy Commission to study and develop new uses for the atom. Both studies involved all academic disciplines, across the board.

Is it any wonder that Mr. Finkelstein proposes that the President, leaders of Government, and the bar become united in a drive that would produce a comprehensive drug abuse program, to rid our Nation of the army of addicts that have been transformed from being our neighbors and friends into parasites?

As a member and, now more recently, as chairman of the Juvenile Delinquency Subcommittee, I have stressed the importance of this problem for the past 8 years. I quite agree with this editorial that only a massive undertaking will put an end to drug addiction. Yet the Nation still has not seen the need nor taken the action to promote this end.

Drug addiction has destroyed the functioning of our school system, forced children to a life of oblivion and has sent our crime rates spiralling to unprecedented heights.

Why cannot we develop an ABM system for this "H" bomb? The payoff could be immense in terms of human suffering avoided and curtailment of the back-breaking burden now borne by this Nation.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD in its entirety at this point.

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

NEEDED: ANOTHER "MANHATTAN" PROJECT TO SOLVE NATION'S DRUG PROBLEM

(By Jerry Finkelstein)

Attention: President Nixon, All Leaders of Government and the Bar.

During World War II a secret project whose code name was "Manhattan" tackled every conceivable angle so that the United States could produce the atom bomb. After the war, Congress established the Atomic Energy Commission whose sole function is to study and develop new uses for the atom—and these studies have been conducted on an all-encompassing basis by all academic disciplines.

Similarly, when the United States embarked upon its space program, the National Aeronautics and Space Administration was set up to oversee the program. It was charged with every aspect of the nation's program, using not only engineers, but astronomers and historians, manufacturers and others could contribute to every minute area of study.

Drug abuse has long since become a scourge that threatens the national character and fabric. No segment of our society is immune from the impact of this deadly plague. Our children at all levels of school have been infected. It is the major cause of soaring crime rates that undermine security in our homes and streets and parks. It has corroded the morale and discipline of our armed forces in Vietnam. It takes a huge toll out of the business activity in terms of absenteeism and poor employee performance. It clogs our court calendars.

It is tragic that a crisis of such magnitude has not stimulated a national response on the level of the "Manhattan Project" or NASA. If we had recognized the need for this approach three years ago, or five years ago, or ten years ago, perhaps there might not be a drug problem today. If the best brains of the nation were used to study the drug abuse problem—not only chemists, but educators, physicians, psychologists and psychiatrists, sociologists, clergy, attorneys and judges, legal enforcement agents and any other conceivable group that could shed light on the subject, perhaps today we might know whether marijuana is safe to use or not, or if it leads to the "hard stuff." If the nation had undertaken the massive response to the drug problem as it did to the atom and space, perhaps today there would not be a debate as to whether or not marijuana should be legalized. Nothing less, in our judgment, but this massive undertaking will put an end to drug addiction.

This same observation can be applied to methadone and other aspects of the drug abuse problem. Programs for treatment and rehabilitation of addicts and education programs to prevent addiction are inadequately financed and uncoordinated. But more important, we are full of half-truths and ignorance in our nimble approaches to solving the problem.

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace. Such a program should accelerate our research, to telescope the work which has not been done in the past five or ten years, so we may save our people and our nation.

The United States has attacked so many difficult problems—from polio to the atom—and found solutions through massive injections of money and talent. Drug abuse is more of a problem and should be approached in the same manner—not through some piecemeal program with miniscule funding. It requires a broad scope—from legislation to treaties with other nations—so no stone is left unturned.

The drug problem is a challenge which must be faced by the members of the American Bar Association. Drug and drug-related cases jam the courts and impede the legal professions' work. As civic and community leaders, members of the Bar can play a decisive role in prodding into action the White House, Congress, Governors and Legislatures to provide the initiative and financing needed to put an end to this major threat to our nation.

It is true that the White House has recognized the problem, and called the nation's attention to the dimensions of the national tragedy, but it has not attacked drug abuse in depth.

It is equally surprising that no "Mr. Anti-Narcotics" has emerged like a Nader in the consumer protection field.

The time is long since past for us to talk about drugs, and hope it will blow away. It won't! It could eventually lead to the destruction of the civilization we have built and come to know.

Leadership taken by the Bar in mobilizing our national resources in this effort would be in the noblest traditions of the profession.

THE ADMINISTRATION'S NON-POLICY IN LATIN AMERICA

Mr. MUSKIE. Mr. President, Mr. Sol Linowitz, chairman of the National Urban Coalition, has recently published a very telling—and timely—criticism of what he calls the administration's non-policy in Latin America. Mr. Linowitz, who was Ambassador to the Organization of American States from 1966 to 1969, is an extremely well-qualified observer of this part of the world.

I ask unanimous consent that his article, recently published in Life magazine, be printed in the RECORD.

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

OUR NONPOLICY TOWARD LATIN AMERICA

(By Sol Linowitz)

After more than two years of watching, listening and waiting for a meaningful Latin American policy to emerge from the Nixon administration, even the most patient and

optimistic of Latin American observers are fast becoming convinced that it simply will not happen.

Some Latin Americans are openly expressing their disappointment that so few specific actions have accrued from the administration's promise of "more action and less rhetoric." Many others are rather more cynical and resentful of the administration's clear indication that it regards Latin America as relatively insignificant in our order of priorities. And even those who are reserving judgment confess themselves still baffled by such actions as the administration's refusal to authorize a visit to Chile by the aircraft carrier U.S.S. *Enterprise* after President Allende had publicly invited the warship's stopover in Valparaiso.

When President Allende was inaugurated last November, the United States was conspicuous in its failure to send even the normal congratulatory telegram. Since that time the administration has continued to make clear its displeasure at the appearance of a "socialist" regime in Chile. This persists despite the fact that Allende's government is obviously seeking to avoid a confrontation with the United States and has thus far behaved with commendable restraint in the international arena.

Thus, at the same time he has been developing closer relations with the Communist world, Allende has in a number of ways given signs that he wants Chile to remain a responsible member of the inter-American community. This was underscored by the visit of Economy Minister Vuskovic to Washington and his economic presentation of Chile's plans to the Inter-American Committee of the Alliance for Progress. Later the Chilean foreign minister told the OAS General Assembly in Costa Rica that Chile would participate actively in the OAS and in Latin American efforts to achieve a common market.

Chile could, therefore, represent for the United States an opportunity as well as a challenge. Yet the administration apparently continues to regard it only as a challenge.

All of this is particularly distressing because our actions toward Chile have deep international implications. Sooner or later we will have to recognize that our words in Vietnam are being tested by the way we act in Chile. For the stated administration purpose of our involvement in Southeast Asia is to assure that the people of South Vietnam will have the freedom to choose their own government. And, we have been told, when that choice has been freely made, we will respect it. Yet that is exactly what has occurred in Chile: the people of Chile have made their choice through the democratic process and have freely selected their government. That choice deserves to be accepted and respected by the United States—at least with as much cordiality as we display toward governments in other Latin American countries which come into power by overthrow of existing governments.

The case of Chile is in many respects a microcosm of the problems of our relationships in the hemisphere today. From the outset, this administration has spoken of a need for a "mature partnership" with Latin America and of the importance of maintaining a "low profile." But the kind of partnership the administration apparently has in mind avoids any responsibilities, undertakes no commitments, rejects any involvements.

Why, then, should we be surprised at the increasing manifestations of virulent nationalism and anti-Americanism running up and down the continent? Why should we be offended when Latin Americans throw back at us our empty phrases and pious preachments?

Admittedly, the administration has undertaken some helpful steps in connection with our economic relations with Latin America. Thus it has relaxed some of the restrictions on the use of our AID funds and has offered trade concessions for several hundred Latin American products. But these steps are not offered in the context of an overall coordinated program—and are generally in response to Latin American pressure.

Earlier this year a brilliant young Colombian economist and friend of the United States wrote: "It is doubtful that any new inter-American initiative can be undertaken until after the Vietnam tragedy has come to an end." But I'm afraid we don't have time. Latin America's problems won't wait and its people won't wait. In one way or another—with or without the United States—Latin Americans will have to come to grips with the problems of hunger, illiteracy, poor health, injustice and social turmoil which grow greater each year. This is going to require change, and some of it—perhaps much of it—we will not like but will have to learn to accept.

The 270 million people of Latin America today are at a critical point of decision. They intend to try to fulfill the expectations which we helped raise in the hemisphere, and they're going to do it either peacefully or through violent revolution. We in the United States can play a decisive role in urging the peaceful path with the assurance of our cooperation, understanding and support. If we fail to do this—if we continue to focus on the Far East, the Middle East and Europe, while ignoring these festering problems here in our own hemisphere—then we may well find future explosions on our own doorstep.

ON YIDDISH BROADCASTS TO THE SOVIET UNION

Mr. JAVITS. Mr. President, at present, the Voice of America broadcasts in native language to 1.3 million Estonians, 1.9 million Latvians, 2.73 million Lithuanians, 2.83 Georgians and 2.91 million Armenians in the Soviet Union—but sends no Yiddish broadcasts to the 3 million Jews in the U.S.S.R. Such broadcasts could bring a message of hope and encouragement to a people living in the darkness cultural deprivation. They would also underline the fact that this Nation does care.

There is growing concern in the Senate that the USIA should undertake Yiddish broadcasts beamed to the U.S.S.R. I am one of the some 24 Senators from both parties who have joined in the sponsorship of Senate Resolution 145 which urges that the Voice of America "undertake broadcasts in the Yiddish language to the citizens of the Soviet Union."

The Jewish Press, a highly regarded weekly published in New York City, in its July 2 issue, has an eloquent editorial in support of Yiddish broadcasts to the U.S.S.R. I ask unanimous consent that the editorial be printed in the RECORD.

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

ON YIDDISH BROADCASTS TO U.S.S.R.

A request to institute Yiddish-language broadcasts on the Voice of America has been made by 73 legislators. But the request has been turned down by the U.S. Information Agency.

Frank Shakespeare, who is the director of the United States Information Agency, wrote, "Even assuming it were technically feasible to inaugurate a Yiddish service, we would be in effect increasing our costs without materially increasing our audience."

He added, "Although, at this time, we are not prepared to inaugurate the service which you propose, we shall continue to stress in our broadcasts the deep concern of the United States . . . and provide all the moral support and encouragement which is consistent with our national interests and with the agency's mission."

Mr. Shakespeare makes the implication that there are relatively too few Russian Jews who would understand Yiddish. However, this we have been assured is not necessarily a fact. What is important is that a young Russian Jew can hear a language that his grandparents or parents spoke. If anything, it will remind those who have all but given up hope that they are still Jews.

Mr. Shakespeare's comment about ". . . increasing our costs without materially increasing our audience . . ." reminds us of the Harry Hershfield story of a man who was seen under a streetlight, searching for a coin he had dropped. When a police officer stopped by and asked him what happened, the man told the officer that he had dropped the coin down the block in a dark alley.

When the officer asked, "Then why are you looking for it here?" the man answered, "Because there's more light over here!"

Of course, no one really knows the efficacy of the Voice of America broadcasts. They certainly can't run a telephone rating system on who's listening—but once Yiddish broadcasts start, you can rest assured, you will know who is listening!

A Yiddish-language broadcast would cut through the Iron Curtain like a razor, and draw new interest into the programing of the Voice of America. If anything—you can bet your bottom dollar more Russians will be listening to the broadcast to find out what this "mysterious" language even sounds like! If nothing else it will answer one thing the Russian Jews want to know—and that is that America does care!

LARRY F. SMITH, PHOENIX, ARIZ., FIRST INDIAN DEPUTY U.S. MARSHAL

Mr. FANNIN. Mr. President, on July 12 in Phoenix, Ariz., Mr. Larry F. Smith, age 32, became the first Indian in the history of the U.S. Department of Justice to be administered the oath as a Deputy U.S. Marshal.

Mr. Smith is a remarkable young man whose talents and experience in law enforcement will, I am sure, contribute immeasurably to the effectiveness of the U.S. Marshal's office in the District of Arizona.

Mr. Smith showed remarkable perseverance in obtaining his college degree. Because of a need to work and support his family, Mr. Smith's studies were interrupted and nearly 11 years elapsed between the time he enrolled as a freshman until he received his degree.

I should like to call to the attention of the Senate some of Mr. Smith's background because it is dramatic proof that worthwhile goals can still be achieved by hard work and sacrifice.

Mr. Smith is a Navajo who was born in Albuquerque, N.M., and was graduated from St. Francis' Parochial High School in Riverside, Calif. He attended Riverside College for 1½ years, and then enrolled at Northern Arizona University at Flagstaff in 1960.

In 1968 Mr. Smith was graduated from Northern Arizona University with a bachelor of arts degree in police science. He joined the Navajo Tribal Police, being stationed at Window Rock and

Chinle, Ariz., where he attained the rank of sergeant.

After 16 months on the tribal police force, Mr. Smith resigned to accept a position with the police department in Holbrook, Ariz., where he was employed until leaving to accept the position of Deputy U.S. Marshal.

In addition to his other qualifications for police work, Mr. Smith is a polygraph operator.

Mr. Smith's wife, Mary Ann, is employed by the Bureau of Indian Affairs, and they are the parents of three daughters and a son.

Mr. Smith's parents are Mr. and Mrs. Lorenzo Smith of Flagstaff, Ariz.

UNEMPLOYED VETERANS OF VIETNAM

Mr. HARTKE. Mr. President, last week I had the pleasure of being in California. During my visit, I found that concern for the unemployed veteran is not restricted to Congress or the executive branch of the Government. This desperately serious problem affects our veterans from coast to coast and border to border and, though belatedly, is finally being recognized by the press throughout the Nation.

I ask unanimous consent that a useful editorial published in the Oakland Tribune of June 21 be printed in the RECORD.

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

PRIORITY ATTENTION FOR THE VIETNAM VETERAN

The plight of the Vietnam veteran seeking a job, if not a national disgrace, is at least nothing for any of us to be proud of.

Of the 75,000 veterans now being discharged each month, it is estimated that 10,000 of them are unable to find work. Secretary of Labor James D. Hodgson says there are now some 350,000 unemployed Vietnam vets.

Granted the job situation is tight for everyone. But there is still no excuse for the fact that the unemployment rate for Vietnam veterans is running 2 per cent higher than for non-veterans in the same age group.

Some analysts attribute the disparity to nothing more than the fact that in giving up two or three years of his life for his country the Vietnam veteran has simply fallen that far behind his civilian counterpart in job preparation.

Others ascribe the Vietnam veteran's plight to a far more serious situation, the possibility that some employers are reluctant to hire him because of such factors as the unpopularity of the Asian conflict, reports of drug misuse by U.S. troops and atrocity charges.

The experience of many employers, to the contrary, has been that the Vietnam veteran is generally a more mature man than the non-veteran and, because of his exposure to military discipline, is more adaptable. Similarly, colleges report that returning veterans generally are better students.

Nonetheless, it remains clear that the Vietnam vet is finding it much harder to get a job and thus complete the transition to civilian life than did returning veterans from World War II and the Korean War.

Faced with this uncomfortable truth, President Nixon has ordered the Labor Department to launch an intensive effort to find jobs or provide training for Vietnam veterans.

Greater cooperation from the business community will be sought; servicemen will be given expanded job training and counseling prior to discharge; job training and placement services by federal agencies will be accelerated; and special attention will be devoted to veterans unemployed three months or longer.

This new, intensified federal effort is long overdue. It should receive priority attention—both on the part of governmental agencies involved and those in the business world in a position to give the job-seeking Vietnam veteran the preferential treatment he deserves.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. HANSEN. Mr. President, I have received notification of the pending retirement of one of the more experienced officers of the U.S. Army—Col. Joseph E. O'Leary, who has served continuously and with honor since October 1942.

Colonel O'Leary, whose retirement is slated for July 31, has served since July 1969, as Chief of Senate Liaison, Office of Legislative Liaison. During his tour at this post, Colonel O'Leary and his staff have been exceptionally responsive to Senators, to our constituents who serve in the Armed Forces, and to their relatives at home.

Holder of the Legion of Merit, the Bronze Star, the Combat Infantry Badge, and a number of other decorations from World War II, Korea, and Vietnam, Colonel O'Leary has had a distinguished career as a professional soldier and has served this Nation well.

A graduate of Texas A. & M., Colonel O'Leary served with the 124th Infantry at Fort Benning, assisting in the massive training effort of World War II, and joined the 41st Infantry Division in 1945 for the southern Philippines campaign. He served in Japan during the post war years, and as an instructor in the Junior ROTC program for four high schools at St. Joseph, Mo.

In October 1950, he became an adviser to the Korean Army, and remained with the ROK Army until March 1952, participating in six campaigns with the 30th Regiment of the 9th Division.

Following the Korean war, O'Leary served in the Pentagon as Assistant Chief of Staff for Intelligence until June 1955, when he joined the Intelligence Division of Supreme Headquarters Allied Powers Europe at Paris for a 3-year tour.

O'Leary served with the 1st Division during participation in the reinforcement of U.S. troops in Western Europe and Berlin, and from there went to Vietnam in June 1964, as senior adviser to the Province Chief of Go Cong Province in the Mekong Delta. During O'Leary's 8-month assignment at that province, Vietcong control of the area was reduced by 35 percent. He subsequently served in the Operation Office of the U.S. Command in Saigon.

After Vietnam service, O'Leary commanded the 172d Infantry Brigade—Mechanized—at Fort Richardson, Alaska, and was operations officer for U.S. Army, Alaska, before assuming his Senate post.

Colonel O'Leary has served with distinction. I am pleased to have this means of saluting his efforts and wishing him well in the years ahead.

HOW TO MAKE A CRIMINAL

Mr. BAYH. Mr. President, as chairman of the Subcommittee to Investigate Juvenile Delinquency I have become increasingly aware of the crimes we are committing against juveniles under the guise of doing something for their own good. The hearings held by my subcommittee have demonstrated time and time again that juvenile correctional institutions do not correct—do not rehabilitate—and, in fact, are schools for crime.

Every governmental body, every commission, every writer, every private organization that has investigated the juvenile detention centers, training schools, and reformatories in the country have come up with the invariable conclusion stated by Milton Luger, former director of the New York State Division for Youth:

The way things are now, it is probably better for all concerned if young delinquents were not detected . . . too many of them get worse in our care.

In Look magazine for June 29, 1971, Charles Mangel, Look senior editor, forcefully and dramatically details the facts of how dismally we have failed those youngsters who are imprisoned each year. Six out of 10 are not delinquents, but while in our correctional institutions they learn very fast. It is a frightening and horrifying story replete with true accounts of brutality, homosexuality, and criminal instruction. Children who need help get absolutely none, an account of society's failure which is repeated across the face of the Nation.

Mr. President, I commend this devasting and heartbreaking article and ask unanimous consent that it be printed in the RECORD.

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

HOW TO MAKE A CRIMINAL OUT OF A CHILD

(By Charles Mangel)

"I can't send him back to his whore of a mother. His school has thrown him out. He has done nothing more than try to run away from his miserable home. All I can offer this child is a jail."—Magistrate David S. Schaffer, Chicago Juvenile Court

As I write this, some 100,000 children are sitting in jails and jail-like institutions throughout the country. They are as young as six. Most, perhaps 60 percent, are not delinquents. They have committed *no criminal acts*.

They are in trouble with their schools or victims of bad homes or no homes or runaways or emotionally disturbed or mentally retarded or neurologically impaired.

But they are in jails (thousands of them illegally, without benefit of court hearings or attorneys or specific release dates) because there is no place else for them to be. These jails, which have many different names—detention center, training schools, even hospital—have guards and locks and, for the most part, bars and high walls.

They put Bernie in one of these jails at age six. Because that's when, as far as officials were concerned, he began to mess up.

Poster-attractive except for a pair of the most badly-crossed eyes I have ever seen, Bernie was picked up by a Chicago cop one cool fall midnight wandering bare-foot around a subway station.

He was already a veteran runaway and a panhandler. Lost among nine—soon to be

ten—kids, a semiliterate, rarely working father, a childlike mother, he took to the streets at four. He was hit by cars twice that first year, suffering a fractured skull both times.

The policeman took Bernie to the Audy Home that night, shortly after his sixth birthday. (The Audy Home is a jail for children.) He was sent home the next day, turned over to his parents and ordered to report to school. Kindergarten.

He refused to attend. Disheveled, dirty, butt of jokes for his crossed eyes, which were never treated, he skipped 31 of his first 40 days. That set the pattern for the next four years. Bernie was to spend almost two of those years in Audy on five different stays.

Continuing to run and to get picked up, he shuttled between his home, a urine-reeking, rag-strewn three rooms, five sets of foster parents and, inevitably, when things fell apart, Audy. After years of being responsible to no one, he was hard to control; each foster home quickly threw him back.

Because he was so handsome—ash-brown hair, blue eyes, a quiet smile—he became a favorite among the staff at Audy. Everyone felt badly that he was distintegrating.

Like all cities in this country, Chicago offers little treatment for children who need help—but lots of testing. During his repeated confinements at Audy, Bernie was frequently evaluated. Tested there for the first time at age six, he was found to be of normal intelligence.

By age eight, the examining psychologist could report: "His contact with his environment has decreased." By nine: "Bernie is getting depressed. [He is] beginning to withdraw severely." The next year: "It is quite possible he is deteriorating due to lack of special academic compensation [and] experiencing extreme emotional regression."

Several doctors recommended a boarding home and school where Bernie could get the attention and firm guidance he desperately needed. "Unfortunately," noted one laconic report in Bernie's ninth year, "such an environment was not obtainable for him." Illinois, like most states, pays $3,000 to $8,000 per year for each troubled child it is able to place in private residential schools. But these schools reserve the right to turn down anyone they believe would not fit into their program. Illinois has no say. Eight schools refused Bernie. Public residential schools for long-term stays do not exist.

The rejection from the foster homes "rendered Bernie . . . chaotic," reported one psychologist. Back home, Bernie's parents often locked him in a closet to keep him from running, and moved frequently to evade juvenile authorities.

At ten, Bernie became, in the eyes of the law, a delinquent.

He wanted a bike. So he took one, menacing a boy with a small penknife. He was returned to Audy. He was now functioning at the level of a retarded child. His IQ had plummeted 30 points. He had spent three weeks of the prior 52 in his neighborhood school. He could not read, write, tell time. He was drifting away from the world.

The inevitable test: He was now retarded, it said. The court promptly and officially labeled him that, even though a physician two years earlier had said emphatically: "He is not retarded." (If Bernie was in fact retarded at that point, he had joined a large group. The President's Committee on Mental Retardation estimates that three out of four of the six million retarded in this country *were born with healthy minds*. Their retardation, like Bernie's, was caused by the failure of our society to provide what a child needs to survive.) Bernie—age ten—was ordered to a state institution for the retarded. Commented a probation officer, "He will never come out."

Bernie's parents, meanwhile, had had enough of Chicago. They wanted to move to a relative's farm in rural Florida. Almost as an afterthought, the day before they were to leave, they asked if Bernie could come with them. He was released. The only thing Chicago and Illinois could figure out for Bernie was to let him go. Saved from a cage for the retarded, he is now back where the problem began.

Bernie spent almost half of four crucial years in a city detention center. Harry, the boy whose picture is on this page, is farther along. Harry was 14, looked 12 and, when I first saw him, he was in solitary confinement in Illinois' maximum-security prison for juveniles—a penitentiary for children.

His major crime: an inability to control himself.

Straight, blond hair hanging over his forehead in bangs, he could be heard shrieking through the prison building when we entered. "Damned food; damned slop they give us. . . . Hey, who's out there . . . ?" As photographer Charles Harbutt and I approached and began to talk with him, he quieted down. He wanted attention.

Harry had been a problem "since he was nine months old," his mother later told me. He destroyed "every toy he owned" in fits of temper. Extremely bright, he had a low frustration level and would explode "without warning" when he didn't succeed immediately at anything he wanted to do. Even before he started to talk, he would grab a household "weapon"—a vase, a broom—when provoked by one of his brothers or sisters.

Harry's mother, a good-hearted divorcee concerned about her seven children, married an older man who wanted to take care of his new family, but who quickly admitted defeat with Harry. Although obviously bright, Harry could not be controlled at home or in school. He tore apart his classes and virtually destroyed his family.

He walked into a liquor store at age 11 and stole several cartons of cigarettes. He didn't smoke and didn't try to sell them. He apparently just wanted to boast. That same day, as a friend was set upon by two boys, Harry waded in and got so angry that he pulled out a pocketknife and stabbed one of the boys in the shoulder. (When I asked him why, he replied: "I just got mad.")

For the last two incidents, the court ordered him to a training school. Paroled 15 months later, he was wilder than ever. He lasted three months at home.

His parole was revoked. He went back to the training school, was so incorrigible that he was transferred to the maximum-security school in the Illinois system. (In any state in this nation, a child who is, for example, a runaway, can, by just running repeatedly, promote himself into a maximum-security cell. He is, thus, controlled.) Unable to stop lashing out at virtually everyone around him, Harry spent most of his time in solitary confinement, a five-by-ten-foot cell. Of the three months following my visit, he spent 71 days locked up alone. When he was particularly troublesome, the "cage men" (or "control men") injected him, forcibly if necessary, with Thorazine. Thorazine is a powerful tranquilizer. It is commonly used in the treatment of psychotics. No physician termed Harry psychotic. The cage men used the drug to keep him groggy. A prescription—a technical requirement—was routinely provided. "One injection," the then superintendent told me, "often kept him out six hours."

Harry was examined by a psychiatrist who reported: "This is a . . . helpless little boy confused and overwhelmed by his impulses and environment. The next few years could be crucial as to whether he goes into irreversible personal disorder." The psychiatrist asked that Harry be given a medical evaluation and then treatment based on those findings. Four months later, the medical evaluations had not been scheduled. The same psychiatrist saw Harry again, and again recommended the examination. He noted: "His behavior has deteriorated. His prognosis is poorer."

I took my notebooks to a pediatrician who specializes in learning and behavior problems in children. He suspected, based on what I could tell him, that Harry has suffered since birth from a combination of primarily physical — *not emotional* — problems. They made it impossible for him to control himself without the right medical help, which no one had given him.

Until last November. Then something "strange" happened. After five years in and out of the state correctional system, Harry was transferred to a state hospital, to join an experimental program designed for kids just like him. Suddenly, aid poured in on Harry—medication, psychological therapy and intensive personal counseling. He began to change. Dramatically. Now, just seven months later, his psychologist says, "I think he will go home soon to stay." If that is right, if help did not come to Harry too late, he is one of the very few lucky ones. "He was," says the psychologist, "at the end of his rope when he got here."

What happens to a boy who grows into manhood in a jail?

Chuck Paulson is 35. He has spent 26 years in some kind of institution. He has been a burglar, an armed robber and, almost, a murderer. When I interviewed him, he had just been released from a penitentiary in an Eastern state. He had been out ten months, the longest period of time he had been free *since he was seven years old.*

"My mother put me in an orphanage when I was seven," he recalled. Why? "I don't know. My parents were both working. I was an only child. I don't think they wanted me around. They were both pretty young."

Chuck kept running away, trying to go home to his parents. After three years, the orphanage gave up and sent him back. But he didn't want to go to school. While truant one day, he wandered into a variety store, picked up a hard-boiled Easter egg from a display and ate it. A neighbor told his mother.

The next day, Chuck's mother petitioned the court to have him committed as an uncontrollable child. (In many states, "incorrigible" children, solely on petition of a parent, school or police official, can be held until age 21. New Jersey last year imprisoned a boy until newspaper publicity forced his release. He was five.) Chuck, 12, was sent to a reformatory. He was to stay there for most of the next four years. He had done nothing more serious than eat the egg and play hooky.

"When you go into reform school at 12 or so," he told me, "and you see a guy maybe a year or two older in there for robbing, he's a big man. You look up to him. You listen to him. I listened to stories about jobs. I just took it all in my head."

"What did you learn?"

"I learned the best time to break into a market; how to get into a closed gas station, how to empty a jewelry-store window, how to find out if a house is empty and get in quietly, how to sell the junk you steal." (Eight out of ten kids—*including those who enter these institutions for non-delinquent behavior*—commit crimes after they leave. Three out of four are back in jail within five years.)

After a year at the reformatory, Chuck got a two-week home leave. He could barely wait to test his new knowledge. "I hitchhiked across the state line the first night out—they told me not to mess with your hometown—and crashed into two closed gas stations. I went into the cash registers and the vending machines. I still remember, I got $50 in one and $20 in the second. That was big money for me. I was 13 and a half. I hit two more when that money ran out. Now I had some stories to tell when my leave was up."

Chuck learned "how to stick a knife in a

guy, shoot a gun. They taught me to fight; they made me want to do it, to get revenge. The kids said if you've got the guts to stick it into a guy, then you're OK. Otherwise, you're a punk. This went on, day after day. All we did was talk. They had pictures of guns and showed us how to load them, use them. Over and over. When I got out and got a gun, I felt at home with it."

Chuck saw his first gang rape in the reformatory. "A thin, blond kid hung with me, and I watched out for him. One day, 10 bigger guys caught him alone and raped him in a classroom, beat him silly. I saw 12- and 13-year-old kids rape eight-year-olds. I saw a gym master rape a kid in an empty swimming pool.

"Everybody does it. Anyone who's in prison for any time and says he doesn't do it—by consent or force—is a liar."

("Almost every slightly built young man is sexually approached within hours after his admission. . . ," one investigator told a Senate subcommittee. "Many are . . . repeatedly raped by gangs of aggressors. Can anyone of us understand what degradation and hatred a young man must feel when he is released into the community after being homosexually raped?")

Discharged at 14, Chuck formed a three-boy gang and started breaking into houses. "We would do 12 to 15 houses in an afternoon when people were out."

His career had begun. It was to take him into four different reformatories, Federal and state prisons, through five knifings of other inmates—he tried to kill each, but failed—through episodes with drugs. When discharged the last time, he had been out of confinement a total of 13 days in 13 and a half years. Now he sat with me, worrying about his future.

He had lost five jobs because his employers learned he is an exconvict; another because of his temper. Although he is trying to stay clean, he had broken into two houses the week before we talked. He is trying to stay off pills and liquor but may be losing. He is continually looking over his shoulder, afraid he'll be caught for those entries, dodging friends he made in prison who are looking for him so they can get back to the only real work any of them knows. "I get two or three offers a week."

Chuck doesn't know what he will do. He has the defenses of a child. "He is terror-stricken," a new friend of his told me. "He carries a knife because he's afraid someone will stab him in the back. He doesn't know how to trust. He doesn't believe anyone could love him. He tried to con me until he realized I wasn't out to hurt him, that I wanted to help. He doesn't know what it is to be happy."

The only thing Chuck is sure about is "that it started in reform school. That's trade school, that's where I learned it all." He pleads: "Stop reform schools. Eight out of ten guys I saw in prison were in reform school with me."

Bernie, Harry and Chuck Paulson are not isolated examples. They represent dozens of boys and girls I met across the country, non-delinquent or borderline delinquent children who are committed to institutions for indeterminate stays under the guise of treatment. But only five out of 100 get it.

Instead, they find themselves in a world governed by brutality (one survey reported major physical punishment in two out of three institutions) and a different code of conduct. "Imagine," said one researcher, "what can happen to a ten-year-old boy, whose only offense is having been deserted by his parents, when he is assigned a bed between a burglar and a homicide suspect," Inevitably, they learn a new set of rules.

No one, anywhere, demands an accounting of what happens to these children. Nobody touches their lives. Except on a hit-or-miss basis, no hand exists to support a stumbling child, no hand exists to help good families that find survival impossible without assistance. I interviewed poor parents of disturbed or brain-injured kids who committed their children in desperation because they could find no other promise of treatment. Each "incorrigible" child went to jail. None got the promised treatment. Schools simply eject kids who do not learn—90,000 under 16 walk the streets all day in New York City, 60,000 in Philadelphia, 36,000 in Detroit, 53,000 in Los Angeles.

The glut of public and private social-service agencies allows children and their families to fall between them because no one agency, anywhere, is responsible for anyone. Six different Chicago agencies had a shot at Bernie during his four years; his probation-department social worker and his school social worker had never contacted each other to discuss his problems. I asked his probation-department social worker what she did for him. "I visited him and I brought him apples," she said. "He loved apples."

Most judges refuse to visit institutions they sentence kids to. Three out of four juvenile courts have neither diagnostic services to seek out reasons for a child's behavior nor treatment services to help a child before committing him to an institution.

Logic plays little part in our treatment of children in trouble. We imprison a child of seven and tell ourselves *he* is the failure. We maintain we will treat him, but only one of 20 institution employees is assigned to rehabilitation. We worry about the rising rate of crime and acknowledge that serious juvenile crime is up 78 percent (half of all major crimes are committed by juveniles), yet our Federal Government spends $480 million for an omnibus crime act, and only $14.7 million for delinquency prevention—versus $4.4 billion for highway construction. We complain endlessly about money, yet we will spend as high as $12,000 to keep one child in a jail cell for one year when most could be helped in small group homes for a third of that sum. "Secure institutions are necessary for only some ten percent who are dangerous," says Milton Rector of the National Council on Crime and Delinquency.

We know our juvenile prisons are failures, yet we plan to increase their capacities by almost 50 percent. We deplore the need to put non-delinquents with hardcore child criminals—and some 10,000 in with *adult* prisoners—yet unblushingly continue to do it. In 1961, New York state passed a law forbidding non-delinquents to be placed in facilities housing delinquents. The jails started to empty. Suddenly there was no need for all those guards. Forty percent were let go. They protested. The legislators repealed the law and returned to the old system.

As a national community, we know how to identify many kids who are likely to get into trouble by the time they reach the third grade. We are beginning to understand that many children who misbehave flagrantly—perhaps as many as half of them—have basic medical problems that if treated would allow them to control weird impulses that lead to assaults, even murder. We have watched experiments in rehabilitation (Illinois among the outstanding ones) that indicate promising ways to reduce repeater rates—and costs—dramatically.

Yet we pass all this by as if it does not exist. "Why are we so willing to give up on the child in trouble?" asks Lois Forer in *No One Will Listen.* "There are two possible reasons. The first is that we don't want to help; the second, that we don't believe we *can* help. We know that the children who suffer from lack of facilities are primarily poor children—black, Puerto Rican, Indian, deprived—in short, *not our children.*"

Few people feel any sense of outrage. I met in Chicago with a group of lawyers, judges and social workers who spend their days working with children in court. They impressed me as decent men and women. They uttered all the right words. But they spoke with a curious hollowness of feeling. As the evening wore on, I found myself being grateful that the future of my children did not depend on their concern.

"The way things are now, it is probably better for all concerned if young delinquents were not detected," says Milton Luger, former director of the New York State Division for Youth. "Too many of them get worse in our care." Not one state in this country, adds the National Council, is doing a proper job of rehabilitating kids in trouble.

We are a slipshod people. We tend to do nothing unless a crisis is at hand, and then we seek simplistic, temporary measures. We wrap ourselves in our comforts, tend to think the universe is where we are and blink at those who are cold, hungry, sick, in trouble. It appears the time of slippage may be ending. The time may be beginning when, compassion and purity of purpose aside, we are going to be hurt significantly if we don't reach out to those aliens who dare not to be self-sufficient. "If you are among brigands and you are silent, you are a brigand yourself," a folk saying goes. Civilization is not a matter of museums and global communications. It derives from a quality of mind and of concern. And by that definition, we, of course, are not a civilized nation at all, rather a self-centered, stupid one. And the soothing words of all our politicians, all our churchmen, all our "important" people matter not. We are incompetent.

About a month before I reached Los Angeles during the research for this story, a nine-year-old named Teddy had run from his mother there. An alcoholic, she used to leave him alone for days at a time. He was a chronic truant and had begun to mug smaller kids. A policeman showed me his farewell note: "Mom, I am sorry but you do not care about me so I have to leave you. I don't care no more. I had to go begging for food. I cannot go begging no more. Love, Teddy." The boy added an afterthought: "How am I going to live? Can you tell me that?"

CONGRESS BYPASSED IN ANALYSIS TECHNOLOGY

Mr. BAKER. Mr. President, I want very much to call to the attention of any Senators who might not have seen it an article by Joseph A. Califano, Jr., published in yesterday's Washington Post.

Mr. Califano, an able public servant who was formerly special assistant to President Johnson for domestic affairs, is well qualified to make the observations and judgments that he does about the substantial disadvantage at which Congress finds itself when competing with the vast resources of the executive department.

I know that certain segments of the public—perhaps a majority—feel that the legislative branch is a profligate, that Members of Congress and their staffs are underworked and overpaid, that Capitol Hill is rife with nepotism, sinecures, and pleasurable prerequisites of power.

That we could be more efficient with the resources we do have cannot be denied. But I am in full agreement with Mr. Califano that the National Legislature is a "separate but unequal branch." And I firmly believe that we will remain unequal to the responsibility vested in us by the Constitution until we are prepared to come to grips with the thoroughgoing reorganization of our operations that is so clearly needed. Until we are able to establish the kind of inde-

pendent information base discussed by Mr. Califano, we will continue to rely almost exclusively on information provided to us by the Executive and by outside groups and individuals rightly advocating their own interests.

Mr. President, I ask unanimous consent that Mr. Califano's article be printed at this point in the RECORD.

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

THE SEPARATE BUT UNEQUAL BRANCH—CONGRESS HAS BEEN BYPASSED IN ANALYSIS TECHNOLOGY

(By Joseph A. Califano Jr.)

The Congress is presently the separate but unequal branch of the federal government. Discussion in the press and on the Hill about this sorry condition has centered on the revelations in the Pentagon papers and the role of the Congress in foreign affairs. Senators rise on the floor to place blame on the Executive branch for withholding information or intentionally misleading the Congress.

The basic reason for the decline in congressional effectiveness and status, however, lies not with the Executive branch or some federal bureaucrats whose concern is often for the approbation of constituencies independent of the President or the Congress. Responsibility for its separate but unequal status rests largely with the Congress itself.

The judgments of the 535 members of the Congress, like anyone else's, can hardly be better than the information on which those judgments are based. The Congress is dependent upon the Executive branch for most of its information, with an occasional and too often superficial assist from outside experts. Of the three branches of the government, the Congress is the most inadequately staffed and least efficiently organized.

The Congress has a Legislative Reference Service which can put into statutory language virtually any idea any congressman wants drafted into a bill he desires to introduce. The General Accounting Office serves as an investigatory arm to expose waste in government contracts or office furnishings excessively luxurious for federal employees. Both organizations serve all congressmen well on their spheres of operation. Moreover, there are an increasing number of bright young staffers working on the Hill, particularly on the Senate side and in some key House committees.

But the Congress has ignored the revolution in analytical technology. As Representative John Culver of Iowa has pointed out, the Congress has only three or four computers, and those computers operate in large measure on payrolls and housekeeping matters. It has no central system analysis staff and only a scattering of such analysts among its committee staffs, many of whom left the Executive branch after the change in administrations in 1969 and have every intention of returning to the Executive should the Democrats assume control of the White House in 1973.

Contrast the Executive branch, which now has some 4,000 computers working almost entirely on substantive policy issues. Analysts and programmers of increasing sophistication hold key staff positions not only in the Office of Management and Budget and the Department of Defense, but increasingly in the domestic departments of the government. Shrewd and brilliant a legislator as he is, Chairman Mills must turn to the Department of Health, Education and Welfare and its computers (or a systems-oriented research center like the Urban Institute which is largely dependent on Executive branch contracts) when he wants detailed information on the financial impact of various welfare reform alternatives. The Pentagon, both within its own walls, as well as in its think tanks like Rand and the Institute for Defense Analysis, can war-game any number of strategic or budgetary alternatives, while the Armed Services and Foreign Affairs Committees still base most of their decisions on the work of small staffs and the gut reactions and empirical idiosyncrasies of committee members.

The impact of this congressional failure to staff itself adequately and to take advantage of the analytical tools of modern technology is at least as responsible for the second class citizenship of the Congress among the three branches of government as the seniority system or the antediluvian committee structure.

The Executive branch is by far the most significant force in the conception, development and enactment into legislation of new substantive programs. The stark fact is that neither the Congress nor any of its committees have the consistent capability—without almost total reliance on the informational and analytical resources of the Executive branch—of developing coherent, large-scale Federal programs.

When President Lyndon Johnson decided in 1967 to develop a program to close the housing gap in the United States as rapidly as possible without distorting the capital markets of the country or putting too much pressure on the construction labor force, months of computer runs and analytical work by the Council of Economic Advisers and the Department of Housing and Urban Development were necessary, first to determine the size of the gap and then to produce the 10-year program for closing it. When the Housing Act of 1968 was sent to the Congress, there was little discussion of the validity of the data base of the Executive branch or its statistical and analytical projections. The Congress and its committee staffs were simply not equipped to analyze the program intelligently in these terms. Most of the discussion in the Congress involved the parochial rivalries of interest groups that had been jousting for decades in the housing arena. The congressional debate essentially constituted a search for some means to balance the relatively narrow interests of banks, homebuilders, real estate brokers and trade unions. Congress, of course, is the proper forum for such interests to make their views known on a legislative program proposed by the Executive. But the Congress should also be a forum where Executive branch analyses and programs can be independently evaluated.

On the military side of the budget, the situation reached a point in the 1960s where the Pentagon would analyze and make decisions on the basis of program packages related to the capabilities of combinations of forces from all three services to meet potential threats to our national security. This is the context in which Secretary of Defense Robert McNamara would present his annual posture statements. Yet, for appropriations purposes, largely because of the way the Congress is organized, the limited capability of congressional staffs and its old-fashioned appropriations procedures these program packages would be retranslated into budgetary line items.

The lack of adequate staffing and analytical capability results in the kind of meat-ax approach that so often characterizes efforts to cut the defense budget. The success of a few senators in 1969 and 1970 when they focused with sophisticated specificity on selected programs, like Sen. Walter F. Mondale's successful attack on the nuclear carrier program of the Navy, was in no small measure due to the expertise of former Pentagon and Budget Bureau analysts who were willing to assist the senators on the hill and provide the data and analysis appropriate to the use of a scalpel instead of an ax on the defense budget.

The Joint Economic Committee does a remarkable job particularly when it is realized that virtually all its basic data comes from the statistical offices of the Commerce and Labor Departments, the Council of Economic Advisers and the Federal Reserve Board. Yet, think for a moment what the situation might be if that committee had the statistical and analytical capability to do their own computer runs, their own independent basic analyses and projections. I am not speaking here of duplicating the capability that exists in the Bureau of Labor Statistics or the Commerce Department's Office of Business Economics, but simply the kind of capability that exists in most of the large banks and corporations of our nation. Many of the more sophisticated members of the Joint Economic Committee, like Senator William Proxmire and Congressman Henry Reuss, were convinced at an early stage on the basis of personal experience and shrewd perception that inflation was getting out of hand in the Johnson administration and that the Nixon economic game plan would go awry. But their conviction was essentially a gut reaction. Their ability to develop their own projections and economic scenarios supported by detailed analyses and statistics, was sharply limited because they lacked the staff and the computer technology to do their own analytical thing.

Finally, and this is perhaps the most difficult and sensitive area in which to urge the Congress to engage in cold self-examination, the committee structure no longer conforms to the realities of American life. Committee jurisdictional problems are a major inhibition to a functional, problem oriented analysis of our national problems. Senator Humphrey's proposal for a National Security Committee recognizes this in the foreign policy, military affairs and foreign aid area. But there is is no visible recognition of this in the domestic area.

This issue is crisply drawn between the Executive branch and the Congress as a result of the President's reorganization proposals. The President has suggested that the domestic program side of the Executive branch be organized into four basic departments: Human Resources, Community Development, Economic Development and Natural Resources. The difficulties the reorganization faces stem not simply from narrow private interest groups like agriculture or business or labor, who wish to retain constituency-oriented departments. Even more important—as almost any congressman or senator will admit privately—is the impact of that reorganization on congressional committee jurisdiction. The rhetorical level of debate is filled with concerns about our farmers or our businessmen or our workingmen. The tough arguments in the Congress are more often concerned with what committees of the President's reorganization proposals. The most serious hurdle these Executive Branch reorganization proposals face may be the essentially retrogressive and parochial attitudes of substantive committees of the Congress.

In its struggle to stay abreast of the Executive Branch, the Congress may retard more efficient Executive reorganization, rather than pursue its own reorganization to come to terms with the reality of American society and its problems in the 1970s. Thus, one can hear comments that if the President's Department of Natural Resources is enacted into law, arrangements must be made to maintain the portions of the new department formerly in the Agriculture Department within the jurisdiction of the Senate and House Agriculture Committees and the portions presently in the Interior Department within the jurisdiction of the Senate and House Interior and Insular Affairs Committees—or indeed to grant both committees jurisdiction over certain areas. This is something akin to those stagecoach owners who first refused to transport rail tracks and later added a brace of stallions

to the coach to compete with the railroads.

Most large institutions, like most governments, are most likely to deteriorate and crumble from within rather than without. Institutions, like people, tend to bring their problems on themselves. As the Congress thrashes out in frustration at its separate but unequal status among the branches of government, it must realize that its houses are made of glass. Before its members throw too many stones, they might recognize that they hold in their own hands the power to vote themselves the staff and analytical capability they need, to establish a central systems analysis and program evaluation office, to reorganize their committees and thus to assume their constitutional role as the most effective and responsive representative legislature in the history of mankind.

SHORTAGE OF JOBS

Mr. FANNIN. Mr. President, college graduates are finding that they have to seek jobs rather than having jobs seek them as was the case a few years back. And the quest for employment is difficult.

It is unfortunate that we do not have enough good jobs presently for well-educated people. Not only recent college graduates, but many competent workers with years of experience are finding it difficult or impossible to get the jobs they want.

My belief is that it is our unrealistic foreign trade policy that is partially to blame for this situation, but that is not the point of the remarks I offer today.

The one consolation we can find in today's tight job situation is that it should make the people who have good jobs appreciate these jobs and work to keep them.

Arizona has three fine universities, and one of them is located in Tempe. Tempe is a suburb of Phoenix, but it is a community that has individuality and a distinct spirit of its own. It also has a fine daily newspaper, the Tempe Daily News, which generally combines pioneer good sense with a keen insight into today's problems.

Recently the Tempe Daily News published an editorial which I think carries a sound message. I ask unanimous consent that the editorial be printed in the RECORD.

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

DIPLOMA, THEN WHAT?

Ten, even five years ago, an Arizona college senior could register at his Placement Office, be shuttled through a series of employer interviews, and then exit on graduation day with an avalanche of job offers. For the thousands in the Class of 1971, however, the search for permanent employment is somewhat different. In fact, according to UA's Arizona Alumnus magazine, "It's a complete about face from the good old '60s."

Job hunting graduates from Tempe, Tucson and Flagstaff are pounding the pavement, knocking on doors and trying every trick known to sell themselves and their skills to prospective employers. A college degree is no longer a guaranteed ticket to 'easy street.' At most, it is now a step in the front door of the secretary's office!

It doesn't take a degree in economics to figure out what brings about the situation. The primary reasons for the 1971 job pinch are an unhealthy business picture, high unemployment, a reduction in draft calls, the number of returning veterans from Vietnam, and an increasing trend of the working wife and mother.

Add one or two of these reasons to the burgeoning college population, and you've got trouble. But when all of them are weighed together, the chances of receiving a job offer along with a diploma are slim.

One piece of advice given to today's graduate by numerous placement officials is to get a job—any job—doing something he is competent at, and then seize opportunities to move from there to doing something he believes in.

Arizona is not alone in this graduate-job problem. The problem is echoing throughout the United States. In a survey of 916 major businesses, the College Placement Council reported that employers will hire 23 percent fewer college graduates than they did last year.

Another survey by Generation magazine, which polled 70 major U.S. corporations, offered some frightening facts for the June graduate. In recent months, the job market has been flooded with experienced personnel, let go mainly for economic reasons. At the same time, in an effort to hold down soaring costs, companies have revised their hiring strategies by either cutting back their needs, or hiring inexperienced people at lower salaries.

With our own graduation ceremony, complete with cap and gown and a handshake from the university president, we were handed the Great Depression to accompany the rolled scroll. We hope what happened to us (and to millions of other Americans) never happens to the wonderful youngsters of the Class of 1971.

The first thing we learned off the campus was that this is a great big, competitive world, one filled with darned nice people. Our job problem was universal, so we had lots of company. A constant faith in the United States of America kept us going. And in the end, we believe this nation was a whole lot healthier and unified in 1939 than it is today.

Anyway, it's too hot to talk of gloomy things. Take a deep breath, thump your chest, and smile. Like Avis, you gotta try harder!

WYOMING'S LEGION DOES AN OUTSTANDING JOB

Mr. HANSEN. Mr. President, I had the privilege recently of attending the Wyoming American Legion State Convention, held in one of the Nation's most scenic and hospitable towns, Lander, Wyo.

It was also my privilege, while there, to listen to the address by Mr. Max Hanson, of Boise, Idaho, the national vice commander of the American Legion.

Mr. Hanson pointed out the assistance that the young men returning from Vietnam by the thousands now under President Nixon's successful withdrawal plan will require in continuing their education, in locating jobs—in commencing their lifetime careers.

Mr. President, the Wyoming American Legion organization does an outstanding job in our State. The 53d convention pointed up its progress in a number of areas, not the least of which is its outstanding Americanism program and the fine job they have done down through the years with the Boys State program. Kirk Coulter, Gillette, was awarded a plaque for his dedicated participation in this program.

The accomplishments of the legion and the auxiliary under the able and dedicated direction of Department Commander Bill Mead of Buffalo; Department Vice Commander Frank Shaffer, of Sheridan, and Mr. and Mrs. Irving Selmer, of Cheyenne, have been noteworthy.

A highlight of the meeting was Max Hanson's address.

Mr. President, I ask unanimous consent that Mr. Hanson's address of June 25 be printed in the RECORD.

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

AND WE WERE YOUNG

It's no small thing to risk your life for your country. Even if one doesn't agree with the war in Asia, the bullets are real. And, so are the needs now of those who were lucky enough to return.

That young veteran returning home needs a job . . . now. He's an asset to America and will be one to a business. A job is the badge of belonging; belonging to our society . . . the American society.

Nearly two million men having done their part are returning to a society that appears not too proud of their services nor open-handed with its job rewards. When Johnny comes home—often nobody notices.

Our boys coming home didn't just inherit their American right—they earned it.

Now they want to earn something else . . . simply a living.

The clock has turned a long way. Certainly the welcome isn't what it was a generation ago. Yet these are the same young men. The youth of our land is a great force in remodeling man's outdated forms which govern his effort to get along with one another.

These young men who served are the builders of civilization. They are a credit to their communities from whence they came.

Dedication and idealism of responsible youth have been etched into every chapter of our nation's history. In the beginning it was the young people who provided the drive for a better life. Witness: Thomas Jefferson, who at thirty-three wrote the Declaration of Independence. At twenty-six Alexander Hamilton stood high on the list of leaders of those turbulent times.

Nathan Hale was only twenty-one, and with the winds of another world already blowing in his face, said, "I only regret I have but one life to give to my country." And Patrick Henry was twenty-nine when he denounced tyranny. Some of the signers for Independence were in their early years like Rutledge from South Carolina, age twenty-seven.

To these and to countless other young people we are indebted for the beginning of our way of life. The history of this nation is a fascinating story of the struggle of humanity geared to a constitutional system which was conceived in the minds of young people.

Nearly two centuries ago on a hot, humid July evening in Philadelphia, Pennsylvania, delegates to the Continental Congress finally adopted in a close vote the Declaration of Independence.

Those 50-odd delegates . . . representing the thirteen colonies whose total population amounted to a mere three-million . . . had sweated and labored to hammer out this landmark political instrument.

The very soil the new nation occupied was not yet fully claimed from its hostile environment. The political climate was even more hostile. The nation's very right to exist remained to be tested in a long, life and

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death struggle against the world's greatest sea and military power. The scales certainly seemed balanced against this political upstart.

The only things on the favorable side of the scales for the new nation seemed to be hope . . . and faith in and a dedication to the principle of human equality and self-government.

While they faced insurmountable odds, the founding fathers made their dream live and grow. With the same faith, later generations found the challenge offered by freedom worthy and carried forth the idea, but not always without the pain of sacrifice and hardship.

Some Americans have grown careless in their responsibilities toward freedom and a free society. Cloaked in their freedom, some have engaged in dangerous adventures against it and against this free society.

The American Legion has put itself on record to give action and public support to public and private officials who will persevere in exposing and putting down anarchy; and, to stand firm against threats and criticism in performing their duties to protect and promote the public interest.

To instill in the American people a new growth of civic responsibility, love of country, and faith in God, is a challenge to every office holder.

This action is recognition that a nation and a society, no matter how powerful or how painful her process of creation and building, can be destroyed by such excesses as we find occurring in America today.

Our nation and our society are admittedly imperfect. But they remain the best that man, with all his imperfections, has been able to create to solve his political and other needs.

If there had been no United States of America, the world would have been in a far different situation than it is today. Unless the United States continues to survive and flourish, then tomorrow will be far different.

The defense of this nation is too vital to be left to sentimental slogans, the density of the picket line, or even to the strategic insights of Dr. Spock.

What we need is a moratorium on blind, destructive criticism of America and a mobilization in her behalf.

It is better to stand with a rifle in your hand, than to kneel with a knife at your throat.

The options that our pioneer forefathers faced in a hostile environment yesterday are valid today. Perilous moments for America have occasioned the finest hour of citizenship for her defenders.

Our infinite good fortune as Americans is that the dreams we have been given are inexhaustible. What happens to the dreamer matters little; it is what he serves that counts.

The patriots who fell in battle for America have been widely separated by distance and time . . . From the colonial square at Lexington to the jungle wilderness of Vietnam . . . From the spring of 1775 to the summer of 1971. Some came from families long established in America. Many others were new to this land and its promises. They differed in color, religious preference, political faith, and in other ways which historically have divided the human family. Yet, they all had this in common. They loved their country and they fought and died for it.

Numbered in the ranks of these Americans who served their country are those who built America. Those who gave her a spirit, and character unique among nations. And those who made it possible for her to endure.

Ernie Pyle, in describing the channel crossing a generation ago, after interviewing some young men who were afraid and sick as they bobbed on an indifferent and ageless sea, concluded: "The reason of fighting was simply to save one another."

What other reason could state so simply?

Across the Mediterranean an old Roman senator ended all of his speeches with the words: "Carthago delenda est." Translated: "We will bury you." The Carthaginans refused to believe Cato. And, so their civiliation was swept into the dust bin of history.

I throw this in to prove that Khrushchev was just a "Johnny-come-lately."

Similarly, Rome in her turn did not survive the challenge either.

Last winter during March, I visited Pearl Harbor and placed an American Legion wreath on the USS Arizona Memorial. It was a solemn tribute to the 1,177 gallant sailors and marines entombed in the sunken hull of that famous battleship, who died in action on that day of infamy more than a generation ago. Much has changed in this bastion of the Pacific but memories live to the last syllable of time.

The National Cemetery of the Pacific, popularly known as the Punchbowl, is located in the extinct volcano Puowaina, overlooking Honolulu, Hawaii. Here in the haunting eternity amid this green encirclement of lava escarpment, it was peaceful. I was impressed. Here where the very austerity lent a splendor, - was grateful for life and freedom. And, I was grateful to an earlier generation of Americans who had journeyed far, never to return.

If you'll pardon a personal reference at this time, I searched the walls of the Courts of the Missing until I found the name of my brother Ralph Hanson, U.S.N. Then, but a few names above his own, I found mine among the 26,280 names engraved on the Court walls. I was again grateful that this Harold M. Hanson was not from Idaho.

The poignant sympathy written by President Lincoln to a bereaved mother was fitting here: "The solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

I recalled a navy man's words used to describe the loss of shipmates during the Second World War. I think the words were spoken long ago in a language simpler than you or I could choose:

"Here dead lie we, because we did not choose
to shame the land from which we
sprung.

"Life to be sure is nothing much to lose, but
young men think it is and we were
young."

That was all he said. The words came simply—naturally; and his friends did not seem to think it odd.

The American Legion has caused world attention to be focused on the plight of the American Prisoners of War held by Hanoi; and of course, those Missing in Action, too.

Public attention should—and must—be directed to the conditions of these captured servicemen, some of whom have been held captive for years. Little or no information has been trickled by their captors from them—or to them from their families and loved ones.

Although the North Vietnamese officials appear incomprehensible to our concern for the 1600 human beings Missing in Action or confined there, they are sensitive to world public opinion.

How do you speak to someone who has never heard Reveille, or felt the prickly sensation when Old Glory is lowered at Retreat? . . . To someone who has never felt pain, what words do you use? What words would you use to describe stench, if you've never smelled it? How would you explain the anxiety and frustration of forgotten men?

Well, here are some words: Time . . . Isolation . . . Frustration. These are with you all the time. But the two destroyers are: hopelessness and the feeling of betrayal. These are what knocks an American to his knees.

There are three things essential to a P.O.W. Three things necessary for survival. We have this from one who was there: Major James Rowe.

The first is faith in God. Communists don't understand God. They don't believe in Him. They don't know the strength that you can get from Him. It is simple and very personal; no ritual or dogma required. Of all people, the soldier prays for peace, for it is he who must suffer and bear the wounds.

The second thing is a faith in our government and in our country. It isn't their propaganda that hurts a Prisoner of War. It is when they quote adversely from the Congressional Record, and our own newspapers. When you're imprisoned it's difficult to defend your Country against the Communists, but the odds go down when you have to defend it against the utterances of an elected official of your own country.

The final thing is a faith in other American P.O.W.s; because they may be the only friends you have. Most American prisoners of war have more faith in their God, their country, and their government than many of those who have dwelled in the security and safety and peace of the United States. At least, this is the testimony of one who has escaped.

The agonies of war are largely borne by the young. From its ranks, war takes its most precious toll. These men were known, loved, and cherished. Their individual memories should be recalled.

The enduring realization is that when a great challenge comes, the most ordinary people can show that they value something more than they value their own lives. The men who have fought for their country have said something for freedom that this country will never forget.

Democracy is fragile. It is like a flower. And only a small fraction of the world's people have ever seen it in full bloom. Freedom is not free. It requires tender and loving care from those who would live in its glow.

As I gaze into your faces tonight, I see comrades who have served during a crucial hour of our country's agony.

MacArthur said it to the Corps, and I say it to you, "Their memory is one of wondrous beauty, watered by years and coaxed and caressed by the smiles of yesterday."

There is a time for everything. And, time is running out for our countrymen in Asian prison camps.

* * * there is a time to speak" (Ecclesiastes 3:7)

That time is now.

BALTIMORE'S OLD CATHEDRAL

Mr. MATHIAS. Mr. President, beginning last month and continuing throughout the year, the Basilica of the Assumption of the Blessed Virgin Mary on Cathedral and Mulberry Streets in Baltimore is celebrating its 150th anniversary. As the Nation's oldest cathedral and a famous Maryland landmark, the Basilica stands as a shrine not only to Catholic Americans but to all of us as a piece of American history.

The cathedral is located very near the site on which Gen. Jean Baptiste Rochambeau, commanding French troops dispatched to aid the colonies against the English during the Revolu-

tionary War, received Mass with his men and Baltimore civilians under an ancient elm in Howard's Woods. The partially completed cathedral was a witness to the War of 1812, which interrupted and delayed its construction.

One of the foremost architects of the day, Benjamin Latrobe, prepared the design for the cathedral. Granite for the church came by oxcart from Ellicott City, 11 miles away. Inside the cathedral rests a most treasured Maryland relic, the crozier of the first Archbishop of Baltimore, John Carroll.

Since the time of its dedication on May 31, 1821, by Archbishop Ambrose Marechal, the world outside the cathedral has changed vastly. But the Baltimore Cathedral itself remains what it has always been; a dignified and majestic sanctuary for worshipers from all walks of life.

Its proud history is worthy of our recognition.

BAN ON TURKISH OPIUM

Mr. TUNNEY. Mr. President, I welcome, as I am sure do all Senators, news of the recent agreement with Turkey to halt the legal production of opium in that country. The scourge that the opium poppy has wrought in this country is a desperate one. For many years, thousands of our young people in this country have been afflicted by the tragic addition to heroin. Even more terrible, however, has been the discovery in recent months that many more thousands of our young people have been captured in the jungles of Southeast Asia not by Vietcong but by heroin. To say that we as a nation have been outraged is a vast understatement.

We all, therefore, share a tremendous concern to cut off the traffic in this terrible drug at every source, whether in Turkey, in Mexico, in Laos, in Burma, or any other country in which it is grown. I have continually pledged my full support to that effort and will continue to do so.

Yet with the news of this new agreement with Turkey, it becomes even more important that we not be deceived into thinking that such agreements will solve the problem of drug addiction in this country. For as quickly as we eradicate one source of supply, two new ones can just as quickly spring up. As long as there are fields to grow it and greed to harvest it, the opium poppy will continue to defy complete eradication.

Thus it is more critical than ever to recognize that we must make a full-scale effort at every level to deal with this drug. And that effort must of necessity be focused on education of our young people to prevent drug abuse and thorough treatment of those already addicted. I frankly believe that we will never eradicate heroin addiction in this country until we provide adequate treatment and rehabilitation for every addict on our streets. And by rehabilitation, I would include a job.

As long as we fail to deal with the addict himself, and the causes of his addiction, we can spend millions on law enforcement efforts to eliminate the supply without ever making a dent on the problem. For unless we put an end to the demand for heroin on our streets and in our alleys, we will be forced to track the opium poppy through every farmer's field through every country where the climate permits its growth.

Mr. President, I ask unanimous consent that an article published in the Washington Post of July 4, describing the effort of the recent Turkish agreement and the prospects for its speedy implementation, be printed in the RECORD.

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

TURKISH BAN SKIMS SURFACE OF HEROIN TRADE

(By Don M. Larrimore)

ROME.—Despite Turkey's decision to bow to Washington pressure and outlaw its traditional opium production, narcotics experts have warned for months that it would be only a helpful preliminary step toward still far-off elimination of the heroin traffic ravaging American cities.

"President Nixon shouldn't get too excited," a leading narcotics official in Europe said recently. "It will be years before they stop those Turkish farmers from growing their poppy."

And, he added, "even if they banned opium everywhere in the world, which is obviously impossible, it would be 10 or 20 years before the heroin dried up."

The United States for years has been the moving force behind the campaign against opium smuggling undertaken gradually by regimes in Ankara. Many Turks have publicly voiced resentment against this pressure.

Former Premier Suleiman Demirel, replaced earlier this year by Nihat Erim, had reduced the number of provinces where poppy could legally be grown from 21 to the present seven.

Erim's decision to ban "definitely and totally" all planting of the blue and white opium plant by winter 1972 is likely to earn him the same angry charges by Turkish leftists as Demirel endured. In a country where there is no narcotic addiction, it is effective politics to accuse the opposition premier of being a Washington lackey for slicing at the key cash crop of opium.

Before President Nixon's recent offer to Erim of $5 million to "buy up" the entire current Turkish opium crop, several similar offers were made privately but rejected.

U.S. INVESTMENT

Aside from the now successful "diplomatic" pressure which almost certainly included reference to the hefty American military investment in Turkey, Washington has played a major operational role in fighting opium smuggling near the source, providing a $3 million subsidy.

To make the new ban work will cost Washington many millions more and, experts agree, will take many years. Indemnities for the 70,000 poppy farmers will be only the start. Introduction of alternate crops won't be easy among stubborn Anatolian peasants who have lived from opium since they first started sending its paste by camel caravan to China a century ago.

Today there are not nearly enough reliable inspectors to ensure that poppy growing will cease as ordered. Last year alone 38 large—more than ⅓ acre—illegal opium fields were found and burned.

Bribery, considered a legitimate business expense in Turkey, according to Western diplomats there, will not stop overnight. Smuggling agents of the narcotics syndicates, who already pay about three times the official price for opium, can easily raise the ante for both farmers and inspectors.

Knowledgeable officials say many important Turks profit from the illegal opium trade.

Seeking to prevent large scale illicit diversion from this year's crop, the government six weeks ago almost doubled the price it pays farmers for raw opium, setting a new range of between $9 and $12.30 a kilogram, depending on quality.

PRISON TERMS

The teeth in next year's total opium ban will be based on long-stalled legislation finally passed by the National Assembly June 22, which provides prison terms of up to five years and fines ranging to $500 for farmers illegally planting poppy. Informers would be paid 30 per cent of the black market value of confiscated opium and the same amount would be the reward for persons making the seizure.

However effective that may sound in far-off Washington, reality on the ground in Anatolia does not encourage great optimism.

As they do now, narcotics police will have to rely mainly on informers to stem the opium traffic. But informers don't abound in inter-married communities, particularly where people are killed for far more minor transgressions.

The government Soil Products Office, Turkey's only legal opium purchaser, bought 120 tons from the farmers in 1969 and 63 tons last year. Almost all was exported. Ironically, it was American traders, along with British and Dutchmen, who promoted the first concentrated opium growing for export in Turkey between 1830 and 1850, when fortunes were being made in supplying the massive narcotic market in China.

LEGAL OPIUM

From legal opium, which goes mainly into codeine, Turkey earns no more than $5 million a year, a fraction of the syndicate profits.

Narcotics experts estimate 190 tons of illicit opium will leave Turkey from the current harvest. That is three times the amount which reached the black market last year, and is enough to make 19 tons of new heroin. America's addicts consume about five tons of heroin a year.

It's doubtful that the Turkish ban will cause much panic among the 10 major drug syndicates known to be operating worldwide or the 135 criminal sub-systems. These rings, which include more than 1,000 major drug merchants, have stockpiles of opium, morphine base and heroin.

Morphine base and heroin never spoil by themselves. Opium paste is just as long-lastingly fresh if kept in sealed containers.

Turkish peasants have always buried some of their opium against rainy days, and to pay for a bride for their sons.

When and if production is eliminated in Turkey, alternative sources of opium for the heroin rings will certainly still exist in Afghanistan, Iran, and India, the world's largest grower.

CORSICAN MAFIA

There is evidence that some of the drug networks are moving into the Southeast Asian traffic which is based on opium grown in Laos, Burma and Thailand, processed into heroin in Singapore or Bangkok and funneled through Vietnam, Hong Kong or Cambodia to Vancouver, British Columbia, Mexico and the U.S. West Coast.

Meanwhile, the syndicates continue supplying the vast bulk of hard drugs to some

2,000 known U.S. distributors along the traditional trafficking routes.

The largest and richest syndicate, run from France by the Corsican mafia, may have lost its leader this February, according to narcotics officials. A fisherman accidentally hauled up sacks containing morphine base potentially worth $80 million, dumped off Marseilles by a Turkish ship. Douard Toudayan, a 45-year-old Armenian-Frenchman, was later arrested trying to collect the morphine.

The basic process which begins with Turkish opium and ends in heroin "bags" on American city streets runs this way: brown opium paste formed from the juice or milk of lanced poppies is boiled down on a simple cooker and purified to morphine base, a rough yellow powder. Ten parts opium make one part morphine. In Turkey, the black market price for morphine is between $235 and $300 per kilo.

A graduate chemist converts the morphine into white heroin by cleaning out other impurities and adding certain acids. The quantity is not reduced.

Almost weekly new techniques are discovered being used to transport heroin to the United States. Lately luxury cars shipped across the ocean have been in vogue with the syndicates, with heroin hidden in upholstery, gear boxes or false-bottomed gas tanks.

Private jets are used. Heroin has been found in cans of salted fish, boxes of candy, hollow ski poles, unaccompanied luggage, cheese packages, crates of electrical equipment and even inside apparently perfect oranges. Personal couriers have included diplomats, U.S. servicemen, French-Canadian students returning home, commercial airline crew members, Sicilian immigrants with mafia family links, out-of-work taxi drivers given air tickets from Brazil to Paris to Montreal to New York, honey-mooners and women with "pregnancies" deflated when the heroin padding is removed.

Arrests and seizures are now running at record levels, but 200 million people and half a billion tons of freight will enter the United States this year.

By the time a kilogram of heroin has gone through syndicate distribution and dilution stages within the United States and reaches the addict, it is worth $250,000—or 1,000 times what was paid for the opium to the Anatolian farmer who may well never have heard of President Nixon, Premier Erim or even heroin itself.

A CAT NAMED ROOM 8

Mr. CRANSTON. Mr. President, in 1968 a cat, beloved to hundreds of school children and countless citizens, died and was buried at the Los Angeles Pet Cemetery in Calabasas, Calif. Because this cat, named Room 8, was no ordinary animal, I think he deserves our special attention. On June 10, I wrote a letter to Mr. Steven Dohanos, chairman of the Citizens Stamp Advisory Committee requesting his special consideration of a commemorative stamp for Room 8. I invite the attention of the U.S. Postal Service, the Citizens Stamp Advisory Committee, and the Senate to the merit of this stamp issue.

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

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

JUNE 10, 1971.

Mr. STEVEN DOHANOS,
Chairman, and Committee Members, Citizens Stamp Advisory Committee, Washington, D.C.

DEAR MR. DOHANOS AND COMMITTEE: I am sure that you are familiar with the warm and touching story of Room 8, the cat who first made his appearance at the Elysian Heights Elementary School in 1952. Each day during the school year for fifteen years he came to Room 8 and disappeared each evening and during vacations. In his later years, he spent his nights and vacations with a neighboring family. When Room 8 went visiting or wandering, students and staff of the school stayed until they found him.

Room 8 was a devoted friend to hundreds of children who attended the Elysian Heights Elementary School as well as to the many people who learned to love him by word-of-mouth and through television and newspaper coverage.

On behalf of the alumnae of the Elysian Heights Elementary School and the citizens of Los Angeles and California—not to mention cats and cat lovers everywhere—I take this opportunity to endorse strongly the candidacy of Room 8 for a commemorative stamp issue. I think that this warm lesson in friendship between children and animals is worthy of such recognition.

With many thinks,
Sincerely,

ALAN CRANSTON.

FRONTIER DAYS

Mr. HANSEN. Mr. President, the current issue of Mainliner, the publication of United Air Lines, has a notable article concerning the greatest rodeo in the world.

That rodeo is, of course, Cheyenne Frontier Days, known as "The Daddy of 'em All," by those who are serious followers of this fabulous western sport.

The Mainliner has some effective color pictures with the article. I hope that Senators and many Americans will have the opportunity to read the article because it is written by a famous western columnist, Red Fenwick, who is a good friend from Lusk, Wyo., and who has been a longtime investigative reporter and mainstay of the Denver Post.

Additionally, I would hope that every Member of Congress will at some time have the opportunity to see a part of the week-long "Daddy of 'em All" rodeo, which is held annually the last full week of July.

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

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

FRONTIER DAYS

(By Red Fenwick)

He stands about a mile tall in cowboy boots, chaps and spurs and ten-gallon hat. He's friendly and frisky as a new-born spring calf. But he's wilder than the western wind.

He's "The Daddy of 'em All," and he's tall, y'all—tall.

He'll be 75 years old this summer and Cheyenne, Wyoming, is throwing a birthday party for him that will rock the High Plains country for nine jarring, excitement-packed days and eight festive nights.

"The Daddy of 'em All," of course, is Cheyenne Frontier Days, the nation's biggest, most colorful outdoor rodeo.

The party begins at the rodeo's refurbished Frontier Park July 24 and roars on through August 1.

More than 500 of the Rodeo Cowboys Association's grittiest, most highly skilled and physically toughest professional contestants compete annually at Cheyenne, just across the Wyoming state line 100 miles north of Denver. Approximately 100 amateurs also try their thing.

This year, however, all records undoubtedly will fall. Cowboys from the United States and Canada will be attracted to ride and rope and race for total prize money of more than $112,000—biggest ever.

As usual, the cowboys will supply a substantial part of the purse. They'll pony up $75 apiece for the jackpot to enter the bareback, saddle bronc or Brahma Bull riding competitions. And each contestant in steer roping, calf roping and bulldogging will have to dig into his jeans for $100.

A cowboy willing to risk skin and bones in a melee called the wild horse race gets off at a bargain price. He can take his chances on being bucked off, bitten, kicked, run over by other contestants and their horses, dragged or knocked silly for a mere $10.

He stands to win part of approximately $2,000 if he has the stamina, skill and luck to come out of the event ahead of the pack and in one piece. The race is run daily.

There's another wild-eyed event called the chuck wagon race. It would test the courage and skill of a Roman chariot racer. This competition calls for an extremely capable driver who can handle a four-horse team of nervous, high-strung, hot-blooded animals, and bring them, his wagon and outriders in ahead of other drivers. Some of these "skinners," many of whom have thousands of dollars bet on the outcome, would chop the wheels off an opponent's wagon to get out in front.

Cheyenne Frontier Days is that. It's not "just another rodeo." it's a tournament of champions pitting their skill against the toughest, ornriest, most unsociable beasts in the business.

It's a well-run show, sanctioned by the Rodeo Cowboy's Association and conducted in keeping with the rules of the American Humane Society. A representative of the society is present at all performances at Cheyenne to supervise treatment of animals.

It's Sioux Indians from South Dakota, beating drums, singing ancient songs and dancing at the rodeo grounds and on the streets. It's clowns who bait bulls to protect thrown riders. It's free pancake and ham breakfasts served from chuck wagons. It's cowpokes and westerners and "dudes" from every state in the union.

It's fun and frivolity; night shows featuring movie and television personalities; carnivals and ferris wheels; ice cream and soda pop and stronger stuff for the grownups.

It's contagion of merriment which sweeps the Wyoming capital and its guests in epidemic proportions.

And it's parades—four of them this year—on July 24, 27, 29 and 31. Each is a spectacular cavalcade of history from the era when the West was young and "wild and wooly and full of fleas and never curried below the knees."

It's a test of the rangeland conviction that "there never was a horse that couldn't be rode, or a cowboy that couldn't be throwed."

In the field of community undertakings, Cheyenne Frontier Days is possibly unique in several respects. It pays its own way—and handsomely. The profits are invested in improvements.

Three people—an administrator, a secretary and a groundskeeper—are the only salaried producers of this world famous show. The committee in charge serves without pay.

Their only compensation is reimbursement for expenses on trips to see how other rodeos are run. Each of the nine Frontier Days committeemen, who have several changes of matching western dress for different occasions, buys his own hats, boots, suits and shirts.

With the exception of John B. Etchepare of the huge Warren Livestock Ranch near Cheyenne, none of the committee members is even remotely identified with the cowboy business. They are businessmen.

This year's chairman, E. O. Davis, is a certified public accountant. Being chairman of Frontier Days costs money. It's estimated that the privilege of ramrodding the Cheyenne spread can cost up to $25,000. Most of it is for entertainment expenses, telephone calls and other items similarly related.

One of the committeemen is a school teacher. Another is a banker. One is a lawyer, one a vending machine operator, and yet another is a commissioned officer at Fort Warren Air Force Base. One man is in the car business and another is an executive for the telephone company.

Working together twelve months of the year in exemplary cooperation, these men have managed this year to put a $1.2 million savings account to work in construction of a new central grandstand. It will seat an additional 2,482 and be open when the 1971 show kicks off July 24.

Dr. Paul J. Preston, chairman of the chamber of commerce's planning board, says a 15-year program will raise seating capacity to more than 20,000, and add a new racetrack, barns and judging stand. Present seating capacity, with the new grandstand, is "a shade under 18,000."

And how did all this start?

Oldtimers relate that in August, 1897, some leading citizens of Cheyenne attended a "Potato Day" celebration at Greeley, Colorado.

Enroute home one of the Cheyenneites said he wished Cheyenne could have some sort of annual celebration. But, he added, "we don't raise anything but cattle and hell."

"Well, what's wrong with that?" someone replied. "Why don't we have a big, one-day celebration and just raise hell?"

And thus was Cheyenne Frontier Days born a month later—at noon, September 23, 1897.

THE MINING INDUSTRY: A RATIONAL PERSPECTIVE

Mr. HANSEN. Mr. President, I invite the attention of Senators to a report submitted to the Western Governors' Conference on July 14, 1971 at Jackson Lake Lodge, Wyo.

The report is by the Western Governors' Mining Advisory Council and concerns the environmental and economic problems of the mining industry. This matter is of vital concern to our Nation at this time and the report is helpful in highlighting some of the problems faced by the mining industry.

The chairman of the Western Governors' Mining Advisory Council was by Albert C. Harding, an outstanding citizen of Wyoming. He has a long record of public service in the Wyoming Legislature and on other government commissions. I am sure that much of the success of this report is due to Mr. Harding's efforts.

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

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

THE MINING INDUSTRY: A RATIONAL PERSPECTIVE

To the honorable Western Governors: Your Council welcomes this opportunity to try to put the mining industry into rational perspective. It seems especially pertinent this year to take a comprehensive look at the industry's involvement in environmental and economic problems, twin problems, which should be, henceforth, inseparable.

The environment is one of the most publicized practical and political problems of the seventies. Perhaps never before has there been such widespread public participation in political processes. Certainly never before has the mining industry faced such a multiplicity of proposals to legislate, regulate, and even to eliminate. Unfortunately, as in most times of crisis, some of the loudest voices shouting frenetic solutions would create more problems than they propose to solve. Aggravating the real problem are some people whose main purpose seems to be aggravation. For some it is apparently self-fulfilling to "Cry 'Havoc' and let slip the dogs of war" against all industries, all construction, all environmental changes. Despite the sincere zeal of many to remedy undesirable situations immediately, we need to take a rational look at the total picture.

THE ENVIRONMENT

Even some industry leaders, encountering belligerent audiences, have felt impelled to pledge an impossibility, an undisturbed environment. Dr. Pecora, Under Secretary of the Interior, responds that environmental changes are inevitable. He mentions tremendous natural processes, such as an annual precipitation on the face of the U.S. of 4 million tons of salt, and says that more particulates have fallen on the earth from three volcanic eruptions than from all of man's activities. We know, also, that each of us changes the environment by existing, by using and polluting some part of it. Our concern, therefore, is not just with environmental change, but with avoidable degradation, not just with pollution, but with unnecessary pollution.

MINING INVOLVEMENT

The problem stems not primarily from the mining industry, but from two concurrent, continuing factors, the tremendous population growth, and man's seemingly insatiable appetite for energy. These two factors have combined over the last 25 years to increase electrical energy consumption by six times and gasoline energy sixteen times. Most of the energy is created, as is animal and human energy, by combustion, and combustion always produces waste products. These factors, products, and the resulting problem cannot be attributed directly to the mining industry, but the industry acknowledges, partly because now it must, increased responsibility to not unnecessarily contribute to the problem.

The mining industry is part of the problem because mineral deposits are part of the environment. The miner has always been especially cognizant of environment. The location of his mine and operating procedures are dictated or influenced by his immediate environment, which often has been hostile to his survival, and sometimes has terminated it drastically. The environment is not a new factor in mineral industry decisions, but, today, as in all industries, in all engineering projects, it is a newly emphasized factor, because environmental concerns have expanded beyond previous horizons.

A southwestern governor has told mining companies in his state that the cost of removing pollutants must be part of their cost of doing business in that state. Miners in all states now know that this factor and others are of increasing importance in making operating decisions. One state's new 'Department of Economic Planning and Development' has already indicated that such factors will include aesthetic value, recreational value, historic, fish and wildlife, urban development, and agricultural values. Today's miner will not be inclined to ignore such values, partly because he will not be allowed to, but, also, because the miner, too, is part of the public, and hopefully concerned with the heritage he bequeaths to his own posterity.

We are, or should be, grateful to many of those people who are environmentally concerned, but it seems certain that the mining industry must forever remain incompatible with those who profess concern only for a natural environment, at the expense of man's total environment, which includes economic, social, cultural, and home environments. Protection of the environment cannot be absolute, but must be modified by the need for production from the environment, and vice versa. Bertrand Russell wrote, years ago, "The problem of survival means in the first place that man must try to bend the forces of nature to his own will". Despite any conflicts, the mineral industry and a viable progressive ecology can and must exist together. Twenty-five hundred years ago Pythagoras and other Greek philosophers developed the idea that harmony and existence itself depend upon a balanced adjustment of opposing tendencies. Opposing tendencies are reconciled in the laws of physics and nature and must be in the art of politics. We suggest that the greatest continuing challenge in our legislative halls and administrative offices is to beneficially balance man's two opposing desires, for security and liberty. Encouragingly, the state department previously mentioned has announced that the state should not try to separate environmental planning from economic planning. Another western governor has been quoted as saying, "Man does not live by bread alone, but he does not live on scenery, and pure air and pure water alone" and has often expressed his concern for "the total quality of life." He has also called for continuing development of our mineral resources, without deterioration of the environment. In a strict sense, it may be that we can't have the one without the other, and the relativeness of the two must be weighed in balance, under a precept stated in Emerson's essay on 'Compensation', that for everything we get we have to give up something.

The mining industry has factors peculiar to it. Because it is an extractive industry, the miner is necessarily involved in creating waste products, sometimes of terrific proportions. A copper mine may recover only 8 pounds of copper from 2,000 pounds of ore, and move an equal volume of barren rock to reach ore. A gold mine, to recover a pound of gold, may treat 80,000 to 100,000 pounds of ore. Disposal of waste products is a continuing problem. In some operations there can result improvement to the initial environment, except in the opinion of the purist naturalist, who sees disaster in any disturbance of the pristine pattern. In other operations some waste is put to beneficial use, or returned underground, but the net effect is some degradation. The total for all mining operations may be only a fraction of one percent of the degradation effected by such

things as the nation's highway construction or home-building, and the effect of some mines on the ecological part of the environment may be less than a single automobile's lifetime destruction of birds, rodents, and insects.

The mining industry has long practiced conservation, at least that part of it concerned with blending low-grade ore, not usable or profitable alone, with higher grade ore, to produce more usable materials in the long run. It must be noted, here, that any unnecessary tax, royalty, or environmental increment added to the cost of producing low grade ore contributes to the economic possibility that some minerals may be left forever, unmined. A guide line was stated in 1908 by a great conservationist, President Teddy Roosevelt, in a letter to a mining engineer, "No effort should be made to limit the wise and proper development of these resources; every effort should be made to prevent destruction, to reduce waste, and to distribute the enjoyment of our natural wealth in such a way as to promote the greatest good of the greatest number for the longest time." The mining industry's contribution to that greatest good will be essayed later in this report.

Our industry has not been blameless by any means, during the year in which environmental problems have been developing, but, now, from mining areas in every state come announcements of plans to correct and minimize damage to the environment, with special regard to water, land, and air.

WATER

Problems created by some eastern coal mines, with acid mine waters, have tarnished the image of all mines, although similar conditions are relatively rare in the west. Mine-water problems exist. It might be noted that some mine waters are harmless, others less harmful than permissible discharges of municipalities, that some mines develop and provide water which otherwise would not be developed, and that water can be more harmful to a mine than the mine to the water.

The Bureau of Mines has reported that nationally the amount of water used by the mineral industry comprises only two percent of that used by all industries, and has noted that water used in mining is quite productive. In the eleven contiguous western states, average gross value of mineral production is $3,250 per acre-foot of new water used, or 100 times as much as from the acre-foot used to produce a ton of alfalfa, perhaps valued at $30. The water used by the miner is also more expensive. The average cost to Nevada's mineral industry is over $32 per acre-foot, far above the agricultural economic range of $3 to $6. That causes the miner to recirculate water wherever and as often as possible. Nevada's Carlin gold mine, for instance, discharges no water, and the only loss is to evaporation. Where water is discharged, it is now closely scrutinized, and when necessary treated for minimal ecological damage. For example, plans to improve water discharges will cost several million at Anaconda, and $5.6 million at Homestake.

LAND

Through the Mining and Minerals Policy Act of 1970, the Congress and the President recognized that mineral deposits of economic value are relatively rare, have to be mined where they are found, and require less surface area than most other land uses. The mining industry must damage some surface lands, but a year ago, one western governor reported that the total damage in his state, since mining began, was less than that utilized for sand and gravel excavations needed for highway construction alone. Among causes of past land degradation have been state laws encouraging some discovery work to be done with bulldozers, scarring surfaces, and actually wasting work so far as mineral development was concerned. Some improvement has been effected by substituting drill holes, through recommendations of the industry. The industry is not yet united on further substitution by filing survey notes or a map in lieu of physical discovery work, although in at least one state a start is being made toward mapping existing mining locations. About one-half of all states have now adopted Land Reclamation Laws. Considerable Federal legislation is being proposed, some of it unnecessarily restrictive, and potentially disastrous. Public Land Law Review Commission recommendations, also, will result in many proposals for modification of general mining law. Some of those proposals already have mining industry endorsement, others will not be resisted, but some will require analysis when more definitely formulated. That Commission has recommended retention of a location-patent system to keep public lands open for exploration, in the public interest. The mining industry has long opposed abuses of the intent of present mining laws and seeks to cooperate in correcting them.

AIR

Particulate matter is an obvious type of air pollution, and all industries are trying to reduce or eliminate visual emissions. Smelter operators, and some coal burning power plants, have special technological problems involving modifications for sulphur-dioxide emissions. For years methods have been sought to convert sulpher-dioxide to elemental solid sulphur. Present capabilities convert it to sulphuric acid, only partially satisfactory because of limited demand. One state alone could produce an annual excess of almost two million tons of sulphuric acid, and storage would be a staggering problem and safety hazard.

Hopeful for the future are many things, such as accelerated experiments in hydrometallurgy, a wet process in lieu of smelter combustion, and in development of geothermal sources and processes for power generation. Both governmental and private agencies are involved. The Bureau of Mines, for instance, is developing a wet process for recovery of mercury, and it seems safe to predict a wet process will be developed for copper. However, there will be an appreciable time lag for further engineering, pilot plant construction and testing. In the meantime, smelters are investing heavily toward reducing emissions at existing operations. For example, during the last 6 years Phelps Dodge has contracted, completed, or programed $42 million for air pollution. Magma Copper is spending $50 million for a new type of smelter. It is reported that all industries will average something between $4 and $10 billion a year for the next five years to help solve pollution problems. Smelting capacity in this country has been curtailed. Some companies are compelled to ship concentrates to foreign smelters, with obvious impact on domestic employment, tax dollars, and balance of payments.

There is no doubt in the mining industry that air standards are being imposed with little regard for economic and overall social consequences. Some standards have been confirmed by the Bureau of Mines as being improper conclusions based on unsubstantial data. It should be noted that air quality analysis and assessment is a science in its infancy. There are many questions to be answered, involving not just the quantity of emissions, but the effects on ecological and other environmental increments. To help secure some answers, one western state mining association last year made a grant of more than $545,000 to establish an 'Atmospheric Analysis Laboratory' at its state university.

FUTURE MINERAL REQUIREMENTS

Making present problems more serious are predictions about the future. We are nationally concerned about population growth, but in the past 100 years our mineral consumption increased ten times faster than population. In the next 30 years or so, when population is expected to double, energy and mineral requirements are expected to triple and quadruple. We are far from being self sufficient in minerals now, sufficient only in one metal, molybdenum, and in several nonmetallics, including coal. A table listing import percentages of certain mineral commodities is appended hereto. Even gold, still a necessary component of reserves in international monetary structures, is in short supply for that purpose and others. Our domestic production of gold is only half of the amount needed just for defense and space industry requirements and equals only one-fourth of our total consumption. We currently produce about $25 billion of all primary minerals and consume $32 billion a year. We are told that the 1971 international currency crisis, depreciating our dollar, was due to several factors, including a 1970 national deficit of $10.7 billion in balance of payments. We know that foreign-aid programs and defense expenditures abroad, including Vietnam, contribute greatly to the deficit in balance of payments, but here are figures indicating that $7 billion of $10.7 billion, two-thirds of the total, is derived from our deficiency in minerals. The need to discover and develop additional domestic mineral deposits is becoming more and more critical. Clearly, within our proposals to improve the environment, we need not curtail mining production, but to expand our minerals and energy technologies, and to cultivate our mineral potential for greater production.

GENERAL ECONOMICS

The real source of any country's annual income and accumulated wealth is its productive resources, and a country's mines are among its greatest resources. It has long been acknowledged that a nation which has no mines has to try to share in the wealth of nations which do by establishing a favorable balance of trade.

Two hundred years ago, Adam Smith took issue with French economists who said that all wealth originated only with the proprietors and laborers of the land, that manufacturers and merchants added nothing because they added only a value equal to what they consumed in so doing. Smith did write that the theory was "the nearest approximation to the truth that has yet been published on the subject of political economy", and elsewhere he wrote that the most productive use for capital was in "lands, mines, and fisheries". That doctrine of the French Physiocrats is considered too limiting by present economists, even as Smith thought, but we are inclined to forget the fundamental economic fact that the source of all wealth still originates from the earth, as basic food, fiber, or minerals. Those raw materials provide the foundation for man's subsequent ingenuity and labor, the foundation for adding additional values, the foundation for a nation's total economy. If the mining industry did not exist, we would have to use our collective efforts to try to create it. Only the production of food is more important than the production of minerals, and any farmer, without the products of the mineral industry, would have difficulty supplying even the needs of his own family.

NATIONAL WEALTH

National income has been likened to an annual stream which flows into and through

the pool of national wealth, where some of it accumulates for the benefit of future generations. It is not just this year's mineral production which contributes to our present high standard of living, but all the mineral production compounded through the years of our history. This generation's homes, highways, hospitals, and schools are available today partly because of the capital generated by the mining camps of yesteryears, in the Mother Lode country, the Klondike, at the Comstock, Tombstone, Goldfield, Leadville, Cripple Creek, and a thousand others, most of them less glamorous and less productive, but contributors to today's standard of living.

KEYNES

In support, let us quote some writing of the "Messiah" of today's economists, John Maynard Keynes. He determined that the era which initiated tremendous increases in standards of living for civilized man began in the sixteenth century, with accumulation of capital, from gold and silver mined in the New World and brought to the Old. Without dwelling on morality, it is only incidental that the gold and silver he will specifically describe was not mined by the English, who reaped the benefit, but was stolen by them from Spaniards, who stole it from the Incas and Aztecs, who may well have stolen some of it from other Indians, who did the mining. Keynes wrote this in 1930:

"The value of Great Britain's foreign investments today is estimated at about 4 Billion Pounds. This yields us an income at the rate of about 6½ percent. Half of this we bring home and enjoy; the other half, namely, 3¼ percent, we leave to accumulate abroad at compound interest. Something of this sort has now been going on for about 350 years. For I trace the beginnings of British foreign investment to the treasure which Drake stole from Spain in 1580. In that year he returned to England bringing with him the prodigious spoils of the 'Golden Hind'. Queen Elizabeth was a considerable shareholder in the syndicate which had financed the expedition. Out of her share she paid off the whole of England's foreign debt, balanced her Budget, and found herself with about 40,000 Pounds in hand. This she invested in the Levant Company—which prospered. Out of the profits of the Levant Company, the East India Company was founded; and the profits of this great enterprise were the foundation of England's subsequent foreign investment. Now it happens that 40,000 Pounds accumulating at 3¼ percent compound interest approximately corresponds to the actual volume of England's foreign investments at various dates, and would actually amount today to the total of 4 Billion Pounds which I have already quoted as being what our foreign investments now are. Thus, every Pound which Drake brought home in 1580 has now become One Hundred Thousand Pounds. Such is the power of compound interest!" Perhaps an United States economist will sometime venture an appraisal of the current value of our past mineral production. Meanwhile, we want to make a couple of points about the present.

MINING DOLLAR VERSUS TOURIST DOLLAR

In our states we are concerned with promoting tourism, with its obvious economic benefits. Without depreciating the tourist dollar, we might compare it with the mining dollar. When a resident of one city in a state spends a dollar in another city in that state, the total number of dollars in the state remains the same. It is good to have dollars circulate, but although the GNP may go up a dollar, no dollars have been created through the exchange. Similarly, when a resident of one state spends a dollar in another state, one state has gained and the other has lost a dollar, but the nation has no more dollars than it had. But, if a dollar's worth of gold is mined from the ground, the nation is a dollar richer, and similarly with other metals and minerals.

Anticipating that the preceding paragraph would not go unchallenged, the council submitted it for criticism to more knowledgeable authorities. The only adverse comment we have is from the senior economist of a Federal Reserve Bank, who said, "Bringing in people to see and enjoy the beauty of nature—tourism—would be classed as productive enterprise". We have previously acknowledged that all productive labor helps build the wealth of nations, but also that such labor must have a foundation on which to build. We believe our statement about the dollars involved is valid, but we are mindful of a comment attributed to Baron Rothschild, who said, "I only know two men who really understand money", and then added, "Unfortunately, they disagree".

TAX BENEFITS TO PUBLIC

One other point is prompted by a rash statement made at a public hearing last year, to-wit: "The timber interests get the timber, the grazing interests get the grazing, the mining interests get the minerals and the general public gets nothing". There are several obvious things which the public gets from mining, such as raw materials needed in almost everything we use, plus jobs, not only in mining but in other industries which mining makes possible, and the injection of new money, with accumulation of capital to help sustain the economy, but there is one additional great benefit to the public, which, apparently, has not been expounded before.

It is often overlooked that the public is a 50% partner in every corporation's profits, through Federal income taxes levied for public purposes. But, that's only a beginning. Add all tax increments, such as production, property, payroll, fuel, state, county and school district taxes; taxes paid by employees and stockholders; pro-rated taxes paid by supply and service companies and their employees, and the total taxes available for public purposes is much greater than the total profit, and for most mining companies is 30 to 40% of the total value of the production. But, more yet. Granting that money in circulation turns over three or four times a year, and there are estimates up to eight, a significant conclusion is obvious. Within a year after a dollar of new minerals is produced, a dollar in taxes has accrued for the benefit of the public. That is worth reiterating. Each dollar of mine production creates, within a year, a dollar for the public, just through taxes. That happens before additional increments for transportation, manufacturing, assembling, wholesaling, and retailing of final products, with innumerable taxes levied on pyramiding values all along the line. The public is the greatest beneficiary of mining operations.

OPTIMISM

Miners are, by vocation, optimistic, putting their faith and their dollars into tomorrow. This Council believes that an improved environment is both necessary and possible, but it also believes that where no substantial, immediate, or irreparable hazard or damage is involved, that improvement must come in an orderly fashion, that the rule of reason must prevail, so that in apparently solving one problem we do not create others of equal magnitude, that consideration must be given to preventing local economic disasters, and to preclude the national possibility of what one news writer has termed an "environmental recession."

THE PROSPECTOR

Despite all threats to and problems of the industry, we can probably predict that large, well established, mining companies will survive, simply because they have to, because the nation needs them. We can further predict that any unnecessary controls will cause unnecessary expenditures, with increased costs, which the public will pay, either through higher taxes, higher prices, or both. It is the small operator who is most vulnerable, the man who lacks either the money or talent to cope with innumerable problems, but we need to consider him, for we need him too, as we also need the present non-producer, who may have only his dreams and little capital to contribute immediately to the nation's future. The prospector still exists. He looks through more knowledgeable eyes than did most of his predecessors and often uses more sophisticated tools, but his dream is still part of the American Dream. The mountaineer climbs, "because it is there"; the prospector seeks because it might be there—or there—or there. To him every rock is potentially a new frontier. He still hears the voice that whispered in Kipling's poem, "The Explorer" . . . "Something hidden . . . Go and find it . . . Go and look behind the Ranges . . . Something lost behind the Ranges . . . Lost and waiting for you . . . Go!" . . . Kipling also quoted his usual unmaterial reward, "My price was paid me ten times over by my Maker", and said of the occasional success, "It's God's present to our nation . . . I've found it and it's yours." If our environmental fears result in banishing from our western mountains and deserts the prospector with his dream, something good and necessary will vanish from our way of life.

CEASE-FIRE IN VIETNAM TO EXPLORE PARIS TALKS

Mr. KENNEDY. Mr. President, I am distressed by the growing indications that there may be extended delays in our response to the recent Vietcong peace proposal in Paris. Already, by tomorrow, the new proposal will be 2 weeks old. Inevitably, if Ambassador Bruce leaves the talks, there will be delay while a new Ambassador prepares to join the team. And, there are suggestions that the conference report on the draft bill may be delayed until after Labor Day or beyond, in order to give the President a free hand, unfettered by the Mansfield amendment, to consider the proposal.

Meanwhile, the killing in Vietnam goes on—25 Americans dead a week, a hundred a month, a thousand a year, with untold additional casualties for Vietnamese civilians.

To me, it would be unconscionable to permit the killing to continue, when at last we have a chance to make real progress toward peace in the Paris talks.

I therefore urge the President to seek a mutual and immediate cease-fire by both sides, pending the outcome of our present exploration of the Paris offer. In this way, we can accomplish a twin goal. We can give the administration the time it needs to explore the meaning of the Vietcong proposal, and we can end the killing while the exploration takes place.

I believe that the recent offer is the best opportunity we have had in many months to move the Paris peace talks off dead center—perhaps the best opportunity we have had in the entire 2-year history of the talks. The controversy over the prisoners has been one of the two major issues clearly announced by the President as an obstacle to American

withdrawal from Vietnam. Now it should be clear to everyone that the Vietcong offer has brought the issue of the prisoners closer to resolution, and we are nearer to peace.

My own views on our withdrawal are clear. To me, the most effective route to peace and an end to the killing is for the prompt withdrawal of American forces from Vietnam—lock, stock, and barrel. And I believe that such withdrawal should be completed before the end of 1971. I therefore share the concern of the families of the prisoners that the President can and should find a way to bring the prisoners home at once, now that the other side has shifted its position to meet the President's objections on the issue.

Even on the President's own terms, however, all that now really stands between us and complete withdrawal is the administration's declared intention to carry out the withdrawal in a way that insures a "reasonable chance of survival" for South Vietnam. Tragically, however, the administration continues to equate the survival of South Vietnam with the survival of President Thieu in this fall's election.

Surely, the route to a strong South Vietnam for the future is the route of fair and free elections, capable of producing a leader with broad support of the people. Perhaps that leader will be President Thieu, and perhaps not. But no policy could be less calculated to produce a strong South Vietnam than the administration's current policy of acquiescing in the charade of the rigged elections that President Thieu is now pursuing to insure his own survival in October.

BEEF PRICES

Mr. BELLMON. Mr. President, I have on several occasions called to the attention of Senators farm price facts which clearly show that the finger of blame for high foods prices is wrongly pointed at the farm-ranch community. I feel compelled to speak out once again in light of recent statistics comparing the cost of beef to such meaningful benchmarks as the Consumer Price Index, earnings of nonagricultural employees and per capita disposable income.

I ask unanimous consent that a table showing these price comparisons be printed in the RECORD.

Mr. President, as a representative of an agricultural State I am well acquainted with the problems of those upon whom this Nation depends for its food. Among the greatest of the problems facing our farmers and ranchers is the general low profitability of agriculture.

Charges that food prices, in particular meat prices, are too high are unfounded. Just the opposite is the actual case as shown by the cost comparisons in the table which I have included in the RECORD.

For instance, the farm value, or the rancher's share, of a pound of choice beef at retail prices was up 21.9 percent in 1971 over the 1960 value of 56.7 cents a pound. But that increase compares with a general 35.1 percent increase on all items in the Consumer Price Index and a 51.6 percent increase in the average cost of all consumer services, less rent, during the same period of time.

The table shows that while the American public is now paying 81.2 percent more per capita for goods and services other than food, the rise in expenditures for food since 1960 has been only 46.1 percent.

Mr. President, these comparisons and others reflect the serious predicament of the Nation's food producers. They are caught in a financial squeeze because prices they are receiving for their products are rising far more slowly than the prices they must pay as consumers of nonagricultural products. The country has been guilty for too long of taking our plentiful food supply for granted. We expect farmers and ranchers to accept a price-wage structure that no other such highly productive element of our society would abide. If this Nation is to be insured a continued abundance of high quality foods, public policy must accept farm prices that will enable American food producers to provide the expensive chemicals, equipment, labor, and supplies modern agriculture must have. Otherwise we cannot continue to expect the 5 percent of our citizens who are on farms to keep the other 95 percent the best fed people on earth.

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

COMPARATIVE PRICES OF CHOICE CATTLE, WHOLESALE BEEF AND CHOICE BEEF AT RETAIL WITH COSTS OF GOODS AND SERVICES, HOURLY EARNINGS, PER CAPITA DISPOSABLE INCOME AND OTHER ITEMS

Item and year	Price, percent, or index	Percent change from 1960
Farm value per retail pound choice beef (by-product credit included):		
1960	$0.567	
1970	.663	+16.9
1971 (1st quarter)	.691	+21.9
Average price of choice steers, Omaha—per hundredweight:		
1960	[3] 25.18	
1970	[4] 29.34	+16.5
1971 (March)	[5] 31.81	+26.3
Average price carlot choice steer beef, Chicago wholesale—per hundredweight 600–700 pound carcasses:		
1960	[3] 42.05	
1970	[4] 47.33	+12.6
1971 (March)	[5] 51.45	+22.4
Average price per pound choice beef at retail:		
1960	[3] .810	+21.9
1970	[4] .987	+26.3
1971 March	[5] 1.023	
Consumer Price Index:		
All items:		
1960	[6] 88.7	
1970	[6] 116.3	+31.1
1971 March	[6] 119.8	+35.1
Average cost all food purchased by consumers:		
1960	[6] 88.0	
1970	[6] 114.9	+30.6
1971 March	[6] 117.0	+33.0
Average cost all consumer services:		
1960	[7] 83.5	
1970	[7] 121.6	+45.5
1971 March	[7] 126.6	+51.6
Average cost all consumer services less rent:		
1960	[7] 81.9	
1970	[7] 123.7	+51.0
1971 March	[8] 128.9	+57.4
Average hourly earnings nonagricultural workers:		
1960	[7] 2.09	
1970	[7] 3.23	+54.5
1971 March	[8] 3.37	+61.2
Average hourly earnings, manufacturing workers:		
1960	[7] $2.26	
1970	[7] 3.36	+48.7
1971 (March)	[8] 3.52	+55.8
Average hourly earnings, construction workers:		
1960	[7] 3.08	
1970	[7] 5.22	+69.5
1971 (March)	[8] 5.51	+78.9
Average hourly earnings, retail trade:		
1960	[7] 1.52	
1970	[7] 2.44	+60.5
1971 (March)	[8] 2.54	+67.1
Per capita disposable income:		
1960	[7] 1,937.00	
1970	[7] 3,334.00	+72.6
1971 (1st quarter, annual rate)	[7] 3,466.00	+78.9
Per capita expenditures for food:		
1960	[9] 388.00	
1970	[9] 588.00	+43.8
1971 (1st quarter, annual rate)	[9] 567.00	+46.1
Per capita disposable income spent for food (percent):		
1960	[9] 20.0	
1970	[9] 16.7	−3.3
1971 (1st quarter, annual rate)	[9] 16.4	−3.6
Per capita expenditures for goods and services other than food:		
1960	[9] 1,412	
1970	[9] 2,453	+73.7
1971 (1st quarter, annual rate)	[9] 2,558	+81.2
Percent disposable income spent for goods and services other than food:		
1960	[10] 72.9	
1970	[10] 73.4	+0.5
1971 (1st quarter)	[10] 73.8	+0.9
Food consumption per capita (Index):		
1960	[11] 96.4	
1970	[11] 102.4	+6.2
1971 (indicated)	[11] 103.3	+7.2
Pounds of beef consumed per capita:		
1960	[4] 85.0	
1970	[11] 113.8	+33.9
Price per pound of hamburger at retail:		
1970	[12] .662	
1971 (January)	[12] .657	
1971 (March)	[12] .673	
Average price frankfurters at retail:		
1970	[12] .827	
1971 (January)	[12] .813	
1971 (March)	[12] .813	
Price per pound, rib roast at retail:		
1970	[12] 1.117	
1971 (January)	[12] 1.115	
1971 (March)	[12] 1.144	

[1] Price Spreads for Beef and Pork," revised series, 1949–69, U.S. Department of Agricultural Miscellaneous Publication No. 1174, p. 18.

[2] "Marketing and Transportation Situation," U.S. Department of Agriculture, February 1971, p. 29; May 1971, p. 25.

[3] "Livestock and Meat Statistics," Statistical Bulletin No. No. 333, U.S. Department of Agriculture, July 1963, pp. 261, 221, 275, 279.

[4] "Livestock and Meat Situation," U.S. Department of Agriculture, March 1971, p. 22; November 1968, p. 26.

[5] "Livestock and Meat Situation," U.S. Department of Agriculture, May 1971, p. 29.

[6] "National Food Situation," U.S. Department of Agriculture, May 1971, p. 28.

[7] "Economic Indicators," Council of Economic Advisers, December 1970, pp. 26, 15; April 1971, pp. 26, 15, 5; December 1969, p. 5.

[8] "Survey of Current Business," U.S. Department of Commerce, May 1971, pp. S–8, S–15.

[9] "Marketing and Transportation Situation," U.S. Department of Agriculture, August 1970, p. 11, May 1971, p. 2. (Quarter figures—seasonally adjusted annual rate.)

[10] Calculated from per capita disposable income and per capita expenditures for goods and services other than food.

[11] "National Food Situation," U.S. Department of Agriculture, May 1971, pp. 9, 12.

[12] "Estimated Food Prices by Cities," U.S. Department of Labor, 1970; January 1971; March 1971.

Prepared by National Livestock Feeders Association.

SAN FRANCISCO SUES FOR IMPOUNDED FUNDS

Mr. TUNNEY. Mr. President, a few days ago, two public agencies of the city of San Francisco took an extraordinary step to try to bring about the release of millions of dollars of Federal funds which have been impounded for months by President Nixon. The city's redevelopment agency and its housing authority brought suit in Federal court for an or-

der directing the release of funds desperately needed by the city to provide essential housing for low-income families and continue its renewal of the inner city.

For months, I and my Senate colleagues have repeatedly urged the President to end his callous action in withholding these funds from our Nation's cities. Yet despite the tremendous need for these funds, despite the desperate financial condition of our cities, the President has continued to stand idly by, continued to hold this money until it will serve his own political gain to release it.

I regret that the concern in the executive branch for our cities has broken down to such an extent that those cities are now reduced to suing the President. But if that is what it takes to get those funds released, then I wish the city of San Francisco every success in court. The papers filed in support of its complaint demonstrate quite eloquently the dire need for these funds and I commend them to the Senate. I ask unanimous consent that these documents, together with a statement by the mayor of San Francisco and a resolution of the U.S. Conference of Mayors, be printed in the RECORD.

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

STATEMENT BY MAYOR JOSEPH L. ALIOTO ANNOUNCING SAN FRANCISCO'S LAWSUITS AGAINST THE PRESIDENT OF THE UNITED STATES

At 9:00 a.m. today, the San Francisco Redevelopment Agency and the San Francisco Housing Authority simultaneously took an unprecedented step to free desperately needed Federal funds for San Francisco being impounded by the Administration in Washington.

Each agency has filed suit against the President of the United States; one to force the release of $200 million of urban renewal funds, and the other to release $150 million of public housing funds he has impounded for the past several months.

I have given the suits my strongest endorsement and support, and have joined as a private attorney without compensation in the litigation arguing the unconstitutionality of the President's actions.

The funds we seek were appropriated by Congress to be spent between July 1, 1970 and June 30, 1971—primarily for housing in our crisis-torn cities and primarily for lower-income households. These are funds our cities sorely need.

Despite the clear desire of the Congress that these funds be spent, the President and the Office of Management and Budget refuse to release them.

We believe that this Presidential policy of impounding Congressionally-appropriated funds is unjust, but as importantly we believe it to be unconstitutional—a violation of the separation of powers.

This policy is systematically destroying years of effort by private citizens and public agencies to rebuild their own neighborhoods and to provide adequate housing for low-income senior citizens and families.

This policy is wasting millions of dollars of taxpayers' moneys as projects are delayed at skyrocketing costs.

The fate of two enormous and vital sections of our City, the Western Addition and Hunters Point, are in serious jeopardy.

And as things stand now, they are in mortal danger. Western Addition, particularly, is funded only through June 30 of this year.

Redevelopment is absolutely essential to the transformation of those ghettos—and to the hopes of thousands of fellow San Franciscans for a better way of life.

Housing for our poor and our senior citizens is vitally needed. Our Housing Authority has over 7,000 applicants waiting for housing. Some have been on the waiting list for longer than four years.

The Administration has turned down 11 housing projects we have requested with the excuse that no money is available. We know, however, that $75 million for new construction has been impounded in Washington. While the Administration sits on these funds, thousands of San Franciscans barely exist in shabby living quarters on shared pensions and in shared misery.

Moreover, within the boundaries of the Western Addition Redevelopment project are 15,000 people. It involves construction of 4,092 new housing units and rehabilitation of 2,520 units to provide better housing for those people. To date 676 new and 699 rehabilitated units have been completed or are under construction.

The renewal of the Western Addition and Hunters Point encompasses new housing, at prices the present residents can afford, to replace dilapidated, worn-out, vermin-fested shacks and hovels.

It also means jobs, training programs, new schools, parks, churches, playgrounds, child care centers—the amenities that make the difference between living and existing.

Complete new environments for the Western Addition and Hunters Point—for and with their present residents—have been a long time in the planning and at last are under construction.

Hundreds of construction workers—the majority of them from the minority community—are today at work rebuilding the Western Addition and Hunters Point.

Thousands more wait on the sidelines to be tapped while the years of promise have just turned into the years of delivery.

Now these hopes for a better life are threatened by the refusal of the President and his Office of Management and budget to release funds so this work can proceed.

The Western Addition needs $12.8 million more in redevelopment money to go ahead on schedule this year. So far, it has received only a total of $2.4 million this year.

Hunters Point needs $1.53 million more in redevelopment money to go ahead on schedule this year.

Further, the Housing Authority simply must have the funds to provide housing for those persons who have been waiting for so long and ever so patiently. We have developers ready to build and sites ready for them to build on. Now all we need is the money.

While the Office of Management and Budget continues to withhold Congressionally-appropriated funds, costs continue to skyrocket and misery continues to abound.

Interest charges and direct salaries alone total $16,500 per day for redevelopment of Western Addition and Hunters Point.

Apart from the irreparable injury being done to the residents of these communities, it is strange economics to suggest that the public interest dictates withholding appropriated funds when such withholding adds millions to the total cost.

Presently, Western Addition A–2 is funded only through June 30, 1971 and while the Office of Management and Budget continues to withhold funds Western Addition A–2 faces shutdown. On May 11, 1971, Floyd Hyde, Assistant Secretary of the U.S. Department of Housing and Urban Development, wrote to the San Francisco Redevelopment Agency saying "we see no way of honoring your request for an additional $1.53 million for Hunters Point and $12.8 million for Western Addition."

Thus, the Redevelopment Agency has brought two actions: one to compel the release of funds presently withheld; the other to compel the adequate funding of Western Addition A–2.

The Housing Authority has been driven to take action to force the release of the $150 million in funds which the Congress so clearly felt were urgently needed and which the Administration has so callously withheld.

Withholding of funds means more delays, more dangerous slowdowns, more staff reductions, more elimination of jobs and social programs, and, indeed, the cruel dispiriting of so many of our citizens who have been patient for so long.

Our citizens, frankly, cannot understand the logic of the present freeze of urban renewal and public housing money—particularly in a time of severe recession and heavy unemployment. Fiscally it makes no sense; socially it is disastrous.

In fact, some people of the Western Addition and Hunters Point Redevelopment areas openly suspect that this freezing of funds is a deliberate attempt to dismantle housing programs for the disadvantaged that are just starting to deliver the goods.

Some also believe that withholding is an attempt to coerce the cities to support revenue sharing.

But whatever, the truth, the citizens of the Western Addition and Hunters Point were pledged new communities, and our senior citizens and our poor were pledged adequate housing many years ago.

They have planned constructively and labored cooperatively with the City and the Federal Government every inch of the way in those arduous endeavors.

As Mayor, I see it as even more than a pledge—I see it as a moral and legal obligation on the part of the President of the United States.

For the past few years, I have led several drives of metropolitan mayors throughout the country to get more money for urban renewal and public housing.

Those drives have been very successful with Congress.

Congress has voted increasingly more money in response.

But the President has refused to spend it.

So it is, as these suits are being filed in U.S. District Court in San Francisco this morning, I shall be in Washington en route to Philadelphia for the annual meeting of the U.S. Conference of Mayors, where we will be once more pursuing the unending course of struggle for more money for our cities.

The lives of our cities are too precious to do anything less.

[U.S. District Court for the Northern District of California]

SAN FRANCISCO REDEVELOPMENT AGENCY VS. PRESIDENT RICHARD M. NIXON, ET AL.

COMPLAINT FOR DECLARATORY RELIEF AND MANDAMUS

1. This Court has jurisdiction over the within cause under Title 28 U.S.C. §§ 1331, 1361, and 2201. Venue is based upon Title 28 U.S.C. § 1391.

2. Plaintiff San Francisco Redevelopment Agency ("Agency") is a duly authorized public agency of the State of California and maintains its principal place of business at 939 Ellis Street, San Francisco, California.

3. Plaintiff Agency brings this action on its own behalf and on behalf of all other redevelopment agencies throughout the United States similarly situated. Such agencies are so numerous that it would be impractical to bring them all before the Court. There are questions of law and fact presented herein which are common to the entire class of redevelopment agencies. The claims of Plaintiff Agency herein are typical of the claims of the entire class. The Plaintiff Agency will fairly and adequately protect the interests of this class. Defendants herein have acted and refused to act on grounds generally applicable to all members of the class.

4. Plaintiff Agency plans and carries out urban renewal programs, including Project R–54, Western Addition A–2, California (hereinafter "Western Addition Program"), in and for the City and County of San Francisco, pursuant to the Housing Act of 1949, as amended (42 U.S.C. §§ 1450, *et seq.*). The Western Addition Program provides for the renewal of approximately 243 acres of San Francisco property through relocation of the occupants of existing structures and rehabilitation and demolition of such structures and construction of new housing and commercial and cultural facilities. Plaintiff Agency has completed a substantial part of the Western Addition Program and substantial relocation and demolition remain to be effected before rehabilitation and construction can be completed.

5. Defendant Richard M. Nixon (hereinafter "the President") is now and has been since January 20, 1969, President of the United States.

6. Defendant United States Department of Housing and Urban Development (hereinafter "HUD") is the Agency of the United States responsible for the allocation and distribution of funds for the execution of the urban renewal programs referred to in paragraph 4 above.

7. Defendant George Romney is now and has been since January 20, 1969, Secretary of Defendant HUD.

8. Defendant Robert H. Baida is now and has been since June of 1970, HUD Regional Director for the region including San Francisco.

9. Defendant James H. Price is now and has been since September 21, 1970, HUD Area Director for the area including San Francisco.

10. Defendant Office of Management and Budget (hereinafter "OMB") is the agency of the United States responsible for the distribution of funds appropriated by Congress.

11. This action is brought against the above named Defendants for acts performed in their official capacities under color of law.

12. Funds for the execution of urban renewal programs, including the Western Addition Project, are provided by HUD to Plaintiff Agency and the class, pursuant to the Housing Act of 1949, as amended (42 U.S.C. §§ 1450, 1453(b)). Title 42 U.S.C § 1450 provides as follows:

"The authorizations, funds, and appropriations available pursuant to sections 1452 and 1453 of this title shall constitute a fund, to be known as the 'Urban Renewal Fund', and shall be available for advances, loans, and grants to local public agencies for urban renewal projects in accordance with the provisions of this subchapter, and all contracts, obligations, assets, and liabilities existing under or pursuant to said sections prior to August 2, 1954, are transferred to said Fund." Title 42 U.S.C. § 1453(b), as amended December 31, 1970, provides in relevant part:

"The Secretary [of HUD] may, with the approval of the President, contract to make grants under this subchapter aggregating not to exceed $7,600,000,000, which amount shall be increased by $1,400,000,000 on July 1, 1969, by $1,700,000,000 on July 1, 1970, and by $1,500,000,000 on July 1, 1971."

13. Some time prior to August 11, 1970, the Congress voted to enact an Appropriations Bill, H.R. 17548, which provided for the appropriation of one billion, three-hundred and fifty million dollars ($1,350,000,000) for grants by HUD to local agencies, including Plaintiff Agency and the class, for urban renewal programs during fiscal 1971, and submitted said Bill to the President.

14. On or about August 11, 1970, the President vetoed said Bill for the stated reason that said Bill exceeded his budget request and provided for expenditures in an amount deemed by the President to be inflationary.

15. On or about November 24, 1970, the House of Representatives enacted another Appropriations Bill, H.R. 19830, which provided for an appropriation of one billion, two hundred million dollars ($1,200,000,000) for urban renewal grants by HUD to local agencies, including Plaintiff Agency and the class during fiscal 1971. On or about December 7, 1970, the Senate enacted said Bill and submitted it to the President. Congress intended by enacting said H.R. 19830 to insure the distribution by HUD to local agencies, including Plaintiff Agency and in the class, of funds sufficient to execute urban renewal programs.

16. On or about December 17, 1970, the President approved and affixed his signature to said Appropriations Bill H.R. 19830 and said Bill became the Independent Offices and Department of Housing and Urban Development Appropriations Act of 1971, Public Law 91–556, which provides in relevant part as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that:

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Deviopment for the fiscal year ending June 30, 1971, and for other purposes, namely:

* * * * *

URBAN RENEWAL PROGRAMS

For grants for urban renewal, fiscal year 1971, as an additional amount for urban renewal programs, as authorized by Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), $1,200,000,000, to remain available until expended: *Provided*, That no part of any appropriation of this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor."

17. The purpose and effect of said Public Law 91–556 and 42 U.S.C. §§ 1450 and 1453(b) is to direct and require the President and Defendant OMB to transfer to the Urban Renewal Fund the sum of one billion, two hundred million dollars, to be distributed to local agencies, including Plaintiff Agency and the class, during fiscal 1971.

18. The United States Constitution, Article II, § 3, imposes on the President and Defendant OMB the duty to execute the laws, including Public Law 91–556 and 42 U.S.C. §§ 1450 and 1453(b).

19. On or about February 23, 1971, the President announced through Defendant OMB that he had impounded two hundred million dollars ($200,000,000) of said one billion, two hundred million dollars ($1,200,000,000) appropriation and that said two hundred million dollars ($200,000,000) would not be transferred by Defendant OMB to the Urban Renewal Fund to be distributed to local agencies, including Plaintiff Agency and the class.

20. At all times since the enactment of Public Law 91–556 on December 31, 1970, the President individually and acting through Defendant OMB has continued to withhold said two hundred million dollars ($200,000,000) from the Urban Renewal Fund and from distribution to local agencies, including Plaintiff Agency and the class, and in so impounding said funds has acted wholly without legal authority and in violation of his express constitutional duty and in violation of Plaintiff's right to Due Process of Law.

21. Such impounding of funds also constitutes an item veto, rewriting duly enacted legislation, violating the doctrine of separation of powers, all in violation of the Constitution of the United States and of Plaintiff's right to Due Process of Law thereunder.

22. Plaintiff Agency is informed and believes, and thereupon alleges, that as a direct and proximate result of the impoundment of funds described in paragraphs 19 through 21 above, HUD does not have available funds sufficient for the completion of the Western Addition Program.

23. As a direct and proximate result of the impoundment of funds described in paragraphs 19 through 21 above, Plaintiff Agency and the class have been and will continue to be gravely injured and prejudiced in that the funds necessary for the completion of the Western Addition Program and other redevelopment projects by the class have been cut off by said impoundment.

24. Plaintiff Agency and the class have exhausted all administrative remedies and have no adequate remedy at law.

Wherefore, Plaintiff prays this Court to Order, Adjudge and Decree that:

1. The President individually and acting through OMB has impounded funds appropriated to be expended for urban renewal, in violation of the President's constitutional duty and in violation of Plaintiff's right to Due Process of Law.

2. The President individually and acting through OMB has impounded funds appropriated to be expended for urban renewal, constituting an item veto, violating the doctrine of separation of powers, and in violation of the Constitution of the United States and of Plaintiff's right to Due Process of Law thereunder.

3. The President and Defendant OMB be ordered to release said impounded funds and to transfer said appropriations in the amount of two hundred million dollars, to the Urban Renewal Fund, to be distributed by Defendant HUD in the form of urban renewal grants.

[U.S. District Court for the Northern District of California]

THE HOUSING AUTHORITY OF THE CITY AND COUNTY OF SAN FRANCISCO VS. PRESIDENT RICHARD M. NIXON, ET AL.

COMPLAINT FOR DECLARATORY RELIEF AND MANDAMUS

1. This Court has jurisdiction over the within cause under Title 28 U.S.C. §§ 1331, 1361, and 2201. Venue is based upon Title 28 U.S.C. § 1391.

2. Plaintiff Housing Authority of the City and County of San Francisco ("Authority") is a duly authorized public agency of the State of California and maintains its principal place of business at 440 Turk Street, San Francisco, California.

3. Plaintiff Authority brings this action on its own behalf and on behalf of all other housing authorities throughout the United States similarly situated and the tenants and prospective tenants therein. Such parties are so numerous that it would be impractical to bring them all before the Court. There are questions of law and fact presented herein which are common to the entire class of housing authorities, their tenants and their prospective tenants. The claims of Plaintiff Authority and its present and prospective tenants are typical of the claims of the entire class. The Plaintiff Authority will fairly and adequately protect the interests of this class. Defendants herein have acted and refused to act on grounds generally applicable to all members of the class.

4. Plaintiff Authority plans, constructs, contracts for, manages and operates all public housing facilities and provides for tenant services in public housing within the City and County of San Francisco, pursuant to the U.S. Housing Act of 1937, as amended (42 U.S.C. §§ 1401–1436).

5. Defendant Richard M. Nixon (hereinafter "the President") is now and has been since January 20, 1969, President of the United States.

6. Defendant United States Department of Housing and Urban Development (hereinafter "HUD") is the Agency of the United States responsible for the allocation and distribution of funds appropriated by the Congress of the United States for the construction and operation of public housing facilities and for tenant services referred to in paragraph 4 above.

7. Defendant George Romney is now and has been since January 20, 1969, Secretary of Defendant HUD.

8. Defendant Robert H. Baida is now and has been since June of 1970, HUD Regional Director for the region including San Francisco.

9. Defendant James H. Price is now and has been since September 21, 1970, HUD Area Director for the area including San Francisco.

10. Defendant Office of Management and Budget (hereinafter "OMB") is the agency of the United States responsible for the distribution of funds appropriated by Congress.

11. This action is brought against the above named Defendants for acts performed in their official capacities under color of law.

12. On or about December 31, 1970, the President approved and affixed his signature to an Appropriations Bill which provided for the appropriation of $75,000,000 for tenant services and debt service, and $75,000,000 for new construction of public housing and said bill became the Housing and Urban Development Act of 1970, Public Law 91–609.

13. The purpose and effect of said Public Law 91–609 is to direct and require the President, HUD, and OMB to transfer during fiscal 1971 the sum of $150,000,000 to local public housing authorities, including Plaintiff Authority and the class for additional construction, debt service and tenant services for the benefit of present and prospective tenants of public housing.

14. That unless said funds are released by said defendants present tenants of housing authorities are damaged by failure to receive proper tenant services and adequate debt service to assure maintenance of the low rental character of public housing.

15. That unless said defendants release said funds, prospective tenants of public housing, including those now on waiting lists, will be irreparably damaged because the result will be to prevent plaintiff Authority and the class from going forward with their total development programs for public housing.

16. The President and Defendant OMB have the duty to execute the laws, including Public Law 91–609.

17. All that is needed to free said $150,000,000 for public housing construction, debt service and tenant service is for defendant Romney to request defendant OMB to release these funds and plaintiff is informed and believes and thereupon alleges that said inaction is the result of the direction of the President and is with his knowledge and consent.

18. At all times since the enactment of Public Law 91–609 on December 31, 1970, the President individually and acting through Defendants OMB, HUD and Romney has continued to withhold said one hundred fifty million dollars ($150,000,000) from distribution to local authorities, including Plaintiff Authority and the class, and in so impounding said funds has acted wholly without legal authority and in violation of his express constitutional duty and in violation of Plaintiff's right to Due Process of Law.

19. Such impounding of funds also constitutes an item veto, rewriting duly enacted legislation, violating the doctrine of separation of powers, all in violation of the Constitution of the United States and of Plaintiff's right to Due Process of Law thereunder.

20. Plaintiff Authority is informed and believes, and thereupon alleges, that as a direct and proximate result of the withholding of funds described in paragraphs 17 and 18 above, HUD does not have sufficient funds available for the construction of new public housing, tenant services and debt service.

21. As a direct and proximate result of the withholding of funds described in paragraphs 17 and 18 above, Plaintiff Authority and the class have been and will continue to be gravely injured and prejudiced in that the funds necessary for the completion of public housing programs, for the provision of tenant services and for debt service have been cut off by withholding of funds. Present and prospective tenants of Plaintiff's class also are thereby gravely injured and prejudiced.

2. Plaintiff Authority and the class and tenants and prospective tenants have exhausted all administrative remedies and have no adequate remedy at law.

Wherefore, Plaintiff prays this Court to Order, Adjudge and Decree that:

1. The President individually and acting through OMB has impounded funds appropriated to be expended for public housing, in violation of the President's constitutional duty and in violation of Plaintiff's right to Due Process of Law thereunder.

2. The President individually and acting through the other defendants herein has impounded funds appropriated to be expended for public housing, constituting an item veto, violating the doctrine of separation of powers, and in violation of the Constitution of the United States and of Plaintiff's right to Due Process of Law thereunder.

3. The President and the other Defendants be ordered to release said impounded funds and to transfer said appropriations in the amount of one hundred fifty million dollars to be distributed by Defendant HUD for new construction of public housing, for tenant service and for debt service as was provided for by Congress in Public Law 91–609.

[In the U.S. District Court for the Northern District of California]

SAN FRANCISCO REDEVELOPMENT AGENCY VS. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, ET AL.

COMPLAINT FOR DECLARATORY RELIEF AND MANDAMUS

1. This Court has jurisdiction over the within cause under Title 28, United States Code, Sections 1331, 1361, and 2201. Venue is based upon Title 28, United States Code, Section 1391.

2. Plaintiff, San Francisco Redevelopment Agency (hereinafter "Agency"), is an agency of the State of California which plans and carries out urban renewal programs in and for the City and County of San Francisco.

3. Defendant United States Department of Housing and Urban Development (hereinafter "HUD") is the federal agency responsible for funding the programs planned and executed by the Agency, as appears more fully below. Defendant George Romney is now and has been since January 20, 1969, Secretary of HUD. Defendant Robert H. Baida is now and has been since June 1970, HUD Regional Director for the region including San Francisco. Defendant James H. Price is now and has been since September 21, 1970, HUD Area Director for the area including San Francisco.

4. In April of 1964 the Agency submitted to Defendant HUD a program for the redevelopment of San Francisco's Project R–54, Western Addition A–2, California (hereinafter "Western Addition Program"). This program provided for several hundred units of housing for low and moderate income families, said housing to be funded by HUD.

5. Following enactment by the voters of California of Proposition 14, in November 1964, HUD approval of the Western Addition Program was withheld on the basis of the Agency's prospective inability to offer nondiscriminatory housing under said Proposition 14.

6. In June of 1966, shortly after the Supreme Court of the State of California declared Proposition 14 unconstitutional, HUD approved the Agency's loan and grant application and requested that the Agency reexamine the housing needs and resources set forth in the Western Addition Program.

7. The Agency complied with HUD's request and filed with HUD on August 10, 1967, an updated relocation report with respect to the Western Addition Program.

8. HUD did not formally express its satisfaction *vel non* with the updated relocation report, but continued to provide the Agency with funds under the loan and grant contract.

9. On March 27, 1968, an action was brought in the United States District Court for the Northern District of California, Civil No. 49053 WTS, requesting a preliminary injunction against the Western Addition Program on the basis of the failure of Defendant Romney's predecessor in office to express his satisfaction *vel non* with the August 10, 1967 report on the Western Addition Program.

10. On July 29, 1968, Robert Pitts, the predecessor in office of Defendant Baida, approved the Western Addition Program subject to four conditions. Two of these conditions were: (1) The availability and utilization of relocation aids under the then pending Housing and Urban Development Act of 1968 and related appropriation bills; and (2) the further implementation of HUD-subsidized housing programs, beyond the several hundred housing units of such housing provided for in the programs which the Agency submitted to HUD.

11. HUD and its officers and administrators were fully aware and understood and agreed on July 29, 1968, and thereafter, the programs of which the Agency was directed to avail itself were to be funded by HUD.

12. On December 26, 1968, the Federal District Court for the Northern District of California entered an injunction in the litigation referred to in paragraph 9 above, against continued implementation of the Western Addition Program on the basis of the failure of HUD to express its unqualified satisfaction with said program.

13. On January 24, 1969, the Agency submitted to HUD an additional proposal for the Western Addition Program specifying the steps which had been taken by the Agency in compliance with the four conditions imposed by HUD. This report (hereafter "Amended Western Addition Program") provided for the construction of 2914 units of housing for low and moderate income families. HUD was to provide funds for such 2914 units as construction sites were made available. HUD found that the utilization of new legislation for the construction of said 2914 units, according to said schedule, fulfilled two of the conditions it had imposed on July 29, 1968, and that in fact all four of such conditions had been complied with or were no longer applicable.

14. HUD understood and agreed in fact that HUD was obligated to provide, according to the schedule set forth in paragraph 13 above, the funds for said 2914 units of housing.

15. On February 7, 1969, Robert Pitts, predecessor in office of Defendant Baida, reaffirmed HUD's commitment to provide funds for said 2914 units of housing according to said schedule. Mr. Pitts testified under oath, on behalf of Defendant HUD, that Defendant HUD has assured that funds would be provided for the projects proposed for the Western Addition development, including 2914 units of housing.

16. On or about January 31, 1969, HUD and the Agency moved the Court in Civil No. 49053 WTS, to dissolve the injunction referred to in paragraph 12 above on the ground that the HUD imposed conditions had been satisfied and that the Amended Western Addition Program should be allowed to go forward toward the completion of the 2914 units of housing referred to above.

17. On March 5, 1969, the Court dissolved

the injunction referred to in paragraph 12 above on the ground that the HUD imposed conditions had been satisfied and on the further ground that the public interest would be served by implementation of the Amended Western Addition Program.

18. In reliance upon the above-described HUD commitment to provide funds for the construction of new housing in the Western Addition Project and by way of discharging its obligations under the Western Addition Program as amended, the Agency has continued and now continues to assist the residents of said A-2 project area to relocate elsewhere, to solicit proposals from prospective sponsors for such units of new housing as have not yet begun construction, and to submit applications to HUD for the construction of said units of housing.

19. On July 15, 1970, the Plaintiffs in the lawsuit referred to in paragraph 9 above again sought a preliminary injunction against continued implementation of the Amended Western Addition Program.

20. On July 30, 1970, HUD reaffirmed its satisfaction with the Amended Western Addition Program. Barbara Bell, as the Director of the Relocation Division of the HUD Regional Office in San Francisco, testified in an affidavit that HUD was satisfied with the Amended Western Addition Program.

21. On December 3, 1970, the United States District Court for the Northern District of California denied the motion for preliminary injunction referred to in paragraph 19 above, making note of HUD's continual expressions of satisfaction with the Amended Western Addition Program.

22. On December 11, 1970, reconsideration of the decision referred to in paragraph 21 above was again sought.

23. On February 12, 1971, the United States District Court for the Northern District of California ordered HUD to report to that Court its findings with respect to a review of the Amended Western Addition Program which HUD had commenced pursuant to 42 U.S.C. Section 1455(c)(3). On April 1, 1971, HUD filed with the United States District Court for the Northern District of California, in Civil Action No. 49053 WTS, its report to the Court. HUD stated in said report that with respect to the 2,583 of the units of subsidized housing for which it had agreed to provide timely funding, funds for 1,711 of such units were doubtful. HUD repudiated its obligation to fund said 1,711 units as sites became available and stated that HUD's allocation for assisted housing units would not enable the Agency to produce housing at the rate originally projected by the Agency and agreed to by HUD in the Amended Western Addition Program. HUD also repudiated its obligation to provide timely funding for 330 units of public housing under the Amended Western Addition Program.

24. Plaintiff is, and at all times mentioned herein was, ready, willing, and able to discharge all of its obligations under the Amended Western Addition Program.

25. The Plaintiff has exhausted its administrative remedies and has no adequate remedy at law.

WHEREFORE: Plaintiff prays this Court to Order, Adjudge, and Decree:

1. That Defendant HUD is obligated to provide funding for the construction of 2,041 units of low and moderate income housing; and

2. Such other and further relief as may be just and proper.

IMPOUNDED FUNDS AND NEED FOR FULL FUNDING

Resolution adopted by the U.S. Conference of Mayors, June 16, 1971, Philadelphia, Pennsylvania.

Whereas, the Congress has responded to the needs of the nation's cities by making available certain funds for a number of important urban programs, such as urban renewal, water and sewer, public housing and mass transit; and

Whereas, the President's action in impounding nearly $800 million in fuuds for these four programs for fiscal year 1971 has had disastrous consequences for the viability of the programs nation-wide; and

Whereas, the President has indicated his intention to impound over $200 million in available contract authority for the public housing program in fiscal year 1972; and

Whereas, the United States Conference of Mayors has repeatedly called upon the President to release these vital funds; and

Whereas, the President has refused to request and the Congress has failed to enact appropriations for the full authorizations available for a wide range of other critical urban programs; and

Whereas, the Redevelopment Agency and the Housing Authority of the City and County of San Francisco, by filing appropriate class actions in law and in equity, have raised the serious questions of the constitutionality of Presidential impounding of appropriated funds and line item veto; and

Whereas, existing contract obligations to various cities and Federal agencies are based upon reliance on funding as determined solely by action of the United States Congress; Now, therefore, be it

Resolved, That the United States Conference of Mayors again calls upon the President to respond to the urgent needs of our cities by releasing the impounded urban funds; and be it further

Resolved, That the Conference calls upon the President to request and the Congress to approve full funding for the many critically important urban programs; and be it further

Resolved, That the Conference endorses in principle the issues raised by the class action brought by the Redevelopment Agency and the Housing Authority of the City and County of San Francisco and recommends to Redevelopment Agencies and Housing Authorities throughout the nation that they investigate the feasibility, where appropriate, of joining in the said class action as co-plaintiffs.

NATIONAL GROWTH POLICIES NEEDED

Mr. HUMPHREY. Mr. President, the American people have traditionally looked with great pride at the unparalleled growth of their Nation. Growth in population and growth in industrial and agricultural output have been the essential ingredients in the process of developing and building this Nation.

But as America now prepares for its bicentennial less than 30 years before the year 2000, we are faced with the specter of a great nation being strangled and thrown into social and economic chaos by its own unplanned and largely unrestricted growth patterns.

The Census Bureau estimates that there will likely be between 275 and 300 million Americans in the year 2000.

The 12 major urban areas of the United States are expected to account for almost 85 percent of the net population increase over the next 30 years. The seven metropolitan areas of Los Angeles, New York, Chicago, San Francisco Bay, Detroit, Miami, and Washington will be increasing their population by at least 3 million persons during the final years of this century. These seven areas will alone account for over one-third of the net population growth.

Mr. President, the blessings of growth will soon become the nightmares of environmental pollution, human suffering, and great fiscal waste unless Congress and the executive branch begin to formulate realistic alternatives to the present uncontrolled urban and metropolitan growth patterns.

In an article, written in January 1970 for Urban Land magazine, entitled "Is Dispersal the Answer to Urban Overgrowth?" Mr. Jerome Pickard, an expert in the area of urban land use, reviews some of the alternatives to overgrown and overcrowded cities. The two options which he discusses in depth include regional economic decentralization which encourages the growth of small centers and the development of new towns to further absorb new population growth.

Dr. Pickard also outlines a model for new community development based on a 30 million population growth over the next 30 years. He plans for 272 new communities with an average of 110,000 people although he also envisions much smaller "modular" communities. Since 1947 there have been only 63 large developments and new communities, according to a HUD survey.

In the past, when market and transportation factors were the main determinants of the site of a new town, the social, political, and cultural needs of the community were rarely given adequate consideration.

I strongly agree with Dr. Pickard's evaluation that both private and public bodies must now be concerned with all aspects of life in any newly planned communities.

Mr. President, Congress has a mandate under title IX of the Agricultural Act of 1970 to plan for a "sound balance between rural and urban America." As chairman of the Rural Development Subcommittee of the Committee on Agriculture and Forestry, I am working toward the goals of this title in formulating specific legislation in the area of national growth policies.

A national plan for population distribution as suggested by Dr. Pickard will not provide a total cure for the problems of the cities. But it will begin to fill a great vacuum caused by a lack of rationality and planning in the area of urban and rural development and growth. Once plans have been formulated it will be up to both Congress and the executive branch to provide the necessary incentives and leadership to make them work.

Mr. President, the future quality of life in America can no longer be guaranteed by a continuation of our laissez faire attitude toward how and where this country grows and expands.

I refuse to sit back and watch unplanned national growth devour the very benefits it gives birth to.

I ask unanimous consent that Dr. Pickard's article be printed in the RECORD.

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

[From Urban Land magazine, January 1970]

IS DISPERSAL THE ANSWER TO URBAN OVERGROWTH?

(By Jerome P. Pickard)

(NOTE.—Figures referred to not printed in the RECORD.)

PART I. PROJECTIONS OF TOTAL POPULATION OF THE UNITED STATES, 1970–2000

Historical growth of U.S. population

The population of the United States reached 200 million in November, 1967. The 100 million mark was passed in 1915.[1] Thus the population of the United States doubled in 52 years. However, the doubling period was shorter in earlier years of the Republic: 35 years (from 1880 to 1915), and only 28 years (from 1852 to 1880) despite the Civil War. Table 1 shows the doubling periods of U.S. population since 1805.

Looking to the future, uncertainty is the only certain element. To approximate the next doubling period, we could assume that it would be 17 years longer than the most recent one, establishing the year 2036 for the population of the U.S. to reach 400 million.

This lengthening progression of doubling periods implies a reduction in the annual population growth rate, which averaged 3 percent annually in the pre-Civil War period; dropped to 2½ percent annually in the mid-19th century and to 2 percent annually in the period 1880 to 1915. During the most recent doubling period, the mean annual growth rate averaged 1.3 percent, but this varied greatly (1.4 percent in 1926; 0.6 percent in 1933; 1.85 percent in 1947; 1.8 percent in 1956; 1.1 percent in 1967). The long-term trend suggests that the growth rate in the next few decades could be above 1.0 percent annually; dropping to about 1 percent annually by 2000 and below that level afterwards.

Increased urbanization

There is some evidence that with increasing urbanization, population growth rates diminish. Both in North America and Europe, experience indicates a general correlation. Recent U.S. data on fertility and numbers of children under 5 per 1000 women aged 25–29 reveal a significant differential between metropolitan and non-metropolitan areas—in 1968 the national average showed a differential of 11 percent more children in non-metropolitan areas for this age group of women, who are in the peak of childbearing years.[2]

The differences between central cities and suburban rings are even more pronounced: the national average showed 21 percent more children in the suburban areas. This may be caused by the fact that suburban areas have attracted families with children.

In every instance the more "urban" segment of our population had a lower observed fertility rate.

Fertility trends

Many factors, both voluntary and involuntary, appear to govern the establishment of families and population growth through both natural increase and migration. It becomes somewhat conjectural to extend trends any great distance forward in time, since an examination of past performance of fertility levels reveals that these have been notably different for different cohorts of women. Fertility in the U.S. declined generally in the late 1800s and the early 1900s.

The lowest fertility was experienced by the cohort of women born in the period 1905–1910 who were in the peak of childbearing years during the great depression of the 1930s.[3] Subsequent cohorts increased their fertility sharply and it now appears that women born in the period 1935–1940 will have the highest completed fertility of any 5-year cohort of recent vintage.

Footnotes at end of article.

Later cohorts are dropping in fertility although it is too early to say how extensive this drop will prove to be. This seesaw of fertility rates greatly complicates scientific population forecasting. We can only estimate that, barring any unforeseen catastrophe, the population of the United States in 2000 will approximate 300,000,000 persons, give or take some millions (or perhaps a dozen million) more or less.

PART II. FUTURE GEOGRAPHIC PATTERNS OF U.S. POPULATION GROWTH—1970–2000

Originally, the United States consisted of an Atlantic Seaboard strip with a predominantly agrarian population distributed from Maine to Georgia. From the mid-19th century onward, the opening up of the Far West and the large-scale immigration from Europe accompanied by the industrialization of the older settled regions in the North led to concentrations of population and the growth of large metropolitan areas. In 1900, the North had 62 percent of the national population (see Table 2); the South contained 28 percent, and the West only 6 percent of the total.

By 1968, with a national population of 200 million, these proportions had shifted to: North, 52 percent; South, 31 percent; and West, 17 percent. The West, with the smallest population, has grown most rapidly, while the North, with the greatest concentration of population, has had the *slowest rate* (although the *largest amount*) of growth.

Table 2 shows the growth of total U.S. population by Census Regions over the period from 1800 to 1960 (see Figure 1). For purposes of metropolitan and urban region study, these regions are not suitable, because the Atlantic Seaboard "Megalopolis" has overgrown the boundaries of the North and now extends below the Potomac River into Virginia. Thus, *new* regions based on metropolitan "zones of influence" were developed by the author, and the corresponding major regions are shown in Figure 2. Population data in Table 3 refer to these regions, and show population trends from 1920 to 1960, and projections for 1970 and 2000.

The 1970 Census projection indicates that the North (Figure 2) will contain 56 percent of the U.S. population, the South 27 percent, and the West 17 percent. In the South there are areas of both growth and decline; the West is characterized by extraordinary population growth; in the North population movement is more conservative than for the Nation as a whole, but the North received about one half of the population *increase* in the period 1920–1970 (47 million of a total of 97 million).

With the continuation of past trends to 2000,[4] the national population will grow differentially with the West advancing to 22 percent of the total; the South dipping only slightly to 26 percent; and the North dropping to 52 percent of the total.

It is an open question whether any kind of policy can make drastic changes in these great national trends of population change. In any event every current trend indicates that the regions of the West and South are likely to have greater population increases, relatively, than the major concentrations of population in the North. We have assumed that this will continue to hold true, at least for the next 30 years, in allocating future population growth.

Future growth

The 30-year projection of population growth (conterminous United States) shows an increase of 101.4 million for the period 1970–2000. Projections have been made for the 12 large urban regions of the United States and for the 37 leading metropolitan areas of 1980, and the 30-year growth is shown in Table 4 in detail. Figure 3 shows the geographic extent and location of U.S. urban regions in 1960 and 2000.

All urban regions are projected to gain population. More than ⅓ of the counties of the United States were still showing population decreases in the 1960–66 period, and it should be assumed that the balances of major regions outside of these urban regions have both areas of population growth and areas of decline. Thus, the population changes shown for these balances of the major region (North, South, West) really are net differences between areas of growth and decline.

The 12 major urban regions are projected to account for approximately 85 percent of the entire *net* increase in the nation. Individual metropolitan areas vary in the amount of growth from 11.6 million projected for Los Angeles-Orange-Ventura Counties to only 0.2 million projected for the Pittsburgh area.

The great metropolitan belt of the North is projected to increase its population by some 40 million during this period; however, much more rapid growth rates are projected for the western urban regions and somewhat more rapid growth for the southern urban regions.

Seven metropolitan area complexes: Los Angeles, New York, Chicago, San Francisco Bay, Detroit, Miami, and Washington, are to increase their population by at least 3 million each in the 30-year period. Just these seven areas will account for over *one-third* of net population growth if present trends continue. These areas are among the sixteen largest in the U.S. now (1969), varying from 17 million (New York) to 1.7 million (Miami). Six of the eight largest metropolitan areas of 1969 (excluding only Philadelphia and Boston) are included.

PART III. MASSIVE GROWTH OF METROPOLISES AND FUTURE URBAN GROWTH ALTERNATIVES

The growth of large metropolises to ever-larger sizes has been a world-wide phenomenon of the past two centuries—accompanying the industrial revolution and the enormous expansion of world population. The United States has been no exception to this universal growth; in addition, the widespread ownership and use of motor vehicles has tended to cause the American metropolis to spread horizontally at a staggering rate. Between 1920 and 1970, just the seven large urbanized areas forming the cores of the metropolitan growth areas listed on page 6 increased their geographic extent from under 2,000 square miles to approximately 9,000 square miles. According to our growth projections, these seven urbanized areas will double in the next 30 years to reach approximately 18,000 square miles.[5]

The dimensions of future urban masses are almost unbelievable: both Los Angeles and the New York Region are projected to have urbanization approaching 5,000 square miles each; Chicago and the San Francisco Bay area each about 2,000 square miles; with Detroit, Southeast Florida, and Washington ranging from 1,500 to 1,900 square miles each. In addition, seven other metropolises will easily surpass 1,000 square miles. (See Table 6.)

NEW TOWNS AND COMMUNITIES

Only two basic approaches have been proposed to "cure" problems of urban overgrowth: (1) regional economic decentralization with the deliberate encouragement of the growth of smaller centers in preference to the large metropolises; and (2) satellite "new town" development in the metropolitan region to absorb new growth.

New town planning started in Britain at the turn of the century, under the leadership of Ebenezer Howard. The actual development of new towns has progressed further in the United Kingdom than in any other nation. The purposes, planning, achieve-

ments, and problems of these new towns are amply documented in a recent British volume.[6]

The transfer of new town ideas to the United States took place in the 1920s; planned developments, however, tended to be relatively small in scale. No large "new towns" were built in the United States until after World War II. Some American developments and concepts of new communities are presented in a recent book, *The Community Builders.*[7]

The USSR, with its centralized state economic planning, adopted economic decentralization measures in the 1926–39 period and deliberately planned to restrict the growth of Moscow and Leningrad. During the past 15 years, the Soviet Union has launched an ever-increasing number of satellite "new towns" in locations near larger metropolises. Evidently, economic decentralization alone proved insufficient to "cure" urban growth problems, especially those of Moscow.

The actual planning and development of new communities has spread to at least fifty countries and may now be considered a world-wide movement, occurring in every continent and in less developed as well as highly-developed nations. The greatest numbers of planned new communities are found in the more urbanized nations.

New communities in the United States

A recent list of the Department of Housing and Urban Development enumerates 63 new communities or large developments completed or under construction in the United States since 1947.[8] A study of the distribution of these communities shows that 2 are in Hawaii; 31 in the West; 12 in the South; and 18 in the North (regions as shown in Figure 2). In terms of size, 35 were to have 50,000 population or more and 28 were to be of smaller size. The majority of the new communities (49) are located in metropolitan areas. Although many communities are predominantly residential and commuting in character, some are more independent, either containing extensive industrial developments and other sources of employment or depending largely on retirement income.

Possible distribution pattern

One possible pattern for new community development in the United States is outlined in Table 5. The 30-year population growth (Table 4) has been allocated with approximately 30 percent of new growth going into new communities.[9] Under existing economic trends, it is logical to suppose that the lion's share of new communities would occur in urban regions or near the greatest metropolitan areas. It is precisely in these regions of urban concentration that new communities are critically needed to combat urban sprawl; to protect land, water, and air resources; and to provide in a more orderly way for large-scale population growth.

On the other hand, it may be desirable to disperse population growth away from these concentrated urban regions. There needs to be some effort to establish new communities in outlying regions of the United States and in the orbit of smaller metropolitan areas. These outlying new communities would probably average somewhat smaller in population size than those in urban regions.

Table 5 presents a *possible* model for the geographic distribution of 30 million population growth in new communities in the next 30 years. This is only a suggestive model of distribution and is not to be construed as either a definitive plan or a policy statement. Under the American entrepreneurial system, the actual realization of new communities is likely to depend largely on market, economic, and organizational factors. Federal Government policy has already, of course, leaned in the direction of encouragement of new community developments; most recently in the Housing and Urban Development Act of 1968, Title IV.

Although the growth distribution model allocates 30 percent of *net* national population growth to new communities, the proportion varies regionally: 23 percent in the North; 37 percent in the South; and 32 percent in the West. These differences are conditioned by the slower growth rates of Northern areas and their already highly developed character; the continued expansion of the West; and the extensive resource potentials of the South for urban location. In the South, there are areas of significant population decline, so that the allocation is probably only a little over 30 percent of the *gross* population growth for the future 30-year period.

The *average* population size of the 272 new communities in the model is 110,000—in urban regions, 136,000; in outlying regions, 74,000. "Modular" size categories are used (500, 250, 150, 100, 75, and 50 thousand) for communities; it is not contemplated that each community will be planned for *exactly* that population, but that the group will average at that general size level.

In the North, a large area is engulfed by urban regions. This limits the number of outlying locations somewhat (see Figures 2 and 3). Average new community size is 124,000.

In the South, levels of urbanization are still lagging behind the rest of the Nation, though they have advanced rapidly. There are abundant resources and many locations for development. Only five metropolitan areas or complexes exceed 1 million population at present. The South has the greatest number of potential new communities projected, and the smallest average population size (83,000).

The West is sparsely populated, but has concentrated population clusters. There is a rapid growth potential, but resources, especially water, are selectively located, restricting the choice of locations. The West has the smallest number of new communities projected, but the largest average population size (134,000).

Though many smaller new communities may develop, it should be anticipated that the largest amount of new community population growth would be accommodated in larger communities. Many of the smaller new communities have tended to resemble large subdivision developments in their planning and land use character, though this is not necessarily the future pattern. In the less urbanized regions of the Nation it is very likely that free-standing new communities could be developed of smaller size than those presented in the model.

POLICIES AND PROGRAMS

The most extensive statement of future growth problems of the U.S., and their implications for national policies and development planning, is contained in a report of the Advisory Commission on Intergovernmental Relations.[10] The Commission recommends national policies to deal with urban growth and has suggested governmental structures for policy implementation by the Federal and State governments. A study of report recommendations reveals how far-reaching and broad-ranging such structures would need to be.

Under the best of conditions and governmental organizations, the population growth of the next few decades will be difficult to accommodate, particularly if the public demands that environmental conditions not be permitted to deteriorate but insists that they be somewhat improved over present conditions.

In the persistent quest for better urban communities, there is need for concern not only about the physical plan and environment, but also for the social environment of the urban community. Social, political, and cultural forces within our society need to be considered in the planning of new communities equally with economic and market forces. Under the American entrepreneurial system the actual development of new communities depends most heavily upon market, economic, and organizational factors. Federal government policies are leaning strongly in the direction of encouraging the development of new communities. Under a partnership concept, it is appropriate for both the sponsoring organization and public bodies to be concerned with all aspects of life in planned new communities.

In the future there may be an extremely great variety in the size of new communities—ranging from 5,000 to 500,000 in planned population size (embodying complete physical and social plans)—with diverse land uses blended to achieve the greatest livability of the community.

Urban growth is not new to American experience. Unplanned, randomly scattered, and unattractive urban developments are also no strangers. Stringent efforts, both public and private, to improve the physical arrangement of land uses, the appearance of urban development, and to beautify our cities have been manifold and have achieved varying degrees of success—in the meantime the specter of environmental pollution increases both in terms of its absolute level and in our awareness of its potentially lethal character.

The same technology which has created problems can, if called upon, solve them. The priorities, preferences, and goals relating to the character and quality of life in urban society need to be coordinated and implemented. This is an appropriate role for Government action, but government alone may not exercise enough influence or sufficient control to achieve the desired ends. Thus, the concept of partnership: help should be sought from all sources and all types of organizations—public, private, quasi-public; and from community or individual efforts.

Perhaps the greatest justification for, and potential reward from, the development of new communities may be the opportunity to establish a superior compatibility between new urban development and the natural environment—to make our "new cities" more ecological and less destructive of the natural fabric of life and earth resources than our present ones. If Occidental man is to have a "second chance" in his stewardship of natural resources and the fabric of living organisms and energy systems which make continued human life on the earth possible, the new community could be a significant element in this undertaking.

HUD SURVEY AND ANALYSIS OF LARGE DEVELOPMENTS AND NEW COMMUNITIES—COMPLETED OR UNDER CONSTRUCTION IN THE UNITED STATES SINCE 1947

General

Table 7 is a compilation of large developments and new communities in the United States. Valuable contributions were made by previous studies such as those of *House and Home,* the Department of Agriculture, the Advisory Commission on Intergovernmental Relations (*Urban and Rural America: Policies for Future Growth*), and Eichler and Kaplan (*The Community Builders*).

All the projects listed were completed or under construction between 1947 and 1969. While this list of 63 projects is not exhaustive, it is as complete and up to date as possible without undertaking extensive field surveys.

Inclusion in, or exclusion from, this list does not constitute an official endorsement, or lack thereof, on the part of the U.S. Department of Housing and Urban Development. Data on community characteristics were gathered only for a sample of communities.

Footnotes at end of article.

New communities

The terms "new community", "planned community", "new town" or "new city" have been used extensively by developers, professionals and officials. The concept itself is subject to varied interpretations, and its definition is extremely elusive: a new community is a group of people with a bond of interest, a new developed urban area, with a minimum dependency on other areas and groups.

Certain criteria are generally applied to further define this concept: a new community is developed in accordance with an overall master plan; it consciously follows principles of urban design and preserves and enhances the natural environment; it is sufficiently large to provide social diversity and all urban functions necessary to its residents; and it has some source of primary employment and community revenues. The line between a large development and a new community depends on the degree to which these criteria are met. Since it is not possible to assess a development's conformity to these criteria with any measure of precision, and none of the projects listed fully meets all criteria, the table does not differentiate between them.

Planning

The development of most projects listed is based on a master plan for the entire project area, formulated by the developer and his consultants, prior to construction and sale. The projects cover a wide range of quality in social, economic and physical planning, and in urban design and architecture.

Most projects listed occupy a single land tract, with reasonably regular boundaries and few inholdings. Because of historic land survey practices, project boundaries generally disregard natural terrain. Scattered tracts developed by the same developer within an area were not included in the list.

The approval of the master plan by the local government, a usual prerequisite, is generally an indication of the conformity of the project to the plan for the larger area within the jurisdiction of such government, or the government's agreement to incorporate it in the plan.

Construction

The projects listed were started on land with no or little development initially. Land development (streets, sewer and water systems), other public facilities, and private construction are part of their development program. Not included in this list are land speculation projects based on lot sale with minimal or no development.

Community characteristics

The 63 projects listed are distributed in 18 states, over one third in California alone, and over one half in three states (California, Arizona and Florida), reflecting climatic and recreational attraction. Seventy-eight percent of the projects are within Standard Metropolitan Statistical Areas (49 projects in 25 SMSAs).

Except for one small mining town, the projects listed range in size from 1,200 to 53,800 acres, and in population projections from 4,000 to 270,000 people. The aggregate acreage totals 566,300 acres. Excluding three projects with indefinite population projections, the aggregate ultimate population totals 3,474,000 persons in 1,066,800 dwelling units, or an average of 3.25 persons per dwelling unit, 2.4 dwelling units or 7.8 persons per gross acre.

All the projects listed are primarily residential. They include to a greatly varying extent some provisions for one or more of the following urban functions: industry, business, shopping, professional services, education, religious worship, recreation, and cultural activities.

Of all the projects listed, seven have their own government—city or village—and eleven are within municipal boundaries or were annexed to a city. A number of the remaining projects may be expected to eventually incorporate and be self-governing. Counties, townships, special districts, and citizens' organizations perform some of the necessary public functions in the absence of community government.

With some exceptions (including retirement communities) residents in the projects listed are mostly middle-income, young to middle age, and white. While a certain degree of social diversity exists in some communities, the majority tend toward homogeneity. Relatively few low-cost housing units have been built in these large developments and communities.

FOOTNOTES

[1] Basic data for this statement and for Table 1 derived from U.S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1957*. Table, Series A.1–3, "Estimated Population of the United States: 1790 to 1957," page 7. Washington: Government Printing Office, 1960.

[2] Data published by U.S. Bureau of the Census, in *Population Characteristics* (Series P–20, No. 184), "Women by Number of Own Children Under 5 Years Old, 1968, and 1967." Washington: U.S. Bureau of the Census, June 16, 1969.

[3] Based on estimated data published by U.S. Bureau of the Census, *Population Estimates* (Series P–25, No. 381, Table A, page 22). Washington: Government Printing Office, December 18, 1967.

Data indicate the general fertility rate for all women of cohort born 1905–1910 was 2.3 children per woman; for cohort born 1935–1940 the indicated rate will be about 3.2 children per woman.

[4] Population growth is projected within the conterminous United States which, until 1959, was the national territory of the United States; Alaska and Hawaii are not included because of their geographic separation from the mainland.

[5] See Pickard, J. P., *Dimensions of Metropolitanism*, and its Appendixes, Tables S–2 through S–6; A–36 through A–53; and Chapter X (pp. 89–91). Published in 1967 by *ULI—the Urban Land Institute*.

[6] Frederic J. Osborn and Arnold Whittick, *The New Towns: The Answer to Megalopolis* (Second Edition). London: Leonard Hill, 1969, 456 pages.

[7] Edward P. Eichler and Marshall Kaplan, *The Community Builders*. Berkeley: University of California Press, 1967, 196 pages.

[8] U.S. Department of Housing and Urban Development, Community Resources Development Administration, New Communities Division, "Survey and Analysis of Large Developments and New Communities Completed or Under Construction in the United States since 1947." [List prepared by David D. Brodeur] February, 1969, 7 pages.

[9] In some other instances, a proportion of 20 percent has been used. The question of *what* proportion of future national population growth should reasonably be allocated to new communities needs a good deal more study and research.

[10] U.S. Advisory Commission on Intergovernmental Relations, *Urban and Rural America: Policies for Future Growth*, Washington: Government Printing Office, 1968. See especially Chapter VI, "Conclusions and Recommendations," pages 123–173.

TABLE 1.—DOUBLING PERIOD OF U.S. POPULATION, 1805–2036, SHOWING MEAN ANNUAL GROWTH RATE

	U.S. total population (millions)	Doubling period (years)	Annual growth rate (percent)
Year:			
1805	6.25		
1829	12.5	>24	3.0
1852	25	>23	3.0
1880	50	>28	2.5
1915	100	>35	2.0
1967	200	>52	1.3
Projection: 2036±	400	>69	1.0

TABLE 2.—GEOGRAPHIC DISTRIBUTION OF POPULATION OF THE UNITED STATES, BY MAJOR CENSUS REGIONS, 1800–1960

[Population data in millions]

	North		South		West [2]	
Year	Population	Percent of United States	Population	Percent of United States	Population	Percent of United States
1800	2.6	50	2.3	43	[1] 0.4	7
1850	13.2	57	8.0	34.5	[1] 2.0	8.5
1900	47.4	62	24.5	32	4.3	6
1920	63.7	60	33.1	31	9.2	9
1940	76.1	57.5	41.7	31.5	14.4	11
1960	96.3	54	55.0	30.5	28.0	15.5

[1] Definitions of West: In 1800, North Central and South Central regions. In 1850, States west of Mississippi River.

[2] West includes Alaska and Hawaii for the period 1900–1960; thus, population adds to total U.S. population.

TABLE 3.—GEOGRAPHIC DISTRIBUTION OF POPULATION OF CONTERMINOUS UNITDE STATES, BY MAJOR METROPOLITAN REGIONS, 1920–2000

[Population data in millions]

	North		South		West	
Year	Population	Percent of United States	Population	Percent of United States	Population	Percent of United States
1920	66.9	63	29.5	28	9.3	9
1940	80.1	61	37.1	28	14.4	11
1960	103.17	58	47.32	26.5	27.97	15.5
1970	114.2	56	53.8	27	35.2	17
2000	158.5	52	78.2	26	67.9	22

Note: Major metropolitan regions of the United States are shown on the map (fig. 2).

TABLE 4.—30-YEAR POPULATION GROWTH PROJECTIONS, UNITED STATES, AND ITS LARGE URBAN REGIONS AND LARGEST METROPOLITAN AREAS AND COMPLEXES, 1970–2000

[In millions]

Metropolitan area, urban region, or major region	Population		30-year growth 1970–2000
	Estimated 1970	Projected 2000	
New York, Northeast New Jersey, Connecticut [1]	17.2	24.8	+7.6
Delaware Valley [1]	5.7	8.4	+2.7
Boston-Brockton [2]	3.6	4.4	+0.8
Washington	2.9	6.0	+3.1
Baltimore	2.1	3.3	+1.2
Hartford-Tolland County [1]	0.9	1.6	+0.7
Balance of urban region	13.4	18.9	+5.5
Atlantic seaboard	45.8	67.4	+21.6
Chicago-Northwest Indiana [1]	7.6	11.4	+3.8
Detroit-Ann Arbor [1]	4.5	7.6	+3.1
Cleveland-Lorain [1]	2.4	3.7	+1.3
Pittsburgh	2.4	2.6	+0.2
Cincinnati	1.4	2.1	+0.7
Milwaukee	1.4	2.1	+0.7
Buffalo	1.4	1.8	+0.4
Indianapolis	1.1	1.7	+0.6
Columbus, Ohio	0.9	1.6	+0.7
Dayton, Ohio	0.9	1.5	+0.6
Rochester, N.Y.	0.9	1.3	+0.4
Balance of urban region	15.5	21.7	+6.2
Lower Great Lakes	40.4	59.1	+18.7
Subtotal, metropolitan belt	86.2	126.5	+40.3
St. Louis	2.4	3.5	+1.1
Minneapolis-St. Paul	1.7	2.4	+0.7
Kansas City	1.3	1.8	+0.5
Balance of North	22.6	24.3	+1.7
Total, Northern regions	114.2	158.5	+44.3
Miami-Fort Lauderdale [1]	1.8	5.0	+3.2
Tampa-St. Petersburg	0.9	2.1	+1.2
Orlando-Cape Kennedy [1]	0.7	1.8	+1.1
Balance of urban region	2.3	4.1	+1.8
Peninsular Florida	5.7	13.0	+7.3
Southern Piedmont	3.3	5.2	+1.9
Houston-Galveston [1]	2.1	4.4	+2.3
Balance of urban region	0.4	0.5	+0.1
Texas-Louisiana Gulf Coast	2.5	4.9	+2.4
New Orleans	1.1	1.8	+.7
Balance of urban region	1.6	2.9	+1.3
Central Gulf Coast	2.7	4.7	+2.0
North Central Texas (Dallas-Fort Worth)	2.2	4.2	+2.0
Atlanta	1.4	2.5	+1.1
Balance of urban region	.4	.6	+.2
North Central Georgia	1.8	3.1	+1.3
Subtotal, urban regions, South	18.2	35.1	+16.9
San Antonio	.9	1.7	+.8
Balance of South	34.7	41.4	+6.7
Total, southern regions	53.8	78.2	+24.4
Los Angeles-Orange-Ventura Counties [1]	9.3	20.9	+11.6
San Francisco Bay [1]	4.5	7.7	+3.2
San Diego	1.3	3.4	+2.1
San Bernardino-Riverside [3]	1.2	3.2	+2.0
Sacramento	.9	2.0	+1.1
Balance of urban region	2.7	5.3	+2.6
California (urban region)	19.9	42.5	+22.6
Seattle-Tacoma	1.8	3.4	+1.6
Balance of urban region	0.3	0.4	+0.1
Puget Sound urban region	2.1	3.8	+1.7
Phoenix	1.0	2.6	+1.6
Balance of urban region	0.3	0.9	+0.6
Metropolitan Arizona	1.3	3.5	+2.2
Denver	1.2	2.3	+1.1
Balance of urban region	0.4	0.9	+0.5
Colorado Piedmont	1.6	3.2	+1.6
Subtotal, urban regions West	24.9	53.0	+28.1
Portland	1.0	1.7	+0.7
Balance of West	9.3	13.2	+3.9
Total, western regions	35.2	67.9	+32.7
Conterminous U.S. total (48 States and District of Columbia)	203.2	304.6	+101.4

[1] Indicates metropolitan complex, made of more than 1 metropolitan area: New York, northeast New Jersey-Connecticut=New York-northeastern New Jersey standard consolidated area plus Fairfield County, Connecticut; Delaware Valley=Philadelphia, Wilmington, Trenton; San Francisco Bay=San Francisco-Oakland, San Jose, Vallejo-Napa; others are indicated by names in title.

[2] Boston-Brockton=Boston SEA (Suffolk, Essex, Middlesex, and Norfolk Counties) and Brockton SEA (Plymouth County).

[3] San Bernardino-Riverside-Ontario is official title; consists of 2 counties.

TABLE 5.—POSSIBLE MODEL OF GEOGRAPHIC DISTRIBUTION OF 30,000,000 POPULATION GROWTH IN NEW COMMUNITIES, 1970–2000

Metropolitan area urban region zone	N.C. population growth, 1970–2000 (millions)	New communities: by population size (thousands) [1]						
		Number total	500	250	150	100	75	50
Atlantic seaboard	+4.2	25	2	5	5	9	4	
Boston region	+.2	2				2		
New York-northern New Jersey-Connecticut	+1.8	6	2	2	2			
Southeastern Pennsylvania-southern New Jersey-northern Delaware	+.7	5		1	1	3		
Baltimore-Washington region	+.9	5		2	2	1		
Virginia urban corridor	+.25	3				1	2	
Balance of urban region	+.35	4				2	2	
Lower Great Lakes	+3.8	28	2	2	4	8	12	
Chicagoland	+1.2	6	1	1	1	3		
Southern Michigan-Toledo	+1.0	6	1		1	2	2	
Northeastern Ohio	+.5	3		1	1	1		
Columbus-Miami Valley	+.4	4			1	1	2	
Central Indiana	+.3	4					4	
Niagara frontier-central New York	+.3	4					4	
Pittsburgh region	+.1	1				1		
St. Louis	+.2	2				2		
Minneapolis-St. Paul	+.2	2				2		
Kansas City	+.1	1				1		
Total, Northern urban regions and metropolitan zones	+8.5	58	4	7	9	22	16	
Outlying northern regions	+1.8	25			2	4	6	13
Northern regions, total	+10.3	83	4	7	11	26	22	13
Peninsular Florida	+2.0	17		2	3	6	6	
South Florida	+1.0	6		2	2	2		
Tampa Bay	+0.3	3			1	1	1	
Orlando-Cape Kennedy	+0.3	3				2	1	
Balance of urban region	+0.4	5				1	4	

Footnotes at end of table.

TABLE 5.—POSSIBLE MODEL OF GEOGRAPHIC DISTRIBUTION OF 30,000,000 POPULATION GROWTH IN NEW COMMUNITIES, 1970–2000—Continued

Metropolitan area urban region zone	N.C. population growth, 1970–2000 (millions)	Number total	New communities: by population size (thousands) [1] 500	250	150	100	75	50
Southern Piedmont	+0.4	5				1	4	
Texas-Louisiana Gulf Coast	+0.6	6			1	3	2	
Central Gulf Coast	+0.5	6				2	4	
North Central Texas (Dallas-Fort Worth)	+0.5	4			2	2		
North Central Georgia	+0.3	3			1	1	1	
South Central Texas (San Antonio-Austin)	+0.2	2				1	1	
Total, Southern urban regions	+4.5	43		2	7	16	18	
Outlying southern regions	+4.6	67			3	9	20	15
Southern regions, total	+9.1	110		2	10	25	38	15
California urban region: Southern California	+4.95	25	4	4	6	9	2	
Los Angeles-Orange-Ventura-San Bernardino-Riverside-Bakersfield	+4.1	17	4	4	4	5		
San Diego	+0.65	6			2	2	2	
Santa Barbara Southern California Coast	+0.2	2				2		
Central California	+1.9	13	1	1	3	4	4	
San Francisco Bay	+1.0	4	1	1	1	1		
Sacramento	+0.3	3			1	1	1	
Balance of urban region	+0.6	6			1	2	3	
Metropolitan Arizona	+0.7	8			1	1	6	
Puget Sound	+0.5	5			1	2	2	
Colorado Piedmont	+0.5	6				2	4	
Willamette Valley	+0.2	2				1	1	
Total, western urban regions	+8.75	59	5	5	11	19	19	
Outlying western regions	+1.85	20			4	7	5	4
Western regions, total	+10.6	79	5	5	15	26	24	4
United States, grand total	+30.0	272	9	14	36	77	84	52
In urban regions; metropolitan zones	+21.7	160	9	14	27	57	53	
In outlying regions	+8.3	112			9	20	31	52

[1] Population growth shown in millions is the amount allocated to new communities. For total growth, see table 4.

TABLE 6.—FUTURE PROJECTED LAND AREA OF LARGEST URBANIZED AGGLOMERATIONS, 2000, AND AREA OF PREDECESSOR URBANIZED AREAS IN 1970.

[Data in square miles]

Urbanized agglomeration	Total land area 2000	Total land area 1970	30-year growth	Percent of increase
1. Los Angeles Basin	4,921	2,116	+2,805	+133
(Los Angeles)		(1,882)		
(San Bernardino-Riverside)		(234)		
2. New York-N.E. N.J.-Conn	4,662	2,803	+1,859	+66
(New York-N.E. N.J.)		(2,384)		
(Monmouth-Ocean Counties, N.J.)		(180)		
(Stamford-Norwalk-Bridgeport)		(239)		
3. Chicago-Milwaukee	2,853	1,495	+1,358	+91
(Chicago-N.W. Indiana)		(1,139)		
(Kenosha and Racine)		(39)		
(Milwaukee)		(317)		
4. San Francisco Bay	2,104	1,145	+959	+84
5. Detroit-Toledo	1,868	1,018	+850	+83
(Detroit-Pontiac)		(844)		
(Ann Arbor)		(37)		
(Toledo)		(137)		
6. Washington-Baltimore	1,713	796	+917	+115
(Washington)		(523)		
(Baltimore)		(273)		
7. Dallas-Fort Worth	1,611	1,015	+596	+59
(Dallas)		(583)		
(Fort Worth)		(432)		
8. Houston-Galveston	1,530	714	+816	+114
(Houston)		(650)		
(Galveston and Texas City)		(64)		
9. Delaware Valley	1,491	916	+575	+63
10. Southeast Florida	1,486	564	+922	+163
11. Cuyahoga Valley	1,278	750	+528	+70
(Cleveland-Lorain-Elyria)		(581)		
(Akron)		(169)		
12. Atlanta (with Marietta)	1,100	468	+632	+135
13. San Diego	1,063	380	+683	+180
14. Minneapolis-St. Paul	1,047	730	+317	+43
Total, 14 largest areas	28,727	14,910	+13,817	+93

Source: Based on published and unpublished data compiled in Appendixes to Dimensions of Metropolitanism (Research Monograph 14A). Washington: Urban Land Institute, 1968. Tables A-45 through A-53. The 1970 urbanized area data are projected from 1960.

TABLE 7—LARGE DEVELOPMENTS AND NEW COMMUNITIES (COMPLETED OR UNDER CONSTRUCTION IN THE UNITED STATES SINCE 1947) [1]

Name [2]	Location [3]	Acres [4]	Planned dwelling units [4]	Planned population [3]
Arizona:				
Kearny	Pinal County	1,300	1,000	4,000
Lake Havasu City	Mohave County	16,500	20,000	60,000
Litchfield Park	Maricopa County	13,000	22,000	75,000
San Manuel	Pinal County	700	1,500	6,000
Sun City	Maricopa County	10,700	30,000	55,000
Tucson Green Valley	Pima County	2,900	6,000	15,000
California:				
Calabasas Park	Los Angeles and Ventura Counties.	3,000	4,000	15,000
Diamond Bar	Los Angeles County	8,000	20,000	80,000
El Dorado Hills	El Dorado County	9,800	20,000	75,000
Foster City	San Mateo County	2,600	11,000	35,000
Irvine Ranch	Orange County	32,500	80,600	270,000
Janss	Thousand Oaks	11,000	22,000	80,000
Laguna Hills Leisure World	Orange County	2,500	18,000	30,000
Laguna Niguel	Orange County	7,900	22,800	80,000
Lake San Marcos	San Diego County	1,700	3,000	6,000
Mission Viejo	Orange County	11,300	27,000	80,000
Porter Ranch	Los Angeles County	4,100	12,000	43,000
Rancho Bernardo	San Diego	5,400	7,000	26,000
Rancho California	Riverside County	41,100	27,000	80,000
Redwood Shores	Redwood City	4,700	20,000	60,000
Rossmoor	Walnut Creek	2,000	10,000	16,000
San Marin	Novato	2,200	5,000	20,000
San Ramon Village	Alameda and Contra Costa Counties.	4,500	20,000	72,000
Sun City	Riverside County	1,700	8,600	11,000
University Village	Santa Barbara County	4,000	3,500	14,000
Valencia	Los Angeles County	4,000	40,000	250,000
Westlake Village	Los Angeles and Ventura Counties; portion in Thousand Oaks.	12,000	20,000	68,000
Colorado:				
Montbello	Denver	3,000	12,000	35,000
Northglenn	Adams County	2,700	6,500	30,000
Pikes Peak Park	Colorado Springs	4,300	11,500	35,000
Delaware: Pike Creek Valley	New Castle County	1,300	5,000	20,000
Florida:				
Coral Springs	Broward County	10,400	15,000	60,000
Deltona	Volusia County	15,000	32,000	75,000
Lehigh Acres	Lee County	51,800	(6)	(6)
Miami Lakes	Dade County	1,900	6,000	25,000
North Palm Beach [7]	Palm Beach County	9,600	7,100	25,000

Footnotes at end of table.

TABLE 7.—LARGE DEVELOPMENTS AND NEW COMMUNITIES (COMPLETED OR UNDER CONSTRUCTION IN THE UNITED STATES SINCE 1947) [1]—Continued

Name [2]	Location [3]	Acres [4]	Planned dwelling units [4]	Planned population [5]
Florida—Continued				
Palm Beach Gardens [8]	Palm Beach County	6,100	15,000	70,000
Port Charlotte	Charlotte County	53,800	(6)	(6)
Spring Hill	Hernando County	10,000	32,000	75,000
Georgia: Peachtree City	Fayette County	15,000	4,300	15,000
Hawaii:				
Hawaii Kai	Honolulu County	6,000	16,400	56,000
Mililani Town	Honolulu County	3,000	14,000	56,000
Illinois:				
Elk Grove Village [7]	Cook County	5,800	13,500	58,000
Oak Brook [7]	Du Page County	3,600	7,000	25,000
Park Forest [7]	Cook and Will Counties	2,700	10,000	34,000
Park Forest South [7]	Will County	1,600	15,000	60,000
Louisiana: New Orleans East.	New Orleans	32,000	120,000	250,000
Maryland:				
Columbia	Howard County	14,100	30,000	110,000
Crofton	Anne Arundel County	1,300	3,500	15,000
Joppatowne	Harford County	1,300	3,000	10,000
Montgomery Village	Montgomery County	2,200	10,000	30,000
Massachusetts: New Seabury.	Barnstable County	3,000	3,700	16,000
Minnesota: Jonathan	Chaska	2,300	17,000	50,000
New Jersey: Willingboro	Burlington County	4,500	11,000	50,000
New Mexico: Paradise Hills	Bernalillo County	8,500	20,000	70,000
New York:				
Levittown	Nassau County	5,000	17,500	68,000
Sterling Forest	Orange County	20,000	(6)	(6)
Ohio:				
Forest Park [7]	Hamilton County	4,000	9,000	35,000
Grant Park	Clermont County	7,500	14,500	50,000
Pennsylvania: Levittown	Bucks County	5,500	17,000	70,000
Texas:				
Clear Lake City	Harris County	15,000	57,000	150,000
Sharpstown	Houston	4,000	9,900	35,000
Virginia: Reston	Fairfax County	7,400	25,000	75,000

[1] Compiled by the Division of New Communities, U.S. Department of Housing and Urban Development, Washington, D.C., January, 1969.
[2] Arranged alphabetically by States.
[3] County, or city where annexed.
[4] To the nearest hundred.
[5] To the nearest thousand.
[6] Indefinite.
[7] Incorporated as a village.
[8] Incorporated as a city.

ADMINISTRATION DECISION TO RELEASE FULL FUNDS FOR SUMMER CHILD FEEDING PROGRAM

Mr. CASE. Mr. President, I am very glad to have received a letter from Office of Management and Budget Director George Shultz stating that the Department of Agriculture now intends to fund all of the applications from cities and States for the 1971 summer child feeding program.

In reply to a letter I sent to him on July 2, cosigned by 44 other Senators, Mr. Shultz stated that steps have been initiated by the Office of Management and Budget to insure that the full benefits of the child feeding programs planned by cities and States this summer will be realized.

I am gratified, as I know my colleagues are, that the administration reconsidered this matter and that millions of needy children will be fed this summer as Congress intended and as the Department of Agriculture originally promised.

I ask unanimous consent that the exchange of letters be printed in the RECORD. I also ask that a survey of the known volume of requests for summer feeding funds, conducted by representatives of the city of Detroit in cooperation with the National League of Cities–U.S. Conference of Mayors, be printed in the RECORD.

With respect to the survey, I would point out that it should not be considered as an exhaustive documentation of the needs of cities and States for summer lunch program funds. It is simply a listing of available U.S. Department of Agriculture data, supplemented by additional requests made known to the League of Cities and Conference of Mayors.

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

JULY 2, 1971.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office of the President, Washington, D.C.

DEAR MR. SHULTZ: We are writing to ask your immediate reconsideration of the funding being made available for this year's summer child feeding programs. These programs, authorized under the National School Lunch Act, provide nutritious meals for thousands of needy children in our urban areas.

Early this week the Department of Agriculture announced that it would allocate $18.1 million for the summer feeding programs, noting that this represented a threefold increase over last summer. It is a matter of grave concern to us that this figure represents $15.0 million less than what is needed to insure full funding for the summer feeding programs. We are concerned that millions of children in New York and Newark, in San Antonio and Los Angeles, in Minneapolis and Indianapolis, and in many other cities throughout the nation will not be fed this summer, as they had been promised.

The Department of Agriculture has publicly acknowledged that, as of June 18, it had received requests from cities and states for summer feeding programs totalling $26.6 million. However, we believe that this total does not reflect the latest estimates. A more recent survey conducted by the National League of Cities—U.S. Conference of Mayors revealed that summer requests actually total $33.0 million. It is from this second estimate that we derive the need for an additional $15.0 million.

It is not as if our cities and states had acted without Department of Agriculture support or promise of full funding. As you are no doubt aware, the expansion in the summer feeding programs this year is a direct result of Department of Agriculture promotion in cities and states across the nation. Our cities were urged to expand their efforts and were promised that the necessary money would be forthcoming. Programs were planned in full faith that the Department of Agriculture would stand behind its promise of funds. Moreover, when some question arose as to whether sufficient money was indeed available, Congress acted swiftly to provide both the spending authority and funds.

Last week the Congress specifically authorized the Secretary of Agriculture to spend up to $100 million from Section 32 funds (customs receipts) on this year's summer programs, in addition to whatever funds might be included in the Department of Agriculture appropriation bill. As Senator Talmadge, Chairman of the Senate Agriculture Committee, expressed it,

". . . the bill we have reported, authorizes the Secretary of Agriculture to use Section 32 funds in *any* amount (subsequently set at $35 million for FY 1971 and $100 million for FY 1972) necessary to keep this program going beyond June 30. The Committee included this provision because of the practical certainty that the appropriation for the Department of Agriculture for Fiscal Year 1972 will not be passed before July 1, and because of the probability that insufficient funds will be provided by a continuing resolution . . . Given all of these circumstances, there would seem to me to be no basis for the concern now manifested in many city halls about a cut-off of money for the summer nutrition program."

That was the expressed intent of the Senate and the House. We were aware that the regular appropriations process might not be completed in time, and might not—because it began before the funding crisis was made known—provide as much as would be required. It was the firm intent of the Congress that the Secretary of Agriculture be given clear direction as to the use of Section 32 funds with respect to this program.

Congress intended that the summer programs be immediately and fully funded.

This matter is one of the greatest urgency. We respectfully request that full funding of the summer feeding programs be reconsidered in the light of Congressional action.

Sincerely,

Clifford P. Case, Birch Bayh, J. Glenn Beall, Jr., Lloyd Bentsen, Edward W. Brooke, James L. Buckley, Lawton Chiles, Marlow W. Cook, Alan Cranston, Thomas F. Eagleton, Mike Gravel, Fred R. Harris, Philip A. Hart, Vance Hartke.

Mark O. Hatfield, Ernest F. Hollings, Harold E. Hughes, Hubert H. Humphrey, Daniel K. Inouye, Henry N. Jackson, Jacob K. Javits, B. Everett Jordan, Edward M. Kennedy, Warren G. Magnuson, Charles McC. Mathias, Jr., George S. McGovern, Walter F. Mondale, Joseph M. Montoya, Frank E. Moss, Edmund S. Muskie, Gaylord Nelson.

Bob Packwood, John O. Pastore, Claiborne Pell, Charles H. Percy, William Proxmire, Abraham Ribicoff, Richard S. Schweiker, William B. Spong, Jr., Adlai E. Stevenson, III, Stuart Symington, Robert Taft, Jr., John V. Tunney, Lowell P. Weicker, Jr., Harrison A. Williams.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 8, 1971.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: Thank you for your July 2 letter concerning the summer child feeding program (non-school).

As you know, the President last week signed H.R. 5257, and we have already initiated the steps necessary to fund all of the applications received from cities and states for this program, which as you say amount to some $33 million. We earlier had concurred

with the Department of Agriculture in increasing last year's program threefold up to a total of $18.1 million. There is considerable reason to believe on the basis of last year's experience, that many states will not utilize the full amounts available to them, and there is further concern, which the Department of Agriculture has quite properly expressed, that such rapid expansion of a program such as this can lead to abuses of the program. Unfortunately too, the program is not focused, as we believe it should be, so that truly needy children receive the maximum benefits.

Nevertheless, because of the President's very strong feeling that needy children should have fully adequate and nutritious meals, we agree with the Department of Agriculture that the applications from the various cities and states should be accepted and approved, and we are cooperating with the Department of Agriculture to provide the necessary funds, including Section 32 funds, to accomplish this. We will also work closely with the Department to ensure that the program will be administered in accordance with the intent of the Congress, and that abuses are minimized. We also have in mind, as does the Department, the importance of proceeding rapidly, so that the full benefits of the program will be realized this summer as intended.

Sincerely,

GEORGE P. SHULTZ,
Director.

SPECIAL FOOD SERVICE PROGRAM—KNOWN VOLUME OF REQUESTS, JULY 9, 1971

	July-August 1971	Balance of fiscal year 1972	Total need, fiscal year 1972
Northeast Region:			
Connecticut	$52,000	$180,000	$232,000
Delaware	22,400	113,612	136,012
District of Columbia	1,214,000	216,000	1,430,000
Maine	78,180	63,512	141,692
MARYLAND	1,000,000	165,816	1,165,816
Massachusetts	199,507	520,000	719,507
New Hampshire*	7,216	56,512	63,728
NEW JERSEY	1,700,000	408,000	2,108,000
New York	4,147,000	680,000	4,827,000
Pennsylvania	1,305,322	716,388	2,021,710
Rhode Island	26,031	39,232	65,263
Vermont	2,419	57,136	59,555
West Virginia	152,320	132,000	284,320
Regional total	9,906,395	3,348,208	13,254,603
Southeast region:			
Alabama	$545,000	$372,000	$917,000
Florida	590,000	432,112	1,022,112
Georgia*	1,360,000	1,341,024	2,701,024
KENTUCKY	730,784	276,000	[1] 1,066,784
Mississippi	172,931	164,000	336,931
North Carolina	270,000	641,152	911,152
Puerto Rico	0	0	0
South Carolina*	189,984	568,800	758,784
Tennessee*	800,000	712,652	1,512,652
VIRGINIA*	2,500,000	773,504	2,273,504
Virgin Islands*	0	21,084	21,084
Regional total	7,158,699	5,302,328	12,461,027
Midwest region:			
ILLINOIS	2,500,000	321,590	2,821,590
Indiana	75,078	467,448	542,526
Iowa*	90,000	196,800	286,800
MICHIGAN*	1,330,000	346,000	1,676,000
MINNESOTA	[1 2] 815,512	[1] 1,355,660	[1 2] 2,171,172
Missouri*	393,148	635,900	1,029,048
Nebraska*	83,732	92,000	175,732
North Dakota*	5,800	36,000	41,800
Ohio*	181,759	896,000	1,077,759
SOUTH DAKOTA	82,000	20,400	102,400
Wisconsin*	84,000	620,000	704,000
Regional total	5,641,029	4,987,798	10,628,827
Southwest region:			
Arkansas*	27,370	236,720	264,090
Colorado	200,000	320,000	520,000
Kansas	11,000	100,000	111,000
LOUISIANA	1,172,900	480,000	1,652,900
New Mexico	45,336	162,520	207,856
OKLAHOMA	588,000	225,200	813,200
TEXAS*	1,265,000	740,000	2,005,000
Regional total	3,309,606	2,264,440	5,574,046
Western region:			
Alaska	0	4,000	4,000
Arizona	46,434	198,000	244,434
CALIFORNIA	7,082,130	459,820	7,541,950
Guam	6,200	7,260	13,460
Hawaii	6,000	28,000	34,000
Idaho*	15,373	58,864	74,237
Montana*	5,236	46,400	51,636
Nevada*	11,857	43,560	55,417
Oregon*	70,500	124,064	194,564
Samoa	0	0	0
Utah	18,500	24,296	42,796
WASHINGTON*	212,200	225,656	437,856
Wyoming	3,050	21,600	24,650
Trust Territories	0	0	0
Regional total	7,477,480	1,241,520	8,719,000
National total	33,493,209	17,144,294	50,637,503

[1] Figures are precise, received from State departments of education.
[2] Figure represents demand for first quarter of fiscal 1972 (i.e., July, August, and September.)

NOTES

Local sponsors in States marked with an asterisk apply for funding directly to USDA Regional Offices; sponsors in unmarked States apply to a State agency (usually the school-lunch division of the State education department), which in turn applies for the State total to the USDA Regional Office. The State handles the program in 30 States; the remaining 20 (asterisked) apply directly.

Due to the administrative arrangements noted in the previous paragraph and limitations of staff, no effort was made to comprehensively canvass the Nation for program requests. Hence, the figures above are conservative. Where estimates were made, lowest reliable figures were used.

States listed in capital letters are those in which information listed differs substantially from USDA figures. Those States in upper- and lower-case letters were not specifically contacted; the information for them comes basically from USDA—though USDA data has been corrected for obvious inconsistencies. For example, where USDA figures showed a higher demand for summer alone than for the entire fiscal year, the fiscal year figure was increased to at least the amount needed for the summer.

WHERE HIGH SCHOOL STUDENTS STAND ON CURRENT ISSUES

Mr. JAVITS. Mr. President, June 30 marks the day of the ratification by the 38th State, Ohio, of the 26th amendment lowering the voting age to 18. It was the most rapidly ratified amendment ever proposed to the Constitution.

As an active proponent of the amendment, I was pleased to have brought to my attention recently a study which gives further evidence of the maturity of interest of our young people, many of whom were in high school last year and will be voting in the presidential and congressional elections next year. Scholastic Magazines, Inc., conducted a series of four polls of high school student opinion on current issues. The questions ranged from international and national issues to less lofty questions such as dress codes. The responses should give heart to those who may be concerned with the thinking of our youth. Their course may not be exactly as we would chart it, but it is a steady and safe one, one which has direction and forward movement.

I ask unanimous consent that the study be printed in the RECORD.

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

THE NATIONAL INSTITUTE OF STUDENT OPINION POLL NO. 1, SEPTEMBER, 1970

VIETNAM WAR. HOW DO YOU FEEL ABOUT THE WAY THE NIXON ADMINISTRATION IS HANDLING THE VIETNAM WAR?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
Approve	33	26	29	34	27	31
Disapprove	39	37	38	32	27	30
No opinion	28	37	33	34	46	40

UNITED NATIONS. WHAT PHRASE BEST DESCRIBES YOUR ATTITUDE TOWARD THE U.N.?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
It is of great importance to world peace	50	54	52	60	59	60
Of little importance	11	6	9	32	35	33
Important to keep until something better is agreed upon	39	40	39	8	6	7

DRESS CODES: HOW DO YOU FEEL ABOUT A CODE OF REGULATIONS REGARDING DRESS IN SCHOOL? FOR SENIOR STUDENTS; THIS QUESTION WAS PUT IN SLIGHTLY DIFFERENT FORM TO JUNIORS. ALTHOUGH PERCENTAGES ARE NOT DIRECTLY COMPARABLE, THE RESULTS ARE THESE:

	Senior (percent)				Junior (percent)		
	Agree strongly	Agree somewhat	Disagree somewhat	Disagree strongly	Boys	Girls	Total
Code should be prepared by a joint student-faculty committee	30	46	14	10	20	22	21
By a joint student-faculty-parent committee	29	33	21	17	17	21	19
By school officers and school board	14	21	26	39	4	4	4
By an elected body of students and enforced by students	37	29	19	15	22	21	21
There should be no code	25	15	19	40	32	29	31
No opinion					5	3	4

THE NATIONAL INSTITUTE OF STUDENT OPINION POLL NO. 1, SEPTEMBER, 1970—Continued

COMMUNITY SERVICE: IT HAS BEEN PROPOSED THAT, TO GRADUATE FROM HIGH SCHOOL, STUDENTS SHOULD BE REQUIRED TO EARN WORK CREDITS FOR SERVICE IN THEIR COMMUNITIES, JUST AS THEY EARN ACADEMIC CREDITS IN SCHOOL. HOW DO YOU FEEL ABOUT THIS PROPOSAL?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
Favor	18	22	20	29	30	30
Not favor	36	27	32	17	13	15
Favor if released for service during school hours	29	35	32	28	24	26
Not sure	17	16	16	27	33	30

SENIOR ONLY

LOWERING VOTING AGE. DO YOU THINK THAT LOWERING THE VOTING AGE TO 18 IS A GOOD THING?

[In percent]

	Boys	Girls	Total
Yes	75	72	74
No	13	16	15
Not sure	11	12	12

VOLUNTEER CAMPAIGNING. IF YOU WERE 18 AND HAD THE OPPORTUNITY TO VOTE THIS FALL, WOULD YOU VOLUNTEER YOUR SERVICES AS A CAMPAIGN WORKER FOR A POLITICAL PARTY OR CANDIDATE?

[In percent]

	Boys	Girls	Total
Yes	26	36	31
No	45	33	39
Not sure	29	31	30

VOLUNTEER MILITARY SERVICE. IT HAS BEEN PROPOSED THAT THE DRAFT BE ENDED AND PAY RATES FOR VOLUNTARY ENLISTMENT FOR MILITARY SERVICE BE INCREASED. IF THIS WERE DONE, DO YOU THINK YOU WOULD VOLUNTEER FOR 2 YEARS OF MILITARY SERVICE?

[In percent]

	Boys	Girls	Tota
Yes	48	38	43
No	36	42	39
Not sure	17	20	18

AS A CAREER? WOULD YOU CONSIDER MAKING THE MILITARY SERVICE A CAREER?

[In percent]

	Boys	Girls	Total
Yes	17	10	13
No	70	73	71
Yes, until I married	4	9	7
Not sure	9	8	8

CHOICE OF SERVICE. IF YOU DID DECIDE TO ENLIST VOLUNTARILY, WHICH SERVICE WOULD YOU APPLY TO?

[In percent]

	Boys	Girls	Total
Army	18	16	17
Navy	29	36	32
Marines	13	13	13
Air Force	26	25	26
Coast Guard	13	10	12

PARTY CHOICE. WOULD YOU CHOOSE

[In percent]

	Boys	Girls	Total
The Democratic Party	30	30	30
The Republican Party	23	21	22
Other Party	5	3	4
No Party	15	12	13
Not sure	28	34	31

PRESIDENTIAL FAVORITES. IF THE PRESIDENTIAL ELECTION WERE TO BE HELD IN NOVEMBER, WHO WOULD BE YOUR CHOICE?

[In percent]

	Boys	Girls	Total
President Nixon if he were Republican candidate	24	20	22
A Democrat	21	21	21
Someone else	16	15	15
Not sure	39	45	42

THE MIDI. WHAT'S YOUR FEELING ABOUT SKIRT LENGTHS THIS SEASON?

[In percent]

	Boys	Girls	Total
Like midi	14	7	10
Dislike midi	58	59	59
Dislike midi and plan to organize some sort of protest against it	7	3	5
Object to designers' dictating midi as the only fashion, but feel it might be nice once in a while	21	31	26

POLL NO. 2, NOVEMBER 1970

TODAY'S ISSUES—WHAT ARE THE MOST IMPORTANT ISSUES FACING THE UNITED STATES TODAY? CHECK 3 MOST IMPORTANT

[In percent]

	Senior		Junior	
	Boys	Girls	Boys	Girls
Inflation	39	30	27	21
Crime	39	33	30	24
Drug abuse	48	54	56	63
Race relations	24	24	15	16
Vietnam	48	51	45	45
Communism	21	18	18	15
Air, water pollution	63	54	78	72
Hunger and poverty	18	30	30	45

AMERICAN FLAG USE—DO YOU THINK PERSONS SHOULD BE ARRESTED IF THEY DO THE FOLLOWING?

[In person]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Burn the American flag	83	84	84	72	71	72
Use it as an article of clothing	37	40	39	51	54	53
Paint it on a helmet or car	9	10	10	13	13	13
Combine it with other symbols such as the peace symbol	24	20	22	34	33	34
Fail to lower it from a flagpole at night	17	16	16	23	22	23

ELECTORAL COLLEGE. UNDER THE ELECTORAL COLLEGE SYSTEM IN THE U.S. CONSTITUTION IT IS POSSIBLE FOR A CANDIDATE WHO HAS NOT RECEIVED THE MOST POPULAR VOTES TO BE ELECTED PRESIDENT. WHAT DO YOU THINK?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
I think the system should be kept as is	26	25	25	32	31	32
I think it should be changed to give the election to the candidate receiving most of the votes	74	75	75	68	69	68

DRUG USE. WHAT ABOUT DRUG USE, INCLUDING MARIHUANA, AMONG TEENAGERS YOU KNOW?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Not now a problem	12	9	11	13	12	12
Drug use is less than it was a year ago	5	5	5	4	4	4
Drug use is growing	67	73	70	65	68	66
Don't know	16	13	14	18	16	17

POLL NO. 2, NOVEMBER 1970

SCHOOL GRADING SYSTEMS. DO YOU FAVOR A CHANGE FROM THE TRADITIONAL LETTER (A, B, C, D, F) OR NUMBER SYSTEM OF GRADING TO A "PASS-FAIL" SYSTEM?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Letter or number	66	71	68	75	83	79
Pass-fail	34	29	32	25	17	21

MOVIE RATINGS. UNDER THE PRESENT MOVIE RATING SYSTEM, YOUTHS UNDER 17 OR 18 MAY NOT ATTEND AN "R" FILM UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN, AND THEY CAN'T ATTEND AN "X" FILM AT ALL. WHAT IS YOUR VIEW?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Should be enforced	26	34	30	41	54	47
Should be dropped	59	51	55	50	39	44
Not enforced in our town	15	15	15	9	8	8

SENIOR ONLY

FREE TRADE VERSUS PROTECTION. FREE TRADE VERSUS PROTECTIVE TARIFFS AND QUOTAS IS AN OLD ISSUE IN MANY NATIONS. FOR MANY YEARS UNITED STATES JOINED OTHER NATIONS TO REDUCE TARIFFS. RECENTLY, U.S. COMPANIES MAKING TEXTILES, SHOES, ETC., COMPLAINED THEY CANNOT COMPETE WITH MERCHANDISE FROM ABROAD PRODUCED WITH LOW-WAGE LABOR. WHAT DO YOU THINK WE SHOULD DO?

[In percent]

	Boys	Girls	Total
Continue to work toward lower tariffs	20	24	22
Protect U.S. industries, although we risk having tariffs raised against U.S. exports	29	21	25
Make no change now	15	13	14
No opinion	36	43	40

SCHOOL-LEAVING AGE. IF YOU WERE A MEMBER OF A STATE LEGISLATURE, WHERE WOULD YOU VOTE TO PUT THE MINIMUM AGE STUDENTS COULD LEAVE SCHOOL?

[In percent]

	Boys	Girls	Total
18 years	37	42	40
16 years	47	45	46
14 years	7	4	5
Other	9	8	9

U.S.-U.S.S.R. RELATIONS. EVER SINCE RUSSIA BECAME COMMUNIST, RELATIONS WITH THE U.S.S.R. HAVE BEEN TROUBLED. WHAT IS YOUR VIEW?

[In percent]

	Boys	Girls	Total
Will eventually solve their differences	17	9	13
Relations will continue to seesaw	36	33	34
Will never get along well as long as U.S.S.R. is communist and U.S. is a democracy	32	37	35
No opinion	15	20	18

JUNIOR ONLY

YOUTH ORGANIZATIONS. WE LIVE IN A WORLD OF ORGANIZATIONS—BOY SCOUTS, 4-H, DANCE COMMITTEES STUDENT COUNCILS, TEAMS, CLUBS, ETC. HOW DO YOU FEEL ABOUT JOINING ORGANIZATIONS? CHECK 1.

[In percent]

	Boys	Girls	Total
Don't belong to any group	20	16	18
Belong only to groups outside school	13	10	12
Take part only in school activities	12	12	12
Take part in both school and outside groups	54	62	58

POLL NO. 3, JANUARY 1971

GUN LICENSING. SHOULD EVERYONE POSSESSING A HANDGUN HAVE TO BE LICENSED?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Yes	62	83	73	71	83	77
No	38	17	27	29	17	23

SST. SHOULD THE U.S. GOVERNMENT CONTINUE TO PUT MILLIONS OF DOLLARS INTO BUILDING THE SST (SUPERSONIC TRANSPORT AIRPLANE) TO TRAVEL 1,500 MILES PER HOUR?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Favor voting funds for SST	31	21	26	31	18	25
Against more funds for SST	52	58	55	53	61	51
No opinion	17	21	19	16	21	19

DRAFT EVADERS—DESERTERS. WHAT SHOULD BE U.S. GOVERNMENT POLICY TOWARD U.S. DRAFT EVADERS OR MILITARY DESERTERS LIVING IN CANADA, SWEDEN, AND OTHER COUNTRIES? CHECK ONE.

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Let them return to United States if they agree to do military or public service	27	33	30	31	35	33
Let them return if they agree to stand trial	23	22	25	25	22	23
Revoke their U.S. citizenship [1]	28	22	25	19	14	17
Return without penalty	14	11	10	11	11	11
No opinion	9	11	10	14	18	16

[1] N.B. cannot be done under U.S. laws.

METRIC SYSTEM. CONGRESS WILL SOON CONSIDER ADOPTING THE WORLD METRIC SYSTEM FOR MEASUREMENT IN THE UNITED STATES. LENGTH WOULD BE EXPRESSED IN METERS WEIGHT IN GRAMS, TEMPERATURE IN CENTIGRADE, ETC., AS IS DONE IN MOST OTHER COUNTRIES. WHAT IS YOUR VIEW?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Adopt metric system as soon as possible	8	4	6	7	5	6
Keep the present system of inches, pounds, and Fahrenheit	50	58	54	59	64	61
Adopt the metric system but allow a 5-year period of changeover	31	26	29	23	20	21
No opinion	10	12	11	11	11	11

SENIOR ONLY

INFLATION CONTROL. ONE PROPOSAL TO SLOW DOWN INFLATION IS THAT THE FEDERAL GOVERNMENT BY LAW SHOULD LIMIT PRICE AND WAGE INCREASES. WHAT DO YOU SAY?

[In percent]

	Boys	Girls	Total
I favor Government limitations on prices and wages	54	57	56
I do not favor Government control on prices and wages	31	25	28
No opinion	15	16	16

AFTER HIGH SCHOOL, WHAT? WHAT DO YOU EXPECT TO BE DOING 2 YEARS AFTER YOU LEAVE HIGH SCHOOL?

[In percent]

	Boys	Girls	Total
Getting further education	54	52	54
Working at a paying civilian job	18	27	22
Serving with a social welfare organization (for example, Peace Corps, VISTA, etc.)	3	5	4
Serving in the Armed Forces	16	11	14
Housewife		11	
Other	9	6	7

FAMILY LIVING COURSES. FAMILY LIVING COURSES ARE FREQUENTLY OFFERED IN HIGH SCHOOLS AND USUALLY INCLUDE SEX EDUCATION. SOME FAMILY LIVING COURSES HAVE SEPARATE CLASSES FOR BOYS AND GIRLS. SOME CO-ED COURSES ENROLL BOTH BOYS AND GIRLS. WHAT IS YOUR VIEW?

[In percent]

	Boys	Girls	Total
Boys and girls should separately take family living courses	12	18	15
Family living courses should be co-ed with boys and girls in same class	77	75	76
No opinion	11	6	9

12-MONTH SCHOOL? HOW DO YOU FEEL ABOUT KEEPING SCHOOLS IN SESSION 12 MONTHS OF THE YEAR?

[In percent]

	Boys	Girls	Total
Keep high school open during summer for those students who wish to take courses	36	42	39
Keep schools going for 12 months but arrange for students to take long vacations at different times of the year	12	10	11
Close schools in summertime	49	46	47
No opinion	3	2	2

DEATH PENALTY. WHAT IS YOUR OPINION ON THE DEATH PENALTY FOR CERTAIN CRIMES?

[In percent]

	Boys	Girls	Total
No death penalty for crimes	24	29	26
Death penalty only for the most serious crimes such as treason or murder of a law officer	23	20	22
Death penalty for any premeditated (planned) murder	44	41	42
No opinion	10	10	10

JUNIOR ONLY

PLEDGE OF ALLEGIANCE WORDING. THE PLEDGE NOW ENDS WITH THE PHRASE: ". . . WITH LIBERTY AND JUSTICE FOR ALL." EASTCHESTER, N.Y. STUDENTS PROPOSE THIS BE CHANGED TO "SEEKING LIBERTY AND JUSTICE FOR ALL." HOW DO YOU FEEL?

[In percent]

	Boys	Girls	Total
Keep the Pledge of Allegiance as is	58	56	57
Adopt the proposed change which substitutes "SEEKING" for WITH	32	36	34
No opinion	10	8	9

JUNIOR ONLY

POCKET MONEY. EVERY STUDENT HAS NEED FOR MONEY. WHICH OF THESE PLANS DO YOU THINK MOST FAIR TO BOTH STUDENTS AND PARENTS?

[In percent]

	Boys	Girls	Total
Outright allowance from parents. No requirements on student	11	8	10
Performance of some home duties in order to receive allowance	66	79	72
Student should earn all of his own pocket money by part-time work	23	13	18

SECRET OF SUCCESS. FOR ADVANCEMENT IN ONE'S CHOSEN CAREER, WHICH DO YOU BELIEVE IS MOST IMPORTANT? (CHECK ONE)

[In percent]

	Boys	Girls	Total
Hard work	64	73	68
Brains	20	16	18
Who you know	5	3	4
Luck	4	2	3
No opinion	8	7	7

POLL NO. 4, MARCH 1971

STRIKES BY PUBLIC WORKERS. SHOULD PUBLIC EMPLOYEES, SUCH AS TEACHERS, POLICE, FIREMEN HAVE THE RIGHT TO STRIKE?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Yes	57	56	57	55	52	53
No	32	32	32	30	28	29
Not sure	10	13	12	15	20	18

JOBS FOR UNEMPLOYED. SHOULD WE CREATE JOBS FOR THE UNEMPLOYED WITH FEDERAL FUNDS, FOR WORKING IN PARKS, HOSPITALS, AND OTHER PLACES?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Yes	84	87	85	78	82	80
No	16	13	15	22	18	20

SPACE PROGRAM. SHOULD WE CONTINUE THE MANNED SPACE PROGRAM?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
Yes	61	48	54	54	43	48
No	29	39	34	34	40	37
No opinion	10	13	11	13	17	15

DRESS FOR SCHOOL. SOME PEOPLE OBJECT TO THE WAY CERTAIN STUDENTS DRESS FOR SCHOOL. WHAT ARE YOUR VIEWS?

[In percent]

	Senior			Junior		
	Boys	Girls	Total	Boys	Girls	Total
Students should be free to dress as they please	67	62	64	61	57	59
Certain standards of dress should be expected of everyone at school	29	35	32	31	38	35
No opinion	4	4	4	7	5	6

NATIONAL HEALTH PROGRAM. CONGRESS IS CONSIDERING A GOVERNMENT-RUN PROGRAM TO MAKE SURE THAT NO CITIZEN WILL BE WITHOUT HEALTH CARE. A NATIONAL HEALTH PROGRAM THAT REACHES EVERYBODY WILL COST AROUND $5,000,000,000 PER YEAR—OR ABOUT $25 A PERSON. WHAT'S YOUR VIEW?

	Senior (percent)			Junior (percent)		
	Boys	Girls	Total	Boys	Girls	Total
Congress should adopt a government-run program	48	54	51	44	47	45
Congress should not adopt a government-run program at this time	29	25	27	26	21	24
No opinion	22	21	22	30	32	31

SENIOR ONLY

COED SPORTS. A 16-YEAR-OLD NEW YORK HIGH SCHOOL TENNIS STAR, PHYLLIS GRABER, BELIEVES SCHOOL TEAMS IN SOME SPORTS SHOULD ADMIT GIRLS. AND NEW YORK CITY SCHOOLS NOW ARE PERMITTING CERTAIN SPORTS TO BE COED. HOW DO YOU FEEL?

	Percent		
	Boys	Girls	Total
I am against coed teams in any sport	10	5	7
I am for coed teams:			
Tennis	33	37	35
Swimming	33	31	32
Track	34	27	26

JUNIOR ONLY

EDUCATION GOALS. WHAT IS THE MOST FORMAL EDUCATION YOU EXPECT TO RECEIVE?

[In percent]

	Boys	Girls	Total
2 years of high school or less	4	2	3
High school diploma	16	18	17
Community college (2-year) or vocation school diploma	11	12	12
4-year college degree	32	33	33
Post-graduate degree (law, engineering, medicine, etc.)	18	13	16
Not sure	19	21	20

VIEWS ON LOCAL POLICE. WHICH OF THE FOLLOWING STATEMENTS BEST DESCRIBES YOUR OPINION OF YOUR LOCAL POLICE FORCE?

[In percent]

	Boys	Girls	Total
Favorable: The great majority of policemen are fair, honest and doing a good job	49	52	51
Mixed: While many policemen are fair, honest, and doing a good job, a large percentage are not	31	33	32
Unfavorable: A majority of the local police are unfair, and/or dishonest, and/or not doing a good job	9	5	7
No opinion	10	10	10

SCHOOL NEWSPAPERS. WHO SHOULD HAVE THE FINAL SAY ABOUT WHAT GOES INTO THE SCHOOL NEWSPAPER?

	Percent		
	Boys	Girls	Total
Student editor	68	68	68
Teacher, adviser/principal	20	22	21
No opinion	12	10	11

REVENUE SHARING. PRESIDENT NIXON ASKS CONGRESS TO VOTE FOR REVENUE SHARING. HE WANTS TO GIVE SOME OF THE TAX MONEY COLLECTED BY THE FEDERAL GOVERNMENT BACK TO THE STATES TO USE AS THEY PLEASE. WHAT'S YOUR VIEW?

	Percent		
	Boys	Girls	Total
I am for revenue sharing	59	59	59
I am for using Federal tax money only for purposes approved by Congress	18	14	16
Not sure	22	26	24

CAMPAIGN FUND LIMITATIONS. SHOULD THE AMOUNTS OF MONEY SPENT FOR NATIONAL ELECTION CAMPAIGNS BE LIMITED BY LAW?

	Percent		
	Boys	Girls	Total
I am against any limits	16	10	13
I would limit only funds for buying time on TV and radio	50	55	53
No opinion	34	35	34

JOB PREFERENCES. IF YOU PLAN TO WORK AFTER LEAVING SCHOOL OR COLLEGE, WHICH ACTIVITY WOULD YOU PREFER?

[In percent]

	Boys	Girls	Total
Work for a small company	15	16	15
Work for a large company	21	18	19
Run your own business	25	9	17
Work in public service	16	33	24
Not sure	24	24	24

COST OF INSTALLMENT BUYING. SUPPOSE YOUR FAMILY WANTS TO BUY A CAR, REFRIGERATOR OR HOUSE BY PAYING PART CASH AND THE REST IN MONTHLY PAYMENTS. WHAT DO YOU THINK THE REAL RATE OF INTEREST ON THE UNPAID BALANCE IS LIKELY TO BE?

[In percent]

	Boys	Girls	Total
From 7 to 11 percent	44	43	43
From 12 to 18 percent	37	38	38
More than 18 percent	18	18	18

Note: Those who checked (1) are almost certainly wrong and (3) would be true for most "big ticket" purchases with "real" interest rates running to 24 percent and higher. Some short-time installment purchase interest rates can come in at slightly under 18 percent.

MINORITIES. ARE MINORITY GROUPS IN THE U.S. GIVEN AN EQUAL CHANCE TO GET A GOOD EDUCATION?

[In percent]

	Boys	Girls	Total
Yes	40	36	38
No	38	41	39
No opinion	22	23	23

NUMBERS FOR PEOPLE. IT HAS BEEN PROPOSED THAT THE FEDERAL GOVERNMENT GIVE EACH CHILD AN "IDENTIFICATION NUMBER" AT BIRTH. WHAT DO YOU THINK?

[In percent]

	Boys	Girls	Total
Yes	29	32	31
No	40	34	37
No opinion	31	34	33

SUMMER VACATION PLANS. HOW DO YOU PLAN TO SPEND THE LARGEST PART OF THIS YEAR'S SUMMER VACATION?

[In percent]

	Boys	Girls	Total
Summer camp	5	5	5
Working for pay	29	12	21
Summer school	2	3	3
Traveling	16	18	17
At home, beach	28	42	30
Don't know	19	21	25

CONSTITUTIONALITY OF THE MASSACHUSETTS NO-FAULT AUTOMOBILE INSURANCE ACT

Mr. HART. Mr. President, on June 29 there was good news from Boston for those concerned about the inhumanity, extravagant waste and inefficiency in America's system for compensating automobile accident victims.

The Supreme Judicial Court of Massachusetts, one of the most respected high State tribunals, decided unanimously in Pinnick against Cleary that the Nation's first compulsory no-fault automobile insurance law is constitutional under both the State and Federal Constitutions.

The decision is no surprise. But it is gratifying that the specter of unconstitutionality has been laid to rest by a respected appellate court. The Massachusetts court concluded that no-fault does not take away any of a citizen's rights to recover for injuries but "merely limits the common law right in the automobile accident situation to obtain money damages on account of unintentionally inflicted pain and suffering and modifies the procedure for obtaining damages."

The Court's opinion was written by one of America's most respected jurists, the Honorable Paul C. Reardon, known to many lawyers and newspaper editors as the chairman of the committee that produced solid guidelines on the issue of fair trial versus free press. Justice Reardon, in his opinion, dwelt on one advantage of no-fault which has not received the attention it deserves. He wrote:

No one who has for any time been in charge of a trial court system (as was the author of this option for a number of years) can be unfamiliar with the devastating effect upon the administration of justice which the automobile has produced. For years, in the face of countless experiments the trial calendars of this country, particularly in metropolitan areas, have become increasingly clogged wih motor vehicle tort litigation. No one as yet, notwithsanding heroic efforts in this regard, has found a satisfactory method of disentangling this morass.

The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever increasing numbers of automobile accident claims to the extent that has obtained hitherto.

Other non-American court systems, heirs with ourselves of the common law, have managed to solve this problem of the superabundance of motor vehicle tort claims in one way or another. It remains, however, a cancer to be rooted out in American Courts.

Mr. President, to demonstrate just how pervasive this cancer is, I call attention to a chart which I ask unanimous consent to have printed at the conclusion of my remarks. This shows that, as of December 31, 1970, the 10 leading auto insurers alone were defending 359,540 personal injury liability cases filed during the preceding 8 or more years. Most of these cases, of course, involved seriously injured auto accident victims seeking compensation. Yet, 57 percent of the cases filed 3 or more years ago; 40 percent filed 4 or more years ago; and 13 percent were filed 6 or more years ago. Since cases are usually filed sometime after the accident occurred—and State statutes of limitations vary from 1 to 6 years—this data actually understates the period these accident victims must wait for any possible compensation. Prompt compensation and any needed rehabilitation for these victims are indeed dim prospects. It is inhumane to perpetuate a reparations system which permits this.

The opinion of the Massachusetts court also touches upon a choice very relevant in view of the recent Supreme Court Bell and Perez decision. These decisions make financial responsibility automobile insurance laws unworkable, and thus, force us to choose between compulsory liability insurance and compulsory no-fault insurance. Justice Reardon discussed some of the effects of the old Massachusetts law, which provided for compulsory liability insurance:

We have lived with compulsory liability insurance since January 1, 1927. In that period certain events have occurred which might well have commended themselves to the Legislature as indicia pointing toward the wisdom of change. Eleven years ago, for instance, a special commission found that on the basis of bodily injury claim frequency per 100 cars insured. The average in Massachusetts in the years 1954–1956 was 6.4% as against 5% for Maine, 3.1% for Rhode Island, 2% for Vermont, and 3.3% for Connecticut. in 1959, the year the report was filed, the claim frequency in Boston on a local basis exceeded that in New York City by more than 50%.

While we applaud the success of limited no fault in Massachusetts and salute the unanimous judicial decision on constitutionality, I would like to apprise my colleagues of a major weakness of the law and other State statutes.

First, neither the Massachusetts law, nor the recent automobile insurance statutes enacted in Delaware or Florida, nor the bills passed by the Oregon and Illinois legislatures, will help one bit with the overloaded condition of our Federal courts in these judicial districts. The Federal courts today are required to accept jurisdiction in automobile negligence cases where the parties are of diverse citizenship and the damages

claimed, including pain and suffering, exceed $10,000. The State laws eliminate none of these $10,000 cases from the tort system.

Both the President and the Chief Justice spoke of the problem of the courts at the National Conference on the Judiciary last March in Williamsburg, Va. The purpose of the conference was to improve the process of justice.

Chief Justice Burger declared:

> The public has been quiet and patient, sensing on the one hand the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights. We are rapidly approaching the point where this segment of Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claim.

The President, himself a lawyer, issued a clarion call for innovation and initiative to improve the process of criminal justice at both the State and Federal level. In defining the urgent need for improvement, Mr. Nixon declared:

> More of the same is not the answer. What is needed now is genuine reform—the kind of change that requires imagination and daring, that demands a focus on ultimate goals.

Similarly, more of the same is not the answer for auto accident reparations. Genuine no-fault reform with the ultimate goal of removing most, if not all, of the auto accident cases from the courts is the answer. That those of us who are sponsoring national no-fault bills to accomplish this goal are not alone can be seen from this recent statement of Chief Justice Burger to the New York Times, July 4, 1971, p. 24:

> Very, very good arguments can be made and have been made for taking automobile and other personal injury cases out of the courts entirely, out of all courts, and disposing of them by other means.

I should like to paraphrase Justice Reardon and apply his reasoning to the Federal courts: The problems of America to which the Federal courts have been called by the American people and the Congress no longer permit the luxury of using them as a forum for resolving automobile accident claims.

The sponsors of national no-fault motor vehicle insurance legislation believe that such a law would relieve the Federal courts of much automobile accident litigation because benefits would be substantially in excess of the $10,000 jurisdictional limitation and tort suits would be eliminated, except in cases of catastrophic harm. That alone is reason to go forward

But there is an even more substantial reason why we in the Congress must not slacken our efforts.

Neither the Massachusetts law—nor those enacted in the other States—are consumer protection laws. They do nothing to ameliorate the difficulties of ensuring fair ratemaking and claims paying by insurance companies; they do not control the possibility of excessive profits by insurers.

Mr. President, I ask that a letter containing the views of the Association of Massachusetts Consumers, Inc., in this regard be printed in the RECORD following my remarks. The association has studied the Massachusetts law in detail. Although it is fully aware of the advantages of no-fault insurance, it never endorsed the bills that became the Massachusetts no-fault law, because the association felt they did not adequately protect the interests of consumers. I am pleased to say that the group has endorsed S. 945 and H.R. 7514.

Mr. President, I ask unanimous consent that a table which compares the principal features of the Massachusetts law and the proposed Federal bills be printed in the RECORD. Also, I ask unanimous consent that the Massachusetts supreme judicial court's opinion in Pinnik against Cleary and accounts of that decision in the Boston Morning and Evening Globe be printed in the RECORD.

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

AUTO PERSONAL INJURY LIABILITY CASES PENDING AS OF DEC. 31, 1970, WHICH WERE FILED, AND WHICH WERE BEING DEFENDED BY THE 10 LEADING AUTO INSURERS UNDER POLICIES ISSUED DURING THE PRECEDING 8 OR MORE YEARS

Companies	Years in which policies were issued									
	Prior to 1963	1963	1964	1965	1966	1967	1968	1969	1970	Tota
State Farm	300	363	819	1,915	3,328	6,911	9,788	16,679	7,502	47,605
Allstate	2,326	1,744	2,970	5,487	9,782	16,702	14,454	31,815	14,176	99,456
Aetna Casualty	417	345	918	1,790	3,024	4,616	3,257	7,687	3,232	25,283
Travelers	903	759	1,428	2,512	5,015	8,219	8,137	11,313	4,590	42,878
Nationwide	1,026	833	1,288	1,555	2,634	4,313	5,518	6,731	3,280	27,176
Liberty Mutual	523	407	750	1,225	2,640	4,942	4,546	8,371	3,689	27,096
Hartford Accident	878	600	1,204	1,941	3,307	5,276	4,239	7,159	3,015	27,619
Government Employees	140	195	392	911	2,060	4,206	3,477	7,323	3,583	22,287
INA	588	535	1,079	1,598	2,577	3,611	2,729	3,981	1,517	18,221
Lumbermans Mutual	424	472	750	1,515	2,608	3,791	3,823	5,740	2,796	21,919
Total	7,525	6,253	11,598	20,559	36,975	62,477	59,968	106,805	47,380	359,540

Note: These 10 companies wrote approximately 40 percent of the personal injury liability premiums in 1970.

Source: 1970 annual statements, schedule P, pt. 1, filed with State insurance departments.

MILTON PINNICK VERSUS CARL CLEARY

REARDON, J. This bill for declaratory relief comes to us on a reservation and report from the single justice. It presents a multifaceted attack on the constitutionality of St. 1970, c. 670, which amends in part chapters 90, 175, and 231 of the General Laws, and which establishes a modified system of compensation through their own insurers for victims of automobile accidents regardless of fault.[1] The plaintiff has raised and argued a number of issues which are not presented by what appears in the record. We realize that where questions of pressing public importance are involved we may in our discretion express our opinion on matters fully argued even though they are not essential to disposition of the exact controversy before the court. *School Commn. of Boston* v. *Board of Educ.* 352 Mass. 693, 697. However, such issues raised here by the plaintiff call for interpretation of terms and provisions of c. 670 which are not self-explanatory and which are not called into question at all by the record. It is inevitable that this first legislative attempt at a fundamental alteration and modernization of an important segment of the common law of torts will generate many problems arising out of such provisions. We cannot deal with these problems in the abstract and refrain therefore from dealing with c. 670 in its effects beyond the set of facts before us.

THE FACTS

The facts of the case are not disputed. The plaintiff, a resident of Massachusetts, is the owner of a motor vehicle duly registered under the laws of the Commonwealth and insured under a policy which includes personal injury protection benefits as defined in St. 1970, c. 670. The policy was not subject to the optional deductible endorsement (deductible) provided in c. 670. While he was driving his car on a public way in Boston early on the morning of January 3, 1971, two days after the effective date of that statute, he was involved in an accident which was caused exclusively by the negligence of the defendant. The car the defendant was driving was owned by one Daniel Mack, and was also covered by an insurance policy which included personal injury protection benefits as defined in c. 670.

As a result of the accident, the plaintiff suffered injuries which included a bone contusion of the left lower scapula, a contusion and sprain of lower scapula muscles on both sides, and a severe low back sprain with radiation of pain into the lower right extremity. He incurred $115 in reasonable and necessary medical expenses for treatment of these injuries. Although he had no medical insurance in his own name, he was covered by a policy issued to his wife which provided for reimbursement of his medical expenses over $100. The entire $115 would have been recoverable in a traditional common law tort action against the defendant, as well as $800 for his pain and suffering.

Due to the accident the plaintiff lost in addition seventy-three hours from his position with the United States Post Office. His salary in this position was $176.77 a week, a figure which also represents his average weekly wages for the year preceding the accident. He received his usual salary for the entire period of his absence, however, due to the paid sick leave and annual leave to which he was entitled. His accumulated paid sick leave of forty hours was exhausted in the process, and his paid annual leave was reduced by thirty-three hours.

The plaintiff also held a second job at the time of the accident which paid him at the rate of $96.25 a week. This amount was his average weekly wage for that job for the year preceding the accident. The accident caused him to miss twelve days from this work, for which he was not compensated. In a tort action at common law, on these facts the plaintiff could have recovered $650 from the defendant for loss of earning capacity. His total recovery in tort against the defendant, including general and special damages, would therefore have been $1,565 ($115+$650+$800).

The plaintiff made demand on the defendant for reasonable compensation in accordance with the recoverable elements of dam-

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age at common law as outlined above. The defendant refused, raising as a defence c. 670 which, inter alia, exempts a tortfeasor from liability up to $2,000 to the extent the claimant is entitled to personal injury protection benefits from his own insurer. The defendant also noted that in the circumstances of his case the plaintiff was not entitled to any damages for pain and suffering under c. 670, although he retained his right to sue in tort for other elements of damage not covered by the personal injury protection benefits.

The plaintiff in this bill claims that this operation of c. 670 deprives him unconstitutionally of his right to full recovery in tort. He has supported this claim by an exceedingly prolix brief of 373 pages, the contentions of which are aided by amicus briefs filed with us by the American Trial Lawyers Association, the Massachusetts chapter of that organization, and the Massachusetts Bar Association. Supporting the law we have, in addition to the defendant's brief, arguments in behalf of the constitutionality of c. 670 submitted by the American Mutual Insurance Alliance and American Insurance Association, the Massachusetts Association of Independent Insurance Agents and Brokers, Inc., and the Attorney General acting pursuant to G.L. c. 231A, § 8.

SUMMARY OF CHAPTER 670

The briefs before us, even those aligned on the same side of the case, reveal divergent views on how c. 670 operates. Accordingly, we believe it advisable to summarize the basic structure of the statute. In so doing we will not attempt a comprehensive description of its scope and operation, for much of that, as we have indicated, is irrelevant for our present purposes. We wish rather at this juncture to draw attention first to the difference in the legal position of the injured party under c. 670 from his position at common law, and, secondly, to the practical consequences of the statute on him, taking into consideration the interaction of various forms of compulsory and optional insurance with c. 670.

Those who challenge c. 670 have attributed to it not only a drastic stripping of legal rights but also, in its practical effect, a substantial diminution of the damages which the average non-negligent accident victim may reasonably expect. Analysis demonstrates, on the contrary, that the Legislature has acted with extreme caution in altering prior legal rights, changing in only one respect the elements of damage which are recoverable by the victim. As to the practical effect of c. 670, it appears that the statute affords the citizens the security of prompt and certain recovery to a fixed amount of the most salient elements of his out-of-pocket expenses and an increased flexibility in avoiding duplicate coverage, at double premiums, for the same expenses. In return for this he surrenders the possibly minimal damages for pain and suffering recoverable in cases not marked by serious economic loss or objective indicia of grave injury and the outside chance that through a generous settlement or a liberal award by a judge or jury in such a case he may be able to reap a monetary windfall out of his misfortune.[3]

The key concept embodied in c. 670 is that of personal injury protection insurance which is required of all owners of motor vehicles registered in Massachusetts. Under this coverage, personal injury protection benefits are paid by the insurer, as the expenses they cover accrue, to the insured, members of his household, authorized operators or passengers of his motor vehicle including guest occupants, and any pedestrians struck by him, regardless of fault in the causation of the accident.[3] Limited in amount to $2,000, the benefits cover largely the same items of medical expense covered before by optional medical payments insurance, with the exception that expenses incurred within two years of the accident are included as opposed to the one year period generally covered in optional insurance. Personal injury protection covers in addition, however, two other types of out-of-pocket expenses. The first and less significant of these is "payments in fact made to others, not members of the injured person's household and reasonably incurred in obtaining from those others ordinary and necessary services in lieu of those that, had he not been injured, the injured person would have performed not for income but for the benefit of himself and/or members of his household." The second is seventy-five percent of the actual lost wages of the injured party, calculated on the basis of his average weekly wage during the year preceding the accident. If the victim was unemployed, he is entitled to the same percentage of wages he can prove he would have received from work he would have had had he not been injured.

Benefits allocable to medical expenses are paid regardless of any other insurance covering the same costs. However, to avoid duplicate recovery and reduce the expense of insurance, c. 670 provides the option to elect a deductible, binding on the insured or on the members of the insured's household. These policies, for a reduced premium, provide that an amount from the first $250 up to the entire $2,000 otherwise recoverable as personal injury protection benefits shall not be paid by the insurer.

Benefits allocable to lost wages, on the other hand, are reduced by any amounts received under a wage continuation plan or its equivalent. The victim, however, may incur (within a year of the payment of the last benefit) a later injury for which he would be entitled to payments under the wage continuation plan. If the amount then available to the victim to meet lost wages caused by the later injury has been reduced by reason of the payments under the plan attributable to the earlier accident then the insurer shall be responsible to the extent of the reduction.

Thus under c. 670 the accident victim, with a few minor exceptions, is entitled to immediate payment of his most pressing items of cost: medical expenses. In addition, he receives a major portion of his lost wages not covered by a wage continuation plan, and certain consequential expenses. These amounts, to a total of $2,000, are due from his own insurer, not from an adversary insurance company, and without the necessity for assignment of fault or the temptation on either side to bargain in the light of considerations which are often extraneous to the amount of expense incurred.

In exchange for the protection extended by c. 670, the accident victim loses his right to recover in tort to the extent he is eligible for personal injury protection benefits. Because the exemption of the tortfeasor is exactly matched to the availability of personal injury protection benefits to the plaintiff, the plaintiff loses nothing by it.[4] With one restriction to be discussed below, the potential plaintiff retains in addition his common law action against the tortfeasor for any elements of damage not recovered as personal injury protection benefits. These would include any expenses in excess of $2,000 which would otherwise have been covered by personal injury protection and the difference between his diminished earning capacity, as measured at common law, and the substitute percentage of actual lost wages reduced by amounts received under any wage continuation plan recoverable under c. 670. Since the new law has retained the previous requirements of compulsory liability insurance under G.L. c. 90, § 34A, the victim who chooses to sue has the same assurance of at least limited recovery if he can prove negligence as he had before the passage of c. 670.

The plaintiff stresses that the residual tort action left after the payment of personal injury protection benefits is reduced in value inasmuch as the potential plaintiff must consider the extent to which legal fees will reduce his net recovery. However, legal fees are not a new burden imposed by c. 670; they have long been a factor to be considered in prosecuting any claim, including a tort action for personal injury instituted before the passage of c. 670.

The only limitation imposed by c. 670 on the potential plaintiff's prior right of recovery at common law is the elimination of damages for "pain and suffering, including mental suffering associated with . . . injury" except in certain specified categories of cases. Section 5 of c. 670 provides generally that the reasonable and necessary medical expenses incurred by a plaintiff in the treatment of his injuries must be over $500 to permit recovery for pain and suffering. However, recognizing that certain types of injuries could entail considerable pain and suffering which would warrant monetary compensation regardless of medical expense incurred, the Legislature provided by way of exception to the general rule that damages for pain and suffering could be sought in all cases involving five designated types of injuries. These are a fracture, injury causing death, injury consisting in whole or in part of loss of a body member, permanent and serious disfigurement, and injury resulting in loss of sight or hearing as elsewhere defined in the General Laws. The victim whose injury falls outside these categories and whose medical expenses are less than $500 cannot recover at all for pain and suffering.[5] However, it is still possible for the person who desires to assure for himself recovery in excess of his out-of-pocket costs to do so. Just as he may elect a deductible if he has medical payments insurance to avoid duplicate recovery for medical expenses, so he may choose to keep both forms of insurance in full precisely to allow himself double recovery of these expenses.[6] Other forms of duplicate coverage are equally possible. It is true that the amount of excess he will receive thereby will bear no necessary relation to the value of his pain and suffering as arbitrarily set by a jury but, on the other hand, he is assured of some profit over out-of-pocket expenses in every motor vehicle accident. This certainty he was never afforded by his prior "right" to recovery for pain and suffering in a suitable case, which in order to be realized even in such a case had to be actively pursued at considerable expense.

The preceding discussion is not intended as a holding or ruling on any part of the statute, but only to permit a better understanding of that which follows.

NATURE OF RIGHTS AFFECTED

In approaching the numerous issues before us, it is advisable to dispose first of a contention which the plaintiff has argued vigorously and at some length, for if we accepted it, it would require a somewhat different approach to the attacks leveled at the statute than that we feel appropriate. The plaintiff claims that c. 670 has impaired a cause of action which is on a higher, more sacrosanct level than the "ordinary" common law cause of action. Two alternative reasons are advanced in support of this contention: first, that the tort action has the status of a "vested property right," and, second, that the function of the cause of action is to safeguard the fundamental "right of personal

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security and bodily integrity" which, although not mentioned in the Bill of Rights of the United States Constitution, is nonetheless protected by it. We find both grounds unpersuasive.

In arguing that the cause of action affected by c. 670 constitutes a vested property right, the plaintiff seems to ignore the distinction between a cause of action which has accrued and the expectation which every citizen has if a legal wrong should occur to find redress according to the rules of statutory and common law applicable at that time. The Legislature is admittedly restricted in the extent to which it can retroactively affect common law rights of redress which has already accrued. However, there is authority in abundance for the propostion that "[n]o person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit." *New York Cent. R.R.* v. *White*, 243 U.S. 188, 198. *Munn* v. *Illinois*, 94 U.S. 113, 134. And, as we shall demonstrate in more detail below, legislative actions based on this principle, prospectively modifying or abrogating common law causes of action, have been judicially upheld both in this Commonwealth and elsewhere on numerous occasions. The citizen may find that events occurring after passage of such a statute place him in a different position legally from that which he would have occupied had they occurred before passage of the statute. He has no cause, however, to complain solely because his rights are not now what they would have been before.

The applicability of this principle to the rights affected by c. 670 is not in any way changed by Part II, c. 6, art. 6, of the Constitution of Massachusetts, or by art. 11 of its Declaration of Rights, on both of which the plaintiff seems to rely. Article 6 provides for the continuation in the Commonwealth of the great body of the common law as amended by statute prior to the colonial immigration. *Commonwealth* v. *Churchill*, 2 Met. 118, 123. *Crocker* v. *Justices of the Superior Court*, 208 Mass. 162, 717. It explicitly contemplates the ". . . [alteration] or . . . [repeal] by the legislature" of such prior existing law, as indeed it would have to in order to avoid freezing outmoded rules of law into our jurisprudence by placing them beyond the reach of the Legislature. See *Holden* v. *Pioneer Bdcst. Co.* 228 Ore. 405, 411–412.

Article 11 of the Declaration of Rights guarantees "a certain remedy, by having recourse to the laws, for all injuries or wrongs which . . . [one] may receive. . . ." The article is clearly directed toward the preservation of procedural rights and has been so construed. See, e.g., *Cressey* v. *Erie R.R.* 278 Mass. 284, 291; *Universal Adjustment Corp.* v. *Midland Bank, Ltd.* 281 Mass. 303, 302; *Commonwealth* v. *Hanley*, 337 Mass. 384, 387. The only intimation which has been cited to us that it might have ramifications in the area of substantive rights is a dictum in *Commonwealth* v. *Boston Transcript Co.* 249 Mass. 477, 482, that the Legislature might be precluded under art. 11 from abolishing an action for libel is certain circumstances as it had purported to do.[7] However, changes in prior law are necessary in any ordered society, and to argue that art. 11 prohibits alterations of common law rights as such, especially in the face of the specific provision to the contrary in art. 6, flies in the face of all reason and precedent. To the extent that the dictum in the *Boston Transcript* case is to the contrary we decline to follow it.

We are baffled by the plaintiff's further attempt to find in c. 670, in so far as it affects the tort action for bodily injury, an impairment of some fundamental right protected by the first ten amendments to the Federal Constitution. The plaintiff lays emphasis on Mr. Justice Goldberg's concurring opinion in *Griswold* v. *Connecticut*, 381 U.S. 479, 486. In that case a Connecticut law banning the use of contraceptives was held to violate the right of privacy as contained in the first ten amendments. Any supposed analogy of the present case to the *Griswold* case is inapposite and does nothing to advance the plaintiff's argument. Whatever may be the fundamental "right of personal security and bodily integrity" to which the plaintiff refers, it is not affected by c. 670. That chapter merely limits the common law right in the automobile accident situation to obtain money damages on account of unintentionally inflicted pain and suffering and modifies the procedure for obtaining damages according to the common law measure for all other elements of recovery. See *Dandridge* v. *Williams*, 397 U.S. 471, 484.

We thus perceive no basis for treating a legislative alteration of the tort action for personal injuries differently from an alteration of any other preexisting rule of the common law. Hence we may summarily dispose of several of the plaintiff's arguments which are founded on the contrary premise. There is no cause here for application of the "compelling state interest" test, which is employed where a statute impairs fundamental rights protected by the Constitution. Nor, for the same reason, can the statute be struck down on the ground that it sweeps unnecessarily broadly in the face of a less restrictive alternative which would achieve the same ends. See *National Assoc. for the Advancement of Colored People* v. *Alabama ex rel. Flowers*, 377 U.S. 288, 307–308; *Aptheker* v. *Secretary of State*, 378 U.S. 500, 514. With respect to this latter test, we have noted that it has been applied in the past not only to "constitutionally sheltered activity" but also to "regulations affecting interstate commerce . . . and economic regulations." *Commonwealth* v. *Leis*, 355 Mass. 189, 195–196. However, no argument has been presented to us to show that c. 670 either in purpose or effect is discriminatory against interstate commerce; therefore, the less restrictive alternative test is not applicable to it as a regulation affecting interstate commerce. *Dean Milk Co.* v. *Madison*, 340 U.S. 349, 354. Nor is c. 670 a total prohibition of a hitherto lawful economic activity of the sort to which the less restrictive alternative test has been applied in the economic sphere. *Weaver* v. *Palmer Bros. Co.*, 270 U.S. 402, 414–415. Furthermore, even this limited use of the test in this context is doubtful in the light of subsequent decisions according wide discretion to the Legislature in setting social and economic regulations according to its perception of the public interest. *Olsen* v. *Nebraska ex rel. Western Reference & Bond Assn. Inc.*, 313 U.S. 236, 246–247. *Staten Island Loaders* v. *Waterfront Comm. of New York Harbor*, 117 F. Supp. 308, 310–311 (S.D. N.Y.).

We conclude that the principles by which c. 670 should be judged are those generally applied when economic and social regulations enacted under the police power are attacked as a violation of due process and equal protection of the laws. The two grounds of attack although similar are sufficiently distinct to warrant separate treatment, to which we now proceed.

DUE PROCESS ISSUES

A. *Applicable Principles.* We will deal first with the propriety of c. 670 under the due process clause. The overall test under this clause is whether the statute bears a reasonable relation to a permissible legislative objective.[9] *Howes Bros. Co.* v. *Unemployment Compensation Comm.* 296 Mass. 275, 283–284. *Merit Oil Co.* v. *Director of the Div. on the Necessaries of Life*, 319 Mass. 301, 306. *West Coast Hotel Co.* v. *Parrish*, 300 U.S. 379, 391. In the application of this test, the statute is accorded a presumption of constitutionality (*Howes Bros. Co.* v. *Unemployment Compensation Comm., supra*, at 284; *Merit Oil Co.* v. *Director of the Div. or the Necessaries of Life, supra*, at 305; *Commonwealth* v. *Finnigan*, 326 Mass. 378, 379), a corollary of which is that if a state of facts could exist which would justify the legislation, it must be presumed to have existed when the statute was passed. *Munn* v. *Illinois*, 94 U.S. 113, 132. *United States* v. *Carolene Prods. Co.* 302 U.S. 144, 152–153. *McGowan* v. *Maryland*, 366 U.S. 420, 426–427.

In dealing with an alteration of the preexisting common law, we are guided also by cases which have dealt specifically with due process attacks on this kind of statute. Here we do not need to reach the difficult question of when the Legislature may abrogate a common law right of recovery without providing a substitute remedy. Such actions in other contexts have been sustained because it was felt that the Legislature was acting to attain a permissible legislative object." *Silver* v. *Silver*, 280 U.S. 117, 122 ("guest statute," taking away right of gratuitous passenger in automobile to sue driver on account of mere negligence). *Hanfgarn* v. *Mark*, 274 N.Y. 22, appeal dismissed 302 U.S. 641 (abolition of actions for breach of promise, seduction, alienation of affections, and criminal conversation—no substantial Federal question presented on appeal to Supreme Court). We have never had the occasion to pass on comparable statutes enacted by our Legislature, although we have noted their existence and effect (*Thibault* v. *Lalumiere*, 318 Mass. 72, 75), and recognized generally the power of the Legislature to act in this regard. *Opinion of the Justices*, 309 Mass. 571, 598.

In the instant case, however, the Legislature has not attempted to abolish the preexisting right of tort recovery and leave the automobile accident victim without redress. On the contrary, as was pointed out above, the statute has affected his substantive rights of recovery only in one respect and has simply altered his method of enforcing them in all others. Therefore, c. 670 may be judged by the stricter test which the plaintiff urges upon us and for which there is considerable authority in workmen's compensation cases: whether the statute provides an adequate and reasonable substitute for preexisting rights. *New York Cent. R.R.* v. *White*, 243 U.S. 188, 201 (New York workmen's compensation statute). See *Mountain Timber Co.* v. *Washington*, 243 U.S. 219, 240–241 (Washington workmen's compensation statute). The similarity between c. 670 and the workmen's compensation statutes, in the nature of their purposes and the means chosen to achieve them, also leads us to conclude that the reasonable and adequate substitute test is appropriate to apply here even if its application is not constitutionally required.[9] We will, therefore, consider c. 670 in the light of a twofold test: the general test required by the due process clause of whether it bears a rational relation to a legitimate legislative objective, and the more particularized test for which the plaintif argues—whether it provides a reasonable substitute for preexisting rights.

B. *Does c. 670 bear a rational relation to a legitimate legislative objective?* The ills against which c. 670 is aimed are obvious. One of the most prominent of these will be found in a brief consideration of the impact of the automobile on the burden of litigation carried by courts in general and Massa-

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chusetts courts in particular. No one who has for any time been in charge of a trial court system (as was the author of this opinion for a number of years) can be unfamiliar with the devastating effect upon the administration of justice which the automobile has produced. For years, in the face of countless experiments, the trial calendars of this country, particularly in metropolitan areas, have become increasingly clogged with motor vehicle tort litigation. No one as yet, notwithstanding heroic efforts in this regard, has found a satisfactory method of disentangling this morass. Indeed, the problem intensifies as American courts are increasingly called upon to deal with complexities of our society not evident when the motor vehicle first appeared on the national scene and to broaden the scope of their activities into areas not traditionally subject to judicial cognizance. The courts with their scarce resource of time simply cannot respond to new challenges or meet the new requirements imposed on them in criminal matters as long as their time continues to be consumed to the extent it has been by motor vehicle accident cases. The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever increasing numbers of automobile accident claims to the extent that has obtained hitherto.

These observations are nowhere more applicable than in Massachusetts. We have lived with compulsory liability insurance since January 1, 1927. In that period certain events have occurred which might well have commended themselves to the Legislature as indicia pointing toward the wisdom of change. Eleven years ago, for instance, a special commission found that on the basis of bodily injury claim frequency per hundred cars insured, the average in Massachusetts in the years 1954–1956 was 6.4% as against 2% for Maine, 3.1% for Rhode Island, 2% for Vermont, and 3.3% for Connecticut. In 1959, the year the report was filed, the claim frequency in Boston on a local basis exceeded that in New York City by more than 50%.[10] The seriousness of the problem insofar as it relates to current Massachusetts civil trial dockets can be seen in the following figures related to the Superior Court.

Total law entries of which there were *Total Motor Vehicle entries:*[11]

1967	34,730	23,279
1968	33,558	22,289
1969	34,381	22,598
1970	35,155	22,690

When it is recognized that many of these automobile entries represent multiple party suits, the weight which this type of litigation places on Massachusetts courts is evident.

Less obvious is the burden on the clerks' offices, lawyers and litigants which follows this proliferation of entries of motor cases, currently at the rate of almost 2,000 a month in the Superior Court and more than 3,200 a month in the District Courts. Every paper submitted must be filed and docketed, and each entry prompts an avalanche of them. In addition to the writ, declaration, answer and appearance slips; interrogatories by parties on both sides, applications to nonsuit or default for failure to answer interrogatories, motions to extend time for answering or to remove nonsuit or default for not answering interrogatories, motions to strike answers to interrogatories and to answer over or further, motions for specifications, and demands to admit facts are only a few of the papers that follow as of course in almost every motor tort case entered. Court personnel are additionally burdened by the need to give notice to counsel or parties of every order of the court entered during these lengthy pre-trial proceedings. The time of the court consumed in this preliminary war of nerves between counsel, or between claimant and insurer, is almost impossible to estimate, but probably far exceeds that spent in the trial of the small percentage of all entries which must be tried.

Both in the pre-trial and later stages, claims for small amounts possess, of course, the same capability of clogging the judicial system as their larger brothers. They must be dealt with either on the Superior Court level where they do not belong or in the District Courts, from which removal or retransfer to the Superior Court will often occur. And, unfortunately, it cannot be concluded that the bulk of automobile accident claims in the Superior Court represents causes of great value. For many years the secretary of the Judicial Council maintained a record of the amount of jury verdicts.[12] This tabular count was discontinued in 1956. In the year immediately prior to its discontinuance the following interesting statistics were compiled:

Amount of Jury Verdict for Plaintiff and Percentage of Cases Which Were Automobile Accident Claims:

Less than $200—80.3% (53 out of 66).
$200–$500—61.4% (70 out of 114).
$500–$1,000—59.3% (92 out of 155).
$1,000–$2,000—59.8% (100 out of 167).
$2,000–$3,000—39.4% (28 out of 71).
$3,000–$4,000—56.2% (27 out of 48).
$4,000–$5,000—56.7% (21 out of 37).
$5,000–$10,000—53.7% (57 out of 106).
Over $10,000—47.8% (44 out of 92).

We recognize these statistics are dated and in any event not determinative. The percentages indicate in general, however, that with the increase in size of the verdict the likelihood that it was rendered in an automobile accident case steadily decreased. In addition it should be noted that in absolute numbers there were far more verdicts in automobile accident cases in the 0 to $2,000 range (315) than in the $2,000 and up range (177). Even accounting for the decrease in the value of money since 1956, this statistic still indicates that a great many, if not the majority of, claims which before were taken to court could be handled under c. 670 with approximately the same monetary return to the claimant, since personal injury protection benefits provide for compensation up to $2,000 of all elements of damage for which tort recovery was before possible except pain and suffering and twenty-five per cent of lost wages. Finally, these statistics should be considered in light of two further facts. First, at the time they were compiled, the minimum cost of a jury trial was estimated at $750 a day, a figure which has since undergone a great increase, and, secondly, the figures do not reflect at all those cases in which a verdict for the defendant was returned.[13]

Other non-American court systems, heirs with ourselves of the common law, have managed to solve this problem of the superabundance of motor vehicle tort claims in one way or another. It remains, however, a cancer to be rooted out in American courts. Presumably the Legislature had this in mind. Chapter 670, in providing for limited recovery without the necessity for adversary proceedings in automobile accident cases, was an appropriate step to alleviate this problem which defied more conservative solutions.[14]

Nor was court congestion the only problem at which c. 670 might have been aimed. The high cost of automobile insurance in Massachusetts was a present fact of which the Legislature did not need to be reminded. It might have suspected that there was a correlation between this high cost and the inefficiencies and administrative expense involved in running the traditional system, contributed to heavily by the prevalence of the elaborate pre-trial proceedings detailed above. That any such suspicion would have been well founded was confirmed by a report of the United States Department of Transportation released in March of this year entitled, "Motor Vehicle Crash Losses and their Compensation in the United States; a Report to the Congress and the President." The report concluded on this subject that "[t]he automobile accident tort liability insurance system would appear to possess the highly dubious distinction of having probably the highest cost/benefit ratio of any major compensation system currently in operation in this country. As has been shown, for every dollar of net benefits that it provides to victims, it consumes about a dollar." P. 95.

Finally, and not to be discounted among the evils associated with automobiles which c. 670 might have been designed to cure, are the inequities which have been visited upon claimants. In this regard the Legislature might have felt, as expressed in the Department of Transportation Report, that "[t]he present tort liability reparations system allocates benefits very unevenly among the limited number of victims that it purports to serve." P. 94.[15] The Legislature was also presumably aware of the long delays in getting financial aid to the injured person, confronted with medical and subsistence bills during a period of no employment for him and want for his family. The time spent in investigation, the time required for proof of negligence, the exaggerated claims, the all too common suspicion of perjured testimony, the horse and buggy approach to a twentieth century dilemma—all of this might well have influenced the Legislature, recognizing the right and need of all accident victims to simple and speedy justice, toward reform.

It cannot be seriously argued that it was beyond legislative competence to assess this situation and to effect the necessary statutory repair. What we have discussed are evils which it was within the province of the Legislature to consider and which it endeavored to correct or eliminate. We do not intimate that the legislative determination which is c. 670 was the only answer or solution to the problem, but it cannot be successfully maintained that its salient provisions, as outlined above, are not a rational approach to the solution of these patent inefficiencies and inequities.

C. *Does c. 670 provide a reasonable substitution for prior rights?* We are urged to apply a test derived largely from the suggestion in *New York Cent. R.R.* v. *White,* 243 U.S. 188, 201, that a State might not have the power under the due process clause "suddenly [to] set aside all common-law rules respecting liability as between employer and employee, without providing a reasonably just substitute. . . . [I]t perhaps may be doubted whether the State could abolish all rights of action on the one hand, or all defenses on the other, without setting up something adequate in their stead." The proposed test may best be considered and understood, therefore, in the light of the facts before the court in that case.[16]

The Workmen's Compensation Act dealt with in the *White* case substituted an administrative system of compensation for the common law rights of employees engaged in hazardous employments. The new system was compulsory on both employers and employees. The employee injured or killed in the course of his employment was entitled to a fixed compensation according to a prescribed schedule without regard to fault in almost every case. At common law the employee's rights against his employer were consider-

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ably circumscribed in fact by certain defences available to the employer. Where he could succeed in making out a case, however, the employee stood to gain a great deal more from a jury than he would receive under workmen's compensation. Viewing the overall operation and effect of the statute on both parties affected by it, the court indicated that the exchange of rights was adequate. With respect to the statute's effect on employees, it gave the following reasons: "If the employee is no longer able to recover as much as before in case of being injured through the employer's negligence, he is entitled to moderate compensation in all cases of injury, and has a certain and speedy remedy without the difficulty and expense of establishing negligence or proving the amount of the damages." P. 201.

It is immediately apparent that c. 670 alters prior legal rights to a much less drastic extent than did the act involved in the *White* case. However, the overall difference in status quo effected by c. 670 may be described in part in much the same terms as those used by the court in the *White* case.

In considering the effect of c. 670, we cannot view it from the point of view of plaintiffs and defendants, for these are not preexisting categories as are the employers and employees affected by a workmen's compensation act. Every driver is a potential plaintiff and, equally, a potential defendant. The desired effect of c. 670 on all motorists alike is initially to make available to them compulsory insurance at lower rates due to the savings to insurance companies in administrative expenses and total payments which are expected to follow from c. 670. If injury occurs on the road, motorists are assured of the probability of quick and efficient payment of the first $2,000 of defined losses incurred. In cases of accidents in which the motorist was not negligent, he avoids the uncertainty, delay and cost of a tort proceeding. He still retains the option of recovering more by litigation if he so wishes and the facts so warrant. Although c. 670 may also have the effect of depriving him of his damages for pain and suffering in such an instance, the exchange of rights involved with respect to the driver in an accident in which he was not negligent bears considerable resemblance to that effected by the statute in the *White* case with respect to employees.

This exchange of rights cannot be viewed in isolation, however, for non-negligent drivers are not a distinct class. To it must be added the effect of c. 670 on the driver in a case where he has been negligent or where negligence cannot be determined. In this situation, rather than no compensation for his own injuries, c. 670 accords him the same benefits he would have if he were non-negligent.[17] In addition, he is afforded immuntiy from liability to the extent other injured parties are eligible for benefits. And, just as his right to sue for pain and suffering is limited when he is non-negligent, so he is protected from comparable claims where he has been negligent. The effect of c. 670 on Massachusetts motorists thus is to provide benefits in return for affected rights at least as adequate as those provided to New York employers and employees in return for rights taken by the act in the *White* case.

It may be argued that c. 670 affects a second distinct class of persons, the pedestrian, and that the exchange of rights effected on this this class must be considered separately from its effect on drivers. It is obvious, that all drivers are at some moment in time pedestrians. With this realization, the class of pedestrians as distinct from drivers is sharply reduced. Whether or not we define the class to include pedestrians who also drive, however, the effect of c. 670 on that class is no different from its effect on drivers. Pedestrians, too, may be negligent or non-negligent; they, too, are therefore afforded the certainty of prompt recovery of a limited amount and limited exemption from liability instead of the necessity of tort proceedings or no compensation at all and liability to an unlimited amount. The fact that the non-car owner is not advantageously affected by lower insurance premiums by no means vitiates the adequacy of the exchange of rights as it operates on him. A similar analysis may be applied to any other nonmotorist who in a given instance happens to come within the scope of c. 670.

D. *Do specific provisions of c. 670 violate due process?* Having answered the plaintiff's claim that the operation and effect of c. 670 as a whole is violative of due process, we turn to several other challenges based likewise on the due process clause which focus on specific provisions of c. 670. The same general test of reasonableness in relation to a proper legislative objective is applicable to these narrower attacks. However, since they are unrelated to the fact that c. 670 as a whole alters prior rights, the reasonably just substitute test which we also discussed in considering the statute as a whole is not material here.

The plaintiff argues that c. 670 deprives him of due process inasmuch as it forces him to insure against loss or injury to himself through a private, profit-making corporation. There is no constitutional infirmity, however, in the self-insurance feature of c. 670. First, contrary to the plaintiff's claim, it is not required. Every motor vehicle owner has the option under c. 670 of electing a deductible which will exclude him entirely from personal injury protection benefits. Even if the self-insurance were compulsory, however, it would create no constitutional problems. Any doubts as to the power of the Legislature to require the citizen, for the good of the public as a whole, to take measures for his own benefit have long since been settled in a series of cases sustaining such statutes. The fact that in many of these cases this feature of the act was not even attacked indicates the lack of gravity of the objection. *Howes Bros. Co.* v. *Unemployment Compensation Commn.* 296 Mass. 275, 286 (unemployment compensation act, requiring contributions from employees as well as employers). *Commonwealth* v. *Howie*, 354 Mass. 769 (statute requiring motorcyclists to purchase protective headgear). *Carmichael* v. *Southern Coal & Coke Co.* 301 U.S. 495, 505–506 (Alabama Unemployment Compensation Act, requiring contributions from employees as well as employers). *Helvering* v. *Davis*, 301 U.S. 619, 634–635 (Social Security Act setting up "Federal Old-Age Benefits," requiring contributions from employees through a special income tax deducted from their wages).

Nor can the plaintiff complain because the medium through which the optional self-protection must be obtained is a private, profit-making corporation, as opposed to some kind of governmentally managed pool. A virtually indistinguishable mechanism was provided by the Legislature when it first required compulsory liability insurance for motor vehicles, and we sustained it. *Opinion of the Justice*, 251 Mass. 569. In addition insurers are, of course, subject to State regulation both in the setting of premiums and in the conduct of their business. We see no distinction for due process purposes between the requirement of private insurance for self-protection and for the protection of others. It is an incidental and completely nonobjectionable concomitant of many regulatory statutes that citizens are required thereby to enter into transactions for their own benefit with private corporations, G.L. c. 90, § 7 (motorcyclists' protective headgear). G. L. c. 90, § 7A (motor vehicle inspection by private garages).

It is asserted secondly that since premiums under c. 670 are set according to the same basis used for premiums under the preexisting compulsory liability insurance there is a violation of due process in that each owner in a territory or class pays the same unallocated, undifferentiated premium for this total compulsory insurance. It is argued that the insured, by virtue of the amount of his wages or the extent of his wage continuation program, may be forced to pay for a program of benefits not available to him to the same extent that it may be to another paying the same premium. There is no substance in the argument. First, it is doubtful whether it may properly be raised in this proceeding. The premiums for personal injury protection coverage are fixed by the Commissioner of Insurance under G.L. c. 175, § 113B, which also provides for review of the rates so set at the request of any person or company aggrieved thereby. Assuming the issue may be raised here, the plaintiff ignores the deductible option, which allows each person to tailor his coverage to his collateral sources of recovery. Secondly, the ultimate allocation of costs under c. 670 is made to territories and classifications of risks essentially as prior to January 1, 1971. As mentioned in fn. 14, the insurer is subrogated to the extent that it pays personal injury protection benefits to the rights of the recipient thereof. It is entitled to reimbursement of the benefits it paid from the insurer of the party who would have been liable in tort but for the exemption from liability contained in c. 670. For these two reasons, therefore, the objection is largely misplaced.

In any event, there is authority in abundance sustaining fixed rates even though they fall unequally on some, where a more precise calculation would be administratively unfeasible. *Brest* v. *Commissioner of Ins.* 270 Mass. 7, 14–15. *Schlabach* v. *Commissioner of Ins.* 290 Mass. 585. This is the case here, where the basis for premiums suggested by the plaintiff is dependent on wages, other forms of insurance, and participation in a wage continuation plan, all of which are subject to change at any time. The burden is not on the Legislature to prove that an alternative method is not feasible. It has wide discretion in this area and we see no basis for holding that it has abused it here. *Howes Bros. Co.* v. *Unemployment Compensation Commn.* 296 Mass. 275, 286 (unemployment fund contributions need not be apportioned according to industries' relative unemployment rates). *Lowell Co-op Bank* v. *Co-operative Cent. Bank*, 287 Mass. 338, 347 (insurance levy on banks need not be fixed according to their financial condition). See *Carmichael* v. *Southern Coal & Coke Co.* 301 U.S. 495, 520–521 (benefits paid under Unemployment Compensation Act of Alabama need not be related in every case to persons taxed and amount of tax they pay).

The plaintiff objects to the requirement that the insured look first to a wage continuation plan before he may receive benefits for lost wages under c. 670. He cites no authority for his objection, and under applicable constitutional principles the Legislature could properly limit double reimbursement for the same loss. In any event, c. 670 in no way prevents him from obtaining such double recovery through his residual tort action. In addition, it provides for automatic subsequent reimbursement by the insurer

Footnotes at end of article.

of prior reductions in benefits due to a wage continuation plan in certain circumstances.

Two final due process objections which have been raised do not involve the facts of this case. The first is directed at the provision that a policyholder may elect a deductible applicable not only to himself but to members of his household. The second is the claim that the extension of personal injury protection benefits in lieu of damages to the "pure pedestrian," who neither owns a car nor is a member of a household which owns one, is a deprivation to him of due process. We treat with neither pursuant to our statement at the outset of this opinion that we could confine ourselves to issues raised on the facts.

EQUAL PROTECTION ISSUES

A. *Applicable principles.* The plaintiff has leveled two attacks against c. 670 based on a denial of equal protection of the laws, both directed at the classification in § 5 of cases for which pain and suffering are recoverable. Again it is helpful to state at the outset the general principles which are applicable under the equal protection clause. A principle analogous to that we applied to due process issues is likewise applicable where a legislative classification is attacked as a violation of equal protection: if the legislative difference in treatment is reasonably related to a legitimate public purpose, it is permissible. *McQuade* v. *New York Cent. R.R.* 320 Mass. 35, 38. *Maher* v. *Brookline,* 339 Mass. 209, 213. *Hall-Omar Baking Co.* v. *Commissioner of Labor and Indus.* 344 Mass. 695, 700. *Watson* v. *Maryland,* 218 U.S. 173, 178. *McGowan* v. *Maryland,* 366 U.S. 420, 425–426. *McDonald* v. *Board of Election Commrs.* 394 U.S. 802, 809. The same subsidiary presumption of constitutionality is present in this context also, as is the required use of any reasonably conceivable set of facts to justify the classification. *McGowan v. Maryland, supra,* at 426. There is no requirement that there be any legislative record or findings in support of the classification. *Marshal House, Inc.* v. *Rent Control Bd. of Brookline,* — Mass. —, —.[1] The equal protection clause thus limits legislative discretion in delineating classifications only to the extent of forbidding "arbitrary or irrational" classifications (*Opinion of the Justices,* 251 Mass. 569, 601), or discrimination which is "invidious." *Williamson* v. *Lee Optical of Oklahoma, Inc.* 348 U.S. 483, 489.

B. *Does the classification in § 5 of c. 670 bear a rational relationship to a proper legislative objective?* The plaintiff claims that the criteria delineating when pain and suffering are recoverable are arbitrary and unreasonable. The pupose of the Legislatue in limiting recovery in this way was clearly to eliminate minor claims for pain and suffering. We have already described the crisis faced by the courts of the Commonwealth and the part played by the abundance of personal injury claims in contributing to it. The Legislature could reasonably have thought that the number of such cases was largely attributable to speculative and exaggerated claims for pain and suffering in instances of relatively minor injury. As is well known, the subjective complaint of pain and suffering defies accurate monetary appraisal. In addition, the time and expense necessary to investigate these claims might well have been perceived to be a burden both on the insurance industry and ultimately on the motoring public. Minor "nuisance" claims were often overpaid by insurers in order to avoid the expense of defending them, and the common knowledge of this practice only served to perpetuate them. It was clearly proper for the Legislature to conclude that the benefits of compensating an injured person for relatively minor pain and suffering, which as such entails no monetary loss, did not warrant continuation of the practice when balanced against the evils it had spawned.

A necessary corollary of this decision was that the minor claims had to be eliminated according to objective, easily applicable rules. If the rules were themselves subjective—for instance, keyed to the dollar amount of pain and suffering involved—the perceived evils would continue. Courts might well be clogged with claimants alleging damages over the required figure, and there would remain the incentive for the injured party to exaggerate his claim in order to prompt a generous settlement from an insurer which did not feel the claim was worth the expense of a contest.

The only question that remains, therefore, is whether the objective criteria the Legislature chose are rationally related to their purpose of eliminating minor claims for pain and suffering. We think there can be no doubt that they are. The plaintiff's attack is leveled chiefly at the general rule that reasonable and necessary medical expenses must be over $500 to allow recovery for pain and suffering. There is no objection to the mitigation of this rule by the criteria of death, loss of a body member, permanent and serious disfigurement, or loss of sight or hearing. Our attention has been drawn, however, to the contrast between the comparatively minor pain and suffering which may result from a minor fracture and the serious and long-continued pain and suffering which may result in cases for which the statute denies recovery. It is argued that the $500 limit will exclude many sizable claims for pain and suffering which do not at the same time fall within the five other categories. No doubt this is so. Nor do we doubt that relatively minor claims for pain and suffering may be permitted in some cases, particularly in the fracture category. But fracture, like the $500 limit and the other four criteria based on the type of injury, is susceptible of objective and reasonably certain verification. In addition, many cases of fracture, perhaps most, are likely to involve susbtantial pain and suffering. "The problems of government are practical ones and may justify, if they do not require, rough accommodations—illogical, it may be, and unscientific." *Metropolis Theatre Co.* v. *Chicago,* 228 U.S. 61, 69–70. Some inequality in result is not enough to vitiate a legislative classification grounded in reason. *Lindsley* v. *National Carbonic Gas Co.,* 220 U.S. 61, 79. It seems to us that the Legislature has employed criteria rationally related to seriousness of injury in general, and thereby to seriousness of pain and suffering. Whether fracture should be included as a category, at the risk of allowing some minor claims for pain and suffering, is within the permissible range of judgment.

As to the amount of reasonable and necessary medical expenses, it is constitutionally irrelevant that the actual point of demarcation had necessarily to be arbitrary. As was stated by Mr. Justice Holmes in *Louisville Gas & Elec. Co.* v. *Coleman,* 277 U.S. 32, 41, "When a legal distinction is determined, as no one doubts that it may be, between night and day, childhood and maturity, or any other extremes, a point has to be fixed or a line has to be drawn, or gradually picked out by successive decisions, to mark where the change takes place. Looked at by itself without regard to the necessity behind it the line or point seems arbitrary. It might as well or nearly as well be a little more to one side or the other. But when it is seen that a line or point there must be, and that there is no mathematical or logical way of fixing it precisely, the decision of the legislature must be accepted unless we can say that it is very wide of any reasonable mark." Such distinctions of degree expressed in terms of differences in number have been particularly subject to attack. However, they have been just as widely upheld as a determination which was "peculiarly a question for legislative decision." *St. Louis Consol. Coal Co.* v. *Illinois,* 185 U.S. 203, 207 (coal mines employing five or more persons subject to inspection). *McLean* v. *Arkansas,* 211 U.S. 539, 551–552 (mines employing ten or more persons required to measure coal for payment of wages before screening). *Jeffrey Mfg. Co.* v. *Blagg,* 235 U.S. 571, 576–577. *Booth* v. *Indiana,* 237 U.S. 391, 397–398 (mines required to supply wash-houses upon demand of twenty employees). *Middleton* v. *Texas Power & Light Co.* 249 U.S. 152, 159 (employers of five or more persons included within workmen's compensation act). *Carmichael* v. *Southern Coal & Coke Co.* 301 U.S. 495, 510–512 (exemption of employers of less than eight persons from the Unemployment Compensation Act). It is clear that the $500 figure chosen here by the Legislature, although no more nor less reasonable than a higher or lower figure within a substantial range, is not subject to constitutional attack.

It is alleged in addition that the $500 limit operates as an invidious discrimination against the poor because they are charged less than others for medical care. Passing over the plaintiff's lack of standing to make this argument, it may be briefly dismissed on the ground that the plaintiff has failed to come forward with any evidence that this is in fact the case. See *Merit Oil Co.* v. *Director of the Div. on the Necessaries of Life,* 319 Mass. 301, 305.

CONCLUSION

Finally, argument has been made to us that c. 670 violates art. 11 (remedies by recourse to the law to be free, complete and prompt), art. 15 (right to trial by jury sacred), and art. 30 (separation of executive, judicial and legislative departments), all of which articles are contained in the Declaration of Rights of the Massachusetts Constitution, and Part II, c. 1, § 1, art. 4, which sets forth various powers of the Legislature. We see no necessity for a discussion of c. 670 in the light of these constitutional provisions. It is entirely clear that the statute violates none of them.

A decree is to enter in the county court declaring (1) that St. 1970, c. 670 and c. 744, as applied to the plaintiff are constitutional under both Federal and State Constitution, and (2) that the defendant is not liable to the plaintiff for pain and suffering or for any damages covered by the personal injury protection benefits to which the plaintiff is entitled under his own motor vehicle liability policy as defined in G.L. c. 90, § 34A.

So ordered.

(Tauro, C. J. concurred as to the result in a separate opinion.)

FOOTNOTES

[1] The bill also questions the constitutionality of St. 1970, c. 744. Chapter 744 amends the provisions of c. 670 dealing with the renewal and cancellation of policies, and provides also for the contingency that parts of c. 670 might be held unconstitutional. It raises no separate issues. If c. 670 is held constitutional, a fortiori c. 744 will likewise be constitutional. We thus do not discuss it further.

[2] We note that the agreement of the parties in this case that the plaintiff would have recovered the sum of $800 for pain and suffering is at best an estimate and a questionable figure.

[3] There are only three exceptions to this no-fault rule. If the injured party otherwise entitled to benefits was injured while driving under the influence of alcohol or narcotics as

Footnotes at end of article.

defined in G. L. c. 94, § 197, while committing a felony or seeking to avoid arrest, or while intentionally trying to injure himself or others, he may be excluded from benefits by the insurer. In addition, one injured in circumstances which entitle him to workmen's compensation is not eligible for benefits.

[4] The sole exception is the accident victim who receives benefits in a reduced amount because he chose a deductible. The exemption of the tortfeasor includes the amount of benefits which the victim would have received but for the deductible.

[5] In the case at bar, the plaintiff cannot recover the $800 which was the agreed amount of damages allocable to his pain and suffering. However, as the above analysis shows, the rest of the $1,565 recoverable by him before at common law is still payable under c. 670. That part not covered by personal injury protection benefits, in this case attributable only to the difference between his diminished earning capacity and the amount recoverable for lost wages under c. 670, may be recovered by him in a tort action against the defendant, who is not immune from this liability.

[6] We recognize that certain policies of insurance exclude the possibility of double recovery.

[7] We note that much the same effect has since been achieved as the result of recent constitutional limitations imposed on the law of libel. See *New York Times Co.* v. *Sullivan*, 376 U.S. 254; *Rosenbloom* v. *Metromedia, Inc.* U.S. ([June 8, 1971] 39 U.S. L. Week 4694).

[8] Part II, c. 1, § 1, art. 4, of the Massachusetts Constitution, and arts. 1, 10 and 12 of its Declaration of Rights, are the provisions in our Constitution comparable to the due process clause of the Federal Constitution. They raise no distinct issues in dealing with this kind of statute and do not, therefore, warrant separate discussion. *Lowell Co-op. Bank* v. *Co-operative Cent. Bank.*, 287 Mass. 338, 343–344. *Lowell Gas Co.* v. *Department of Pub. Util.* 324 Mass. 80, 87–88. *Compare Coffee-Rich, Inc.* v. *Commissioner of Pub. Health*, 348 Mass. 414, 421.

[9] The nature and direction of the opposition to c. 670 and similar acts in other jurisdictions is highly reminiscent of that which attended passage of the first workmen's compensation acts. See Locke, Workmen's Compensation, Boston Law Book Co. (1968) §§ 22 et seq.

[10] Report of Special Commission relative to the Motor Vehicle Laws and the Insurance Laws as they Relate to Motor Vehicles and Certain Related Matters, 1959 Senate Doc. No. 466.

[11] Figures compiled by the Executive Secretary of the Supreme Judicial Court.

[12] We confine our statistics to cases tried by jury because of the increased time and expense a jury trial necessitates and because most motor vehicle torts brought to trial are in fact tried by jury. In the year covered by the table, for example, 1,205 motor vehicle torts were tried by jury and 214 to a judge.

[13] We note that in 1956, 422 out of 579 jury verdicts for the defendant were in motor vehicle torts.

[14] The relief to the courts thus provided is not vitiated by the further provision that insurers who pay personal injury protection benefits are subrogated to the rights of their insured and may seek reimbursement from the tortfeasor's insurer. This ultimate adjustment of costs is to be reached through agreement, or arbitration which must precede recourse to the courts. This feature of c. 670 in fact gives added support to the reasonableness of the legislative effort to resolve a pressing court problem.

[15] This report was not, of course, available to the Legislature when it considered c. 670, but its conclusions are hardly new ones. See e.g., Keeton and O'Connell, Basic Protection for the Traffic Victim, a report published in 1965 which cited the flaws in the operation of the traditional system and proposed a system based on no-fault which was the genesis of c. 670.

[16] We intimate no opinion as to whether, and if so in what circumstances, the application of this test is constitutionally required.

[17] The day has long since passed when legal negligence in the automobile accident situation could be equated with moral culpability. The whole concept of negligence has in fact become something of a fiction, since in many cases fault cannot meaningfully be placed on any one of the parties more than on another. The new comparative negligence statute is a recognition of this inherent difficulty of assigning fault to one party only. The legally negligent driver is therefore morally as entitled to compensation as the other parties. It should be noted in addition that in defined cases where he is clearly culpable, the injured party is denied benefits under c. 670.

[a] Mass. Adv. Sh. (1971) 161, 167.

ASSOCIATION OF MASSACHUSETTS CONSUMERS, INC.
Boston, Mass., June 9, 1971.

Hon. PHILIP HART,
United States Senate,
Washington, D.C.

Statement Re: Hart-Magnuson No-Fault Automobile Insurance S. 945

DEAR SENATOR HART: The Association of Massachusetts Consumers, Inc., composed of private citizens and interested persons in the consumer movement has long considered the problems of automobile insurance. We have avoided taking a public position on the various proposals dealing with No-Fault Auto Insurance, since serious objection was raised to various parts of all proposals which have been considered heretofore.

We have examined the experience in Massachusetts from its adoption of the variation of no-fault auto insurance. Based upon the preliminary figures, it would appear that a substantial reduction in personal injury claims will result from the adoption of the limited version of no-fault automobile insurance and ultimately, if properly enforced would lead quickly to substantial reduction in automobile insurance premiums.

There is serious criticism of the Massachusetts version arising from the following deficiencies:

First, the version of no-fault automobile insurance adopted in Massachusetts has not provided for any change in the setting of rates for premiums and, therefore, could result in a lengthy deferral of savings to the consumers of Massachusetts of reduced personal injury claims experience.

Second, the plan, in its limited scope has failed to include no-fault property damage coverage, which could result in even greater savings than personal injuries.

Many critics of no-fault have argued that the system is new and has not been fully considered. I have been interested to discover that in Volume 39, No. 1, The Massachusetts Law Quarterly, April 19, 1954, there is a discussion of various remedies for the traffic jams in the Courts, among which there is a discussion, beginning at page 6, of proposals for a no-fault system. Reference is there made to a report by Arthur Ballantine, discussed by the Massachusetts Judicial Council in 1932, in its Eighth Report (18 M. L. Q. No. 1, November 1932, pages 23–33), in which a recommendation was made for the adoption of the system similar to that of workmen's compensation. The matter was taken under advisement by the Judicial Council for further study in 1932, and again in 1933 and surfaced again in the discussion in the 1954 Massachusetts Law Quarterly. The solution is not novel. The problem has existed for many years. The time has come for decision.

Having considered the various problems presented and being interested in the reduction of premiums to the consumers, as well as affording the consumers adequate protection for recovery of damages suffered in automobile accidents, the Association of Massachusetts Consumers, Inc., has voted to support and endorse S. 945, the Hart-Magnuson No-Fault Bill and H.R. 7514, the Moss Bill and recommends that such legislation include the provision for the coverage of property damage. The reasons for this action are based on the considerations set forth above.

The Hart-Magnuson approach would eliminate confusion between the state by adopting a uniform system of automobile insurance. By transferring control to the Federal Government, we could eliminate many of the unfair trade practices resulting from the present patchwork of State legislation. One of these could be the availability of insurance coverage on a group basis. The present system has failed to provide protection for a large segment of the public, as a result of inadequate insurance coverage, or lack of any coverage whatsoever.

Along with other complaints, Massachusetts consumers have suffered one of the highest automobile insurance rates in the country, a condition which afflicts primarily the urban dweller and is one of the causes for the distrust of state regulation.

The states have proved unable or unwilling to regulate the automobile insurance industry so as to effect savings of a substantial nature to those requiring automobile insurance coverage. Whether Federal legislation can do so depends on the system adopted.

The requirements of automobile insurance coverage are two-fold: First, to protect the owner-operator of an automobile vehicle from damage suits; and Secondly, to provide adequate compensation to those who may be injured as a result of the occasion of an automobile or motor vehicle collision or accident.

At the present time, because of the adoption of the common law system of negligence as the criterion for the payment of injury claims, large segments of the public, who are injured as a result of motor vehicle accidents are left without the possibility of recovery whatsoever because of the theories of contributory or comparative negligence. A second segment, which does recover, is penalized by long delays as a result of a costly and inefficient judicial system for the determination of liability, resulting in a reduction in benefits to those who ultimately recover. Only a minority may recover a greater amount of damage than is suffered.

As a result, the common law system fails to include within it the elements of recovery necessary to make the injured party whole for injuries suffered as a result of lost wages, medical expenses, and the economic damage which results from the motor vehicle collision or accident.

The inclusion of property damage within the no-fault concept is much more readily susceptible of coverage and should result in substantial savings to the motoring public, which is now required to carry both collision coverage for the protection of the owner of the vehicle and property damage coverage for the protection of others with whose property his vehicle may come in contact, thus requiring essentially two systems of insurance for the same damage. The elimination of a dual system of coverage and

the imposition of premium levels based upon the value of the vehicle which the operator, chooses to place upon the highway as his standard for the payment of premium should result in a substantial reduction in premium for the vast majority of consumers. The elimination of the fault concept in the recovery of property damage claims would also serve to mitigate the increasing dependence upon Court action to determine the values of recovery. The cost of adjustment could therefore be reduced by providing merely for the evaluation of the damage, rather than the investigation of the liabilities involved in each situation.

The Association of Massachusetts Consumers recommends the adoption of S. 945, as it may be amended to include property damage, as a means of eliminating local jurisdictional questions of regulation; the varying standards applied by state regulatory agencies; and to provide, by federal regulation, a meaningful and comprehensive statistical service for the determination of adequate premium rates to benefit all consumers in the purchase of automobile insurance.

The fact that persons are injured in automobile accidents has become a fact of life in modern times and the elimination of the concept of negligence from the determination of the damages would serve to integrate automobile insurance with group health and accident coverages and wage continuation plans so as to provide a comprehensive program for the individual, rather than the patchwork of multiple lines of coverage, each with its own overhead, each with its own administrative costs, each with its own regulatory problems and allocations.

The Association of Massachusetts Consumers, Inc., therefore, wishes to be recorded as supporting the Hart-Magnuson Bill and urges the inclusion of property damage within the scope of such legislation.

Very truly yours,

NATHAN S. PAVEN,
Vice-President, Legislative.

COMPARISON OF MASSACHUSETTS LIMITED NO-FAULT LAW WITH PROPOSED FEDERAL NO-FAULT ACTS

No-Fault Benefits	Massachusetts (*Act of 1970, c.670 and 774*)	Federal Acts (*S. 945 and H.R. 7514*)
FEATURES		
1. Rehabilitation.	Only for cost of prosthetic devices.	*All* such expenses reasonably and necessarily incurred.
2. Medical, Surgical Hospital and Nursing.	To a maximum limit of $2,000* (must be incurred within 2 years of accident).	*All* such expenses reasonably and necessarily incurred (no time limitation).
3. Lost wages and earnings.	75% to a maximum limit of $2,000*.	$1,000 a month, or 85%, whichever is lesser, up to 30 months (36 months-H.R. 7514).
4. Services victim would have performed for himself and family.	To a maximum limit of $2,000*. (*An over-all limitation of $2,000, i.e., recovery is limited to $2,000 of expenses for *all three* benefits together).	*All* such expenses reasonably and necessarily incurred.
Exemption from Tort Liability.	Cases in which hospital and medical expenses are *less* than $500.	For all cases *except* "catastrophic harm", i.e., permanent and total disability, permanent and partial disability of 70% or more, permanent, irreparable and severe disfigurement, and death cases.
Subrogation Permitted.	Yes.	No.
CONSUMER SAFEGUARDS		
1. Payment of benefits-protection in case of violation.	Benefits paid as loss accrues, but insurer may agree to a lump sum discharging all future liability. If unpaid for more than 30 days, claimant may sue insurer in contract.	Payments made as loss is incurred. If unpaid within 30 days, insurer must also pay claimant 2% interest per month. (If insurer fails to pay benefits and claimant sues, in court's discretion, insurer may have to pay claimant's lawyers' fees and court costs—H.R. 7514).
2. Availability of Insurance.	Subject to exceptions, policies of those 65 or older, and of those under 65, entitled to merit rating discount, must be renewed.	Policy cannot be canceled, must be renewed and must be sold unless insured or applicant has no valid operator's license or has failed to pay premiums.
3. Rate regulation and policyholder classifications and policy standards.	No change.	States to continue regulating rates *except* that DOT, with industry and States, will set policyholder classifications and policy standards.
4. Price and Claims Practice Disclosure.	None required.	All insurers must disclose under a uniform statistical plan, data on claims and loss experience and price of policies. DOT to make analysis and make information available once every six months.

Sources: Association of Massachusetts Consumers, Inc.; U.S. Senate Antitrust and Monopoly Subcommittee.

[From the Boston Evening Globe, June 29, 1971]

SUPREME COURT UPHOLDS NO FAULT AUTO INSURANCE

(By Joseph M. Harvey)

The Massachusetts Supreme Judicial Court today upheld as constitutional the state's first-in-the-nation no fault automobile insurance law.

The court's decision was unanimous. Chief Justice G. Joseph Tauro filed a 16-page concurring opinion with the 46-page majority decision written by Justice Paul C. Reardon.

The court said the law is valid under both the state and Federal constitutions. The court made its decision in a suit brought by Milton Pinnick of Sharon, a government employe who, with his wife, was involved in an accident last Jan. 3 on Blue Hill avenue, Dorchester. Their automobile was struck from the rear while they were stopped at a traffic light. Mr. and Mrs. Pinnick claimed the new insurance law took away their rights to recover for all their injuries including pain and suffering.

The no-fault law limits motorists to recovering their damages from their own insurer to the amount of their medical bills unless they sustain serious injuries such as a fracture. The new law also places a ceiling of $2000 on the amount that can be recovered in accident damages unless the motorist has medical bills in excess of $500. Pinnick and his wife had medical bills of $115.

Pinnick also claimed the new law prevents him from recovering wages he lost while absent from work recovering from the accident injuries.

The Supreme Court rejected on all points Pinnick's claims that the new law violates his constitutional rights to recover all of his alleged losses resulting from the accident.

The high court said that the no-fault law does not take away any of a citizen's rights to recover for his injuries. The law, the court said, "merely limits the common law right in the automobile accident situation to obtain money damages on account of unintentionally inflicted pain and suffering and modifies the procedure for obtaining damages."

Among the "ills" which the no-fault law was designed to remedy, the court said, is "the devastating effect upon the administration of justice which the automobile has produced."

"The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever increasing numbers of automobile accident claims to the extent that has obtained hitherto," the court said.

The automobile accident cases, the court said, have clogged the courts, particularly in metropolitan areas "notwithstanding heroic

efforts" to find a satisfactory method for disentangling the court from "this morass."

Justice Reardon noted that while he was chief justice of the Superior court he had to try and cope with the backlog of trials caused in large part by the flood of motor vehicle accident cases. He also noted that the bulk of the automobile claims cases in the Superior Court do not "represent cases of great value." He listed statistics showing that in about 80 percent of jury trials in such cases, the verdicts for plaintiffs was less than $200.

The Supreme Court said the Legislature, in passing the no fault law, could properly have concluded that the high cost of automobile insurance in the state had some relation to the "inefficiencies and administrative expense involved in running the traditional system" for handling claims.

"The legislature was also presumably aware of the long delays in getting financial aid to the injured persons, confronted with medical and subsistence bills during a period of no employment for him and want for his family" the Supreme Court said.

State Insurance Comr. C. Eugene Farnam, discussing the Massachusetts no-fault law before the convention of the American Assn. of Motor Vehicle Administrators at Falmouth when the decision was released, said the Bay State no-fault plan "could now prove a model for the entire nation."

Congress is currently considering a national no-fault law and is expected to enact legislation with local-option provisions permitting each state to determine whether to implement it.

The new law, the court said, treats each motorist alike by making available to him initially "compulsory insurance at lower rates due to the savings to insurance companies in administrative expenses and total payments" which are expected to follow from the new law.

Motorists who are injured in accidents "are assured of the probability of quick and efficient payment of the first $200 of defined losses incurred" the court pointed out.

Drivers give up some of their right to seek total recovery of all damages in return for a system which provides them with reasonably quick payment for damages to the limits set by no-fault, the court said. Such an exchange of rights is a sufficient consideration to support the changes made in the no-fault law.

FARNAM SEES 25 PERCENT CUT IN 1972 AUTO INSURANCE

(By Robert Hanron)

FALMOUTH.—State Insurance Comr. C. Eugene Farnam predicted today that Massachusetts' compulsory automobile insurance rates for next year will be reduced "by 25 percent or more" under the limited no-fault law.

He made this prediction at the 50th annual conference of the American Assn. of Motor Vehicle Administrators.

Farnam also said that a projection on statistics for the first half of 1971 indicates that the predicted increase in the number of property damage claims has failed to materialize.

In short, said Farnam, "we are on the verge of making history in Massachusetts." It had been predicted that with the ceiling on no-fault injury payments property damage claims (for damage to cars) would jump significantly. Farnam said this has not happened.

He said there is "accumulating evidence" that the injured are pleased and satisfied with the way claims are now being processed.

The prediction of a 25-percent cut in compulsory rates was hinted at by Gov. Sargent in April after the initial three months of experience under the first no-fault auto insurance law in the nation.

Farnam said this experience, as recorded by department actuaries, is standing up for the second quarter of 1971.

If this holds for the rest of the year, it appears virtually certain there will be reduction in auto insurance premium rates next year, he said.

Opponents of no-fault predicted chaos and unconstitutionality.

Farnam said "they have been found wrong in each case and are left to protest that it has worked and has cut costs but that has been done by cheapening the product.

Farnam said the no-fault critics are in one sense correct.

But the product they say has been cheapened has up to now been overpriced because it was thought that it had to include elements of coverage that the driving public as a whole really didn't need.

"Taking those unneeded elements of cost out of the system and treating accident victims is what no-fault auto insurance is really all about," the commissioner said.

Farnam said that in Massachusetts "we have restricted the right of some injured persons to recover damages for pain and suffering.

"We have done it without in any way precluding anyone who wants excess dollars if he is injured from buying voluntary coverage to give him that. In Massachusetts we have given drivers a chance to save money by choosing deductible options that may do away with their rights after an injury to recover duplicate benefits for a single cost.

"This may be cheapening the insurance product, but it is cheapening it in a way that the consuming public will accept."

AETNA LAUDS COURT RULING ON NO-FAULT

The Bay State's third largest auto insurer today applauded the Massachusetts Supreme Court's unanimous decision upholding the constitutionality of the nation's first no-fault insurance law.

Aetna Life and Casualty senior vice president William O. Bailey said, "Being the first state to advance a no-fault plan and by confirming its constitutionality, Massachusetts emerges as a pace-setter in the growing effort to bring much needed reform of the auto insurance system throughout the country.

"The Supreme Court's decision testifies to the foresight and judgement of Gov. Francis Sargent, Insurance Com. Farnam, the Legislature's Insurance Committee, and the many other individuals and organizations whose commitment to this new approach to auto insurance helped no-fault become a reality."

Aetna is pleased to have played a leading role in this pioneering effort in which in 1971 alone is saving Massachusetts motorists $76 million on the cost of their insurance premiums. Besides the monetary savings, Massachusetts motorists are benefiting from a system that now is providing prompt equitable and automatic payments of losses to auto accident victims.

"With mounting public support for no fault, and with the obvious early success it is achieving in Massachusetts, we look for its early adoption in other states. And we pledge to Massachusetts motorists Aetna's desire to work for those improvements and refinements which experience shows can make no fault serve the motoring public even better."

[From the Boston Globe, June 30, 1971]

HIGH COURT UPHOLDS NO-FAULT LAW

(By Joseph M. Harvey)

The no-fault insurance law passed its first legal test yesterday as the state Supreme Judicial Court unanimously upheld the constitutionality of the 1970 act.

The law, which has been in effect since Jan. 1, is valid under both the Federal and state constitutions, Justice Paul C. Reardon said in a 46-page majority opinion.

Chief Justice G. Joseph Tauro, in a separate 16-page concurring opinion, warned that the law faces "additional constitutional challenges."

The majority of the seven justices called the law a proper and valid legislative attempt to solve a public, social evil arising out of the huge number of automobile accident claims.

It said the high cost of automobile insurance, the delays and inefficiencies in paying exaggerated claims could have been considered by the Legislature in deciding to do away with "the horse-and-buggy approach to a 20th century dilemma."

The court rejected the argument that the law amounted to a drastic stripping of legal rights and a substantial reduction in the right to recovery for injuries in automobile accidents.

As a practical matter, it said, the legislation gives a claimant the security of prompt and certain recovery of his more important damages and immediate payment of his most pressing item of cost—medical expenses.

Tauro, although agreeing in the final result, criticized the majority view for failure to subject the legal principles underlying the no-fault insurance law to more severe and objective critical analysis.

He said the court did not have presented to it sufficient facts to give a blanket approval and endorsement of the social policy in dispute.

He said he would have preferred to send the case back to Superior Court for a full evidentiary trial to establish the facts upon which the radical changes in motor vehicle insurance law were based.

"In my view," he said, "the court is not presently in a position to form a proper judgment as to the wisdom or desirability of the no-fault statutes."

The majority decision rejected all of the arguments raised against the statute in the case before the court. That case involved a claim by Milton Pinnick of Sharon, a post office worker.

Pinnick was injured in an automobile accident Jan. 3 on Blue Hill avenue in Roxbury. He and his wife were stopped in their car at a traffic light when they were hit from behind by one driven by Carl Cleary of Roxbury.

Pinnick, through lawyers Robert Cohen and Alexander Cella, brought the test case when an insurance company rejected his damage claims. Pinnick, as he would have had a right to do under the former legal method of handling such claims, demanded payment of $1,565.

This covered his $115 in medical bills, $650 for wages he lost while recovering from injuries and $800 for his pain and suffering from the accident.

Under the no-fault law, he was entitled to receive only $348. This amounted to payment of his medical expense, 75 percent of wages lost and nothing for pain and suffering. Under the no-fault law, since Pinnick's medical expenses were less than $500 and he suffered no major injury such as a fracture, he could not make any claim for pain and suffering.

The taking away of the pain and suffering claim and limitation up to a maximum total recovery of $2,000 under no-fault, his lawyers argued, amounted to an unconstitutional taking of property without due process. They argued also that the law unconstitutionally took away Pinnick's right to seek a jury trial.

The majority decision said that, while the no-fault law did take such items away from a highway accident victim, that loss was balanced by what he gained, namely the guar-

antee of certain payments, promptly. The court also noted that the new law provides payments irrespective of whether a driver or pedestrian was at fault or careless so as to have contributed to the accident.

The ills at which the no-fault law was aimed "are obvious," the majority opinion said. One of the most important of these, it said, is "the devastating effect upon the administration of justice which the automobile has produced."

The court said trial calendars are clogged; the clerks offices are buried under an avalanche of papers filed in a "war of nerves" among lawyers, claimants and defendants, and automobile cases pour in at the rate of 2000 a month in the superior court and 3200 a month in district courts.

Despite "heroic efforts," the court said no one has found "a satisfactory method of disentangling this morass." It added that, with the new challenges facing the courts," the problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever-increasing numbers of automobile accident claims.

Tauro disputed the majority's conclusion that automobile accident claims have become "a cancer to be rooted out in American courts." He said that "to single out the cancer of motor vehicle torts as the cause of congestion and delay in the superior court is to ignore facts." Superior Court judges spend only 13 percent of their time on such cases, and the majority of court time goes to criminal cases, he said.

The majority opinion also upheld the act in outlawing claims for pain and suffering except in cases involving major injuries and medical expenses over $500. A survey showed, it said, that about 80 percent of jury verdicts in the superior court amounted to $200 or less in automobile accident cases.

THE LATE COLONEL GEORGE W. GILLETTE (U.S. ARMY CORPS OF ENGINEERS, RETIRED)

Mr. JORDAN of North Carolina. Mr. President, it is with deep sorrow and regret that I report to the Senate the death of an outstanding and distinguished American, Col. George W. Gillette, a retired colonel in the Corps of Engineers from Wilmington, N.C.

It was my privilege on April 14 to bring to the attention of this body a citation Colonel Gillette had received from the National Rivers and Harbors Congress in recognition of his more than 50 years of public service.

That tribute took detailed note of the tremendous contributions he had made to the advance of engineering and water resource development in this country and in other areas of the world and of a brilliant military record dating back to the Mexican border campaign of 1916.

In addition to evidence of his personal heroism in that campaign and in World War I, that record includes significant contributions he made to national defense and security planning during the early years of the Second World War.

No words of mine could add luster to that record which speaks so eloquently for him.

I would today only add my personal tribute to a man whom I was privileged to know both as a dear friend and a great patriot, who has left a rich heritage to his State and Nation in the fruits of his dedicated service to them.

EFFECTS OF DRUG ADVERTISING ON YOUNG CHILDREN

Mr. McINTYRE. Mr. President, on June 28, Commissioner Thomas J. Houser of the Federal Communications Commission delivered a speech to the Idaho Association of Broadcasters concerning the commercialism of children's television. The Commissioner particularly focused his attention and concern on the effects of drug advertising on young audiences. He remarked:

> The tube is a virtual electronic hypochondriac—hammering home the theme that for all of life's problems and situations, there is a pill that can be popped.

Quoting from testimony given by the president of the American Pharmaceutical Association, Mr. James Bicket, before Senator NELSON's Monopoly Subcommittee of the Small Business Committee, of which I am a member, he added:

> Over-the-counter drug advertising is out of control, and has (itself) become a major public health problem.

Much of the material in Commissioner Houser's speech is derived from testimony on the effect of the promotion of over-the-counter drugs before Senator NELSON': subcommittee. I commend the Senator's continued scrutiny of the pharmaceutical industry. Through his efforts, the public has been made aware of this industry's contribution to our national drug abuse problem. The July hearings of the Monopoly Subcommittee on the promotion of "mood" drugs should provide the public with expert opinions on the relation of drug advertising to drug abuse.

Many experts have already claimed that there is a positive correlation between advertising and abuse. The FCC Commissioner noted in his speech that as a result of being bombarded by ads which promote the use of drugs for situations heretofore deemed normal, young people are becoming de-sensitized to the dangers of drug taking. A study conducted by the FCC revealed that parents, also, are well-aware of the hazardous nature of the advertising aired before their children.

The Commissioner pointed out that, for the most part, the industry's own code of advertising ethics has failed as a means of regulation. Citihg a report by the 1970 White House Conference on Children entitled "Child Development and the Mass Media," the Commissioner stated:

> The enforcement of truth in advertising and standards in broadcasting (can) no longer be left to the advertisers and broadcasters.

Mr. President, this is a strong and timely speech on a subject crucial to the development of future generations of American citizens. If we want our children to be capable of dealing with the problems of modern life, we must see that steps are taken to restrict the airing of promotional material which claims that a drug-induced euphoria is a better response to unpleasant or tense situations than a mature and rational facing of such problems. I ask unanimous consent that the Commissioner's speech be printed in the RECORD.

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

INTO THE MOUTHS OF BABES

(Address by Commissioner Thomas J. Houser before the Idaho Association of Broadcasters, June 28, 1971)

Ladies and gentlemen: I appreciate your kind invitation to speak with you today. I particularly enjoy the occasions on which I have the opportunity to meet with local broadcasters. It is at these times that we have an extended opportunity to discuss matters of special mutual concern. Today I hope I can provide you with some insights on a problem of current Commission consideration. This afternoon I would like to discuss a matter which has been on my mind for a number of years and then has been brought into clearer focus during my term as Commissioner—namely—the emergence of a drug oriented society and the special effects of this new culture on our children. The subject affects many of you as parents and each of you as broadcasters. I hope you will listen to and consider my observations as a concerned public servant as opposed to a knowledgeable expert.

The subject of children's television has provoked considerable comment in the past decade. In 1961, Newton Minow, then Chairman of the FCC, said about children's television, "Children will watch anything, and when a broadcaster uses crime and violence and other shoddy devices to monopolize a child's attention, it's worse than taking candy from a baby, it is taking precious time from the process of growing up." Ten years later, Chairman Dean Burch characterized children's television as "chewing gum for the eyes." In 1960, the White House conference on Children and Health said, "We demand that high quality books, music, cultural attractions, radio and television programs, and libraries be widely available, and that mass media take the responsibility for informing and educating youth, as well as adults." Ten years later, the White House conference on Children said, "those demands remain unmet."

And in those ten years, while we—the educators, the psychologists, the regulators, and the industry—were constantly articulating the problem, those kids were growing up, and, many would allege, growing up somewhat cynical and disillusioned. The 1970 White House Conference on Children and Media characterized the existing situation in these words: "Present programming . . . tends to perpetuate a certain narrow and distorted version of human behavior. This version is based on a theoretical group of idealized human beings who appear to be able to cope easily with the hazards of human existence and even to transcend common difficulties. Media content which reinforces this idealized view of human behavior is adverse to healthy development. It tends to destroy a child's perception of the distinction between his inner feelings and the external reality of his situation and surroundings. His sense of his own worth in the world tends to be distorted, and he views his failures as an aberration of behavior, never questioning the validity of the myth."

The critics are getting louder and larger in numbers, and they are calling on the government to regulate an industry they feel

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cannot regulate itself. The FTC, the FCC, Congress and the White House are responding. The FCC has issued a notice of inquiry and proposed rule making on children's television, and to date, there have been over 80,000 responses. A brief review of the pleadings in that inquiry show that most often parents are concerned about the commercial matter on children's programs.

Therefore, today, I will address myself to the problem of commercialization in general and to the promotion of drugs to children in particular.

Fifteen million youngsters from the age of 2 through 11 watch Saturday morning television. They see as much as 16 minutes of commercials per hour, as opposed to 8 minutes during adult prime time hours. This children's advertising represents $20 million in network sales for Saturday morning alone. Parents resent this exploitation of their children and are beginning to vocalize their deep seated resentment to such things as:

The permissible lie—the dancing doll shown dancing alone, which, in fact, doesn't.

The excessive puffing—the exaggerated performance of model racing cars through slow motion and trick photography.

The persistent urgings to get Mommy "to buy"—in order to maintain or improve the child's peer group status.

Much of children's advertising today utilizes fear, threats and ridicule to persuade children of the benefits of the grossest kinds of consumption. I am genuinely distressed that we are in the process of creating a junk culture—food advertising based on sweets and prizes, rather than offering valid conceptions about nutrition and product quality. Many of us are concerned that children are learning that satisfaction comes not from activity, but the passive possession and consumption of things, not from listening, thinking or understanding; these phony portrayals of life inhibit children from developing their own unique and individual self.

Certainly I don't agree with all the critics and all their criticisms—children's television has improved substantially in the last year, and new fall schedules show even greater promise—CBS, according to a recent ad, thinks children's programming is so important that "we're putting our best man on it—Walter Cronkite." James Duffy—president of ABC—last week held a seminar on children's television which could make a valuable contribution to understanding and upgrading children's television. Many advertising executives are aware of the problems and are constantly proposing changes. In addition, numbers of local broadcasters have expressed to me their personal commitments to seek broadcast reform. I recognize that, to a large measure, individual broadcasters have often been ill equipped to embark upon a unilateral crusade in this area. Many of you have been the unwilling recipients of program and product materials furnished by national advertising agencies and their clients, and I am cognizant of the economic facts of life which play a role in your decision-making process. But today you sit as a group, with the potential power to offer constructive input and affect the direction of broadcasting in the decade to come.

Today I urge you to consider one aspect of the children's programming problem—the exposure of children to drug advertising. It is estimated that there are presently in excess of 200,000 over the counter drugs (those drugs for which a prescription is not required), which have been formulated from only 200 active ingredients, designed to remedy only 30 recognized symptoms. A portion of these drugs are advertised to children as "playful pals." Let us look at some of these advertisements which are either directed at children or are available for their viewing on a regular basis.

The following specific examples do not reflect an attempt to embarrass or harass manufacturers of individual products. Rather, it seems necessary to give some examples to appropriately illustrate the technique and impact of much drug advertising.

Fletcher's Castoria claims it's "better than prunes" and is "specially made for children." A cough medicine ad shows a sick child getting motherly love with every spoonful and is assured that he will feel better because "you like its wild berry taste." "When you are coming down with the yu-uk or need to feel brighter or act brighter, take Vivarin—it gives you a quick lift." "When a sick child brings on simple nervous tension, take Compoz—that little gentle blue pill for simple nervous tension." "Tonight let someone you love slip you some Sleep-eeze—you'll both feel better in the morning." "Take Sominex tonight and sleep, sleep, sleep." "M. O.—the feel young laxative." Tuesdee Testa, female jockey, successful wife and mother, when she wants more than extra strength products . . . she uses Vanquish." "Leave your feeling of tension behind and slip into a quiet world. You'll feel calmer, more relaxed with Quiet World. The new modern calmative." And what of the multitude of children's vitamin commercials that use cartoon characters to carry our children into a pill popping fantasyland? The list goes on and on—the tube is a virtual electronic hypochondriac—hammering home the theme that for all of life's problems and situations, there is a pill that can be popped. It is not unusual for a drug manufacturer to spend as much as 26 cents of its revenue dollar on advertising. $289 million dollars was spent to advertise these products on television last year. Can we, as adults, evade such a hard sell? Can our children? We show signs of being a nation of junkies.

While some in the industry claim that there is no relation between drug abuse and drug advertising, Congress hears from experts who think differently. This month, Senator Gaylord Nelson held hearings on drug advertising. James Bicket—President of the American Pharmaceutical Association, testifying before Nelson's committee, said, "We feel over the counter drug advertising is out of control and has become a major public health problem. It is often erroneous, it exaggerates claims, and it even attempts to convince people that they have non-existent diseases.

Most critically, we feel over the counter drug advertising contributes substantially to the drug orientation of our culture, and we believe something must be done about promotion of drug products in animated cartoon characters or as tasting like candy geared to creating demand by children as especially deplorable." Dr. Charles Edwards—Director of the Food and Drug Administration, also testified, "It seems to me that one of the most urgent issues in over the counter drug advertising is too often basically good products with long and useful histories are being altered, added to, reformulated, and reshaped with no purpose but promotional advantage. . . . Drugs involve serious public health consequences and questions, yet they are treated as merchandise like tires."

Other experts testified that, although consumers assume drug claims are true, there is practically no documentation of their efficacy. Many of these offensive ads—some bordering on the ridiculous—violate a broadcaster's own code of standards. It is this kind of industry irresponsibility that gives credibility to the critics and makes all within that industry vulnerable.

An FCC Commissioner has recently proposed a ban on all drug advertising, suggesting that the public interest requires that drugs not be advertised on television. As yet, my thinking has not reached this point; the problem, how ever, cannot be avoided. In a 1970 marketing study done by the Harvard Business School, junior and senior high school students were asked to name the best and worst ads. Cigarette ads were mentioned most with drug ads running a close second. But while cigarettes were mentioned because they were the worst ads (73%–27%), drug ads were mentioned because they were thought to be the best (58%–42%), with acceptance slightly higher among senior high school students (60%–40%). Acceptance of the ad would suggest at least some acceptance of the product, would it not? And wouldn't such acceptance tend to demonstrate that our young people are being desensitized to the dangers of drug taking, and that they are rapidly being initiated into a pill-oriented society?

What is the government presently doing to meet the public outcry—remembering that this is a new and rapidly changing public—more aware, more demanding and somewhat more cynical about the alleged hollow efforts at self regulation and traditional watered down standards of quality control? The Federal Trade Commission has announced hearings in the fall on the effect of advertising on children. The FTC has also recently announced plans to require advertisers to substantiate claims contained in their announcements, and to require public corrections for advertisements found to be deceptive.

On Capitol Hill, Senator Nelson is holding hearings on drug advertising, and Congressman Dingell is taking testimony on the pros and cons of self regulation in advertising. Senator Moss has been outspoken on the drug advertising question and has proposed a government financed institute to study the problem. The White House has just released an extremely critical report on children's television which recommends among other things that the "Federal Trade Commission and the Federal Communications Commission give notice to broadcasters and advertisers that current commercial television practice which transmits over public airwaves material intended to influence children is a privilege that must be earned and re-earned by a strong emphasis on accurate presentation and by the maintenance of acceptable standards for appeal to so vulnerable an audience." The report also states that "the enforcement of truth in advertising and standards in broadcasting no longer be left to the advertisers and broadcasters." And, finally, the Federal Communications Commission has begun a full inquiry into the area of children's television which will include consideration of advertising directed to youthful audiences.

It seems to me that Federal intervention is a most undesirable alternative; yet other existing options are becoming more remote. Surely the most appropriate resolution of the problem rests in an awakening of the affected industries to the current situation and a concerted and meaningful effort towards self regulation. It is for this reason that I have been particularly impressed by the self regulation proposal advanced by Victor Elting, Chairman of the American Advertising Federation, and Vice President of Quaker Oats Company. Mr. Elting, a man of uncommon insight, has called on his colleagues to redirect their emphasis and the millions of dollars spent in advertising, towards goals of higher social consciousness. His proposal contemplates the creation of a new Advertising Division within the Council of Better Business Bureaus designed to receive complaints from industry and the public. In addition, the division staff will

engage in monitoring existing advertising to uncover possible abuses. It is also proposed that this group will issue advisory opinions on advertising content prior to its actual use in an effort to resolve problems before they occur. If such an advance procedure is unsuccessful, and a complaint is initiated, an appeal procedure is suggested. An independent National Advertising Review Board, composed of 50 members, representing advertisers (60%), advertising agencies (20%), and members of the public (20%), would take final administrative action. If such an action remains unacceptable to the advertiser, the NARB would make a public announcement of the complaint and their findings, and the entire matter would be referred to the appropriate governmental agency. The two most important and essential elements in this program, and those which distinguish it from past attempts at self regulation, are public representation in the Board structure itself, and enforcement machinery with, as Colgate would say, "tough teeth." It is now up to you, the individual broadcaster, to support his plan—its mandate and machinery. It is imperative that it succeed, or by default, you will have chosen the more frustrating and costly option of total government regulation.

I recommend this plan for your active consideration, and if you feel, as I do, that this proposal represents a sound step in the right direction—let your voices be heard. In addition, I call on you to keep abreast of the actions taken by your national association and participate in demands for more aggressive development and application of its standards. Finally, I urge you, as local broadcasters, to continue to test the pulse of your viewers—I think you will find that, in this area, their pressures are mounting; and the public, in the last analysis, will judge all of broadcasting, by what they view on your stations.

I'd like to close with a comment I cribbed from E. B. Weiss—a vice president of Doyle, Dane, Bernbach ad agency in New York. "Advertising cannot be expected to evolve and enforce its new social patterns without government participation. But it is still not too late for advertising to construct a new partnership with government that will better serve the advertiser. Moreover, in that new partnership, the advertising industry can become the dominant factor—if the leadership of advertising executives such as Victor Elting of Quaker Oats is followed. I hope. I hope. I hope."

DECLARATION OF WHAT?

Mr. PROXMIRE. Mr. President, it was 20 years ago last week that a reporter on the Capital Times of Madison, Wis., tried to get citizens to sign a "petition," which actually was portions of the Declaration of Independence and the Bill of Rights. Only one out of 112 would sign, and he recognized the quotations. The solicitation was made on July 4, 1951.

It is intriguing that 20 persons wanted to know if the reporter was a Communist. Some people then believed that the quotations from the Declaration and the Constitution were radical. But it is more astonishing that today those documents might get the same reaction under similar circumstances.

Another revelation of how little times change—of how little we learn—can be found in two paragraphs from reporter John Hunter's story:

Several of the persons asked to sign the "petition" mistook it for a mimeographed pamphlet that was distributed throughout the city Wednesday by the Madison chapter of the American Peace Crusade.

The "Peace Crusade" pamphlet asked for removal of American troops from Korea and asked that congress make "no more laws taxing the workingman to pay for the rich man's war in Korea."

Change Korea to Vietnam and nothing has changed.

Nor has anything changed in attitudes toward university students. One man was quoted as saying:

Why is it that here in Madison, every time there is a holiday we have to be subjected to a gang of dangerous radicals from the university.

The Declaration of Independence and the Constitution were radical documents when they were written. Twenty years ago, it would seem from the newspaper article, they were still considered radical—by the very people the documents were protecting. They are still protecting us today. Yet they probably are still considered radical. They are radical in the sense that they get to the root of what freedom is all about. It is about time we get back to those roots.

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

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

FOURTH OF JULY CELEBRANTS AFRAID TO SIGN THE "DECLARATION" AND BILL OF RIGHTS

(This article first appeared in The Capital Times as a news story on July 5, 1951. The discovery that people would not sign the Declaration of Independence was widely reprinted around the world.)

(By John Hunter)

Out of 112 persons interviewed at Madison's Fourth of July celebrations Wednesday, only one man had the "courage" to sign a "petition" which consisted exclusively of sections from the Declaration of Independence and the Bill of Rights.

Fear of the "consequences" of putting their names on paper was the reason given by the majority of those approached while they celebrated their "independence." Many of them said they were afraid to sign any petitions.

Twenty of those asked to sign the document asked the reporter if he was a Communist.

"You can't get me to sign that—I'm trying to get loyalty clearance for a government job," was the comment of the first person asked to sign.

A Vilas park picnicker, who said he was a lawyer, read the document carefully, handed it back to the reporter, and said, "You're trying to pull something—that isn't in the constitution."

The lone signer was Wentworth A. Millar, 806 University Ave., an insurance salesman for the Mutual Service Insurance Co.

"Sure I'll sign the Declaration of Independence and the Bill of Rights—we were never closer to losing the things that they stand for than we are today," Millar said.

"Get the hell out of here with that Communist stuff," another Fourth of July picnicker said bluntly.

"I can't sign that paper because I work for civil service," a young woman declared.

Several of the persons asked to sign the "petition" mistook it for a mimeographed pamphlet that was distributed throughout the city Wednesday by the Madison chapter of the American Peace Crusade.

The "Peace Crusade" pamphlet asked for removal of American troops from Korea and asked that congress make "no more laws taxing the workingman to pay for the rich man's war in Korea."

One woman, who said she was waiting for the fireworks at Vilas park, read the petition carefully and refused to sign it.

"Young man," she said, "are you trying to tell me that this is a copy of the Declaration of Independence?"

She read aloud the section of the preamble which says, "That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such forms, as to them shall seem most likely to effect their safety and happiness . . ."

"That may be the Russian Declaration of Independence, but you can't tell me that it is ours," she said hotly.

The "petition" that so many stoutly refused to sign contained the preamble to the Declaration of Independence, six of the first 10 amendments to the constitution—the so-called Bill of Rights—and the 15th amendment to the constitution.

The "petition" concluded with the pledge with which Thomas Jefferson ended the Declaration of Independence . . . "For, the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor."

"I see you are using an old Commie trick putting God's name on a radical petition," an elderly man said after he had read the petition.

"Just go away and leave us alone—we want to eat our dinner," another said.

"Why is it that here in Madison, every time there is a holiday we have to be subjected to a gang of dangerous radicals from the university?" he added testily.

"I'd sign it in a minute, but I'd be off the job tomorrow," another said.

Darkness called off the search for other signatures.

EMPTY HOSPITAL BEDS

Mr. KENNEDY. Mr. President, for the past 25 years, hospitals around the country have had to juggle their beds in order to find enough space for their patients. In the brief period of one year, however, it appears that this trend has been dramatically reversed. Inflation, unemployment, and the lasped health insurance policies of the jobless are mainly responsible for this development. The plight of the "walking sick" is becoming a major new aspect of the health issue, as the tens of thousands of Americans go without needed health care, or defer surgery, because they cannot afford the cost.

Mr. Victor Cohn in the July 11 publication of the Washington Post, describes the financial crisis which empty beds are causing in many hospitals across the country. An empty hospital bed costs two-thirds as much to maintain as a full one. If present occupancy rates stay where they are, the hospitals stand to lose 3.6 billion for this year alone. Medicare, medicaid, and private health plans will pay the bulk of this sum in higher

rates for the remaining beds that are occupied.

The new trend of hospital occupancy demonstrates even more urgently the need for better community hospital planning. Only 10 States presently have laws forbiding unneeded, new hospitals. In the other States, anyone who can raise the money can build a new hospital. And, Government and private health insurance plans pay the bills as hospital costs continue to rise.

Mr. Cohn's article clearly demonstrates this serious new aspect of our health crisis, and I ask unanimous consent that it be printed in the RECORD.

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

MANY HOSPITAL BEDS SUDDENLY EMPTY; RECESSION TREND HURTS SICK, INSURERS

(By Victor Cohn)

In a sudden reversal of the trend of the last 25 years, hospital beds in many cities across the country are now empty—costing the government and health insurers millions of dollars.

Recession, unemployment and the lapsed health insurance policies of the jobless are mainly responsible for the development.

Hospital overbuilding in many places and drastically changing ways of medical care are also part of the picture. Federal pressure to get or keep patients out of expensive beds has been increasingly heavy. Such action is believed essential to hold down runaway Medicare and Medicaid costs and prepare for broad national health insurance.

Hospitals in Boston, San Francisco, Los Angeles, Minneapolis, Seattle and Denver—and to some extent Washington—are among those most affected.

On an average day in 1970, 186,560 U.S. hospital beds were unoccupied, 6,784 beds more per day than in 1969, according to American Hospital Association figures. More than one bed in five is now standing empty.

Because an unoccupied bed costs two-thirds as much to maintain as a full one (again by AHA calculation), the bill for these vacant beds is now running more than $10 million a day or $3.6 billion a year. The federal government and Blue Cross and other health plans pay the bulk of this sum in high rates for remaining patients.

As another result, thousands of Americans are what doctors call "walking sick," either avoiding care for lack of funds or being given care in less expensive ways. Both factors, it is felt, could build up pressure from consumers for broader health insurance, the subject of several bills now more or less stalled in congressional committees.

Demand for nurses and other hospital workers has also dropped in affected cities. Some nurses are unemployed for the first time in years, and some new graduates are having trouble finding jobs after being exhorted to "help solve the nursing shortage."

The new trend is not universal. New York, Chicago and several other cities continue to report heavy hospital use and nurse shortages.

PLANNING NEED

But the overall trend demonstrates an urgent need for stronger community hospital planning, says Robert P. Janes, director of area health planning in the Department of Health, Education and Welfare. Such planning, he adds, needs to be backed by state "certificate of need" or licensure or franchising laws, laws that forbid unneeded hospitals.

Only New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Minnesota, North Dakota, South Carolina, California and Maryland now have such laws.

Several, including Maryland's, are new ones that have hardly taken effect after years in which anyone who could raise the money could build a hospital. Selling high-interest bonds or borrowing from banks is easy in a market in which the government and insurors guarantee payment, no matter what the bill, for almost every patient.

The District of Columbia and Virginia are among jurisdictions that lack any such laws. A D.C. commercial group is now planning a 200-bed hospital in a proposed McLean Gardens development, through the Metropolitan Washington Health Facilities Planning Council calls it unneeded.

AREA RATE FALLS

Metropolitan area hospital occupancy fell from 82.4 per cent in 1969 to 81.9 in 1970. It rose slightly in Maryland hospitals in the area, but dropped by more than 2 per cent in Virginia.

Occupancy of District medical-surgical beds dropped most severely, from 86.2 to 81.4 per cent.

"We think of 85 per cent filled as a good healthy figure," said an area planning council official.

"Hospital use in this area is actually going up," he added. But increases in new beds, especially in Virginia's Fairfax County, resulted in more empty beds overall.

Nationwide, said the American Hospital Association, hospital occupancy is running around 78 per cent, the same as in 1970—down eight-tenths of one per cent from 1969. Hospital admissions are running about the same as 1970's.

But average length of stay is down from 8.3 days in 1969 to about eight. "A few-tenths of a point may not sound like a lot," said Dr. Bernard Ferber. AHA research director in Chicago. "But when that's happening in 5,859 hospitals, it affects a lot of people and money."

CALIFORNIA DROP

In California, Gov. Ronald Reagan's "Medical" (California Medicaid) cutbacks have helped reduce hospital use. In much of California, as well as Minneapolis-St. Paul, doctors' and hospitals, new "utilization review" procedures—spurred by the Medicare law and federal prodding—have been highly effective.

Many patients are now being cared for as hospital out-patients as a result, or in nursing homes, or at home as Medicare increasingly refuses to authorize "extended care."

In summer, hospital occupancy is always down. But in San Francisco in early May, more than 1,500 of some 5,600 medical-surgical beds stood empty, double 1960's figure.

Some San Francisco hospitals closed wings after occupancy dropped to 70 per cent. Mount Zion Hospital there expects a $750,000 1971 deficit.

By last April, Boston bed occupancy had been dropping for six months. "Gradually," said Charles T. Wood, director of the Massachusetts Eye and Ear Infirmary, "it began to dawn on me that it could be the recession."

Unemployment in Boston is running some 8 percent.

"When you lose your job," said Carl N. Platou, head of Minneapolis' Fairview Hospitals, "you automatically lose your health insurance. You have to look at individual subscriber policies, and they're very thin in what they cover and very expensive."

Average length of stay in Minneapolis and St. Paul hospitals is down by a full day. "Economic conditions," says the Twin Cities Hospital Association, "have caused the public to delay hospital visits whenever possible."

"After all," said another administrator, "the majority of surgery in the average hospital is elective—gall bladders, cysts, cataracts, tonsils."

In both Minnesota and Ohio, said the American Nurses' Association, there are few jobs for nurses, though on a national basis there is still huge unfilled demand.

In Seattle, hit by aerospace unemployment, individual hospital occupancies have varied from 57 to 87 percent for two years. Those that are regional centers remain crowded.

But some have gone to a four-day nurses' work week to avoid layoffs. In Renton—a Seattle suburb heavily populated by Boeing workers—a new Valley General Hospital expanded a few years ago from 90 to 250 beds. It is now averaging 130 patients daily.

"Denver, Phoenix and Albuquerque hospitals are having a tough time," a regional hospital official reported. Like reports are made by some hospitals in Cleveland and Cincinnati.

Almost everyplace, the hospitals are trying to save money by cutting equipment purchases. "But most dollars are in people," said Boston's Wood. "You have to save a lot of cotton balls to equal salaries."

THE 25TH ANNIVERSARY

In Washington, the Department of Health, Education and Welfare is about to mark the 25th anniversary of the huge federal Hill-Burton hospital building program. It has put $3.6 billion in U.S. funds into hospitals approved by state planning bodies as "needed."

Adding local contributions, this resulted in $12.6 billion in all being spent for 1,693 new hospitals with 106,000 beds, plus many more units replaced or remodeled.

"The Hill-Burton has been a great program," said one HEW official. "If we had stayed someplace near the number of hospitals it provided, we would not have one bed in five empty."

The problem was that Hill-Burton had no teeth. And other groups—local governments, nonprofit associations, profit-making firms—put $18.6 million into hospital-building to satisfy their own or doctors' or local citizenries' demands.

Some health authorities are now beginning to ask: If after 25 years only 10 states have enacted hospital franchising laws to prevent unneeded building, is it now time for the federal government to act?

NUCLEAR ARMS FOR JAPAN

Mr. BAYH. Mr. President, I am greatly disturbed by recent accounts of Secretary of Defense Laird's visit to Japan. While U.S. negotiators in Vienna explore new initiatives to limit nuclear arms, Defense Department officials have apparently been busy proposing an expansion of Japanese military power that they have hinted might well include the acquisition of nuclear weapons.

The suggestion of a Japanese nuclear capability made, presumably at Secretary Laird's behest, clashes directly with Japan's deeply held national credo, born of the horrible experience of Hiroshima and Nagasaki, that she should and will abjure all nuclear armament.

The proposal brings the United States into direct conflict with the Sato government and its policy of complete and total abstinence in the nuclear field. It could cause increased unrest within Japan and new demonstrations of violent

anti-Americanism. It could complicate the delicate Okinawa transition, exacerbate already difficult trade, and finance issues and embarrass the newly reorganized Sato cabinet.

Furthermore, there is deep concern among Japan's Asian neighbors about the possibility of future Japanese domination—economic and otherwise. They have felt the effects of Japanese militarism in the too-recent past to view with equanimity the prospect of Japan fully remilitarized—and armed with nuclear weapons. Surely, if we genuinely seek a stable and developed Asia, and envision as essential constructive Japanese leadership, it makes little sense to stimulate the fears and suspicions that will hamper that development.

I am concerned, too, about the impact that the publicizing of such ideas could have on our relations with Peking, just at a time when increasing contacts indicate the possibility for some improvement.

In addition there is the effect of this irresponsible suggestion on the Nonproliferation Treaty. Our encouragement of Japanese nuclear armament would gravely damage our efforts to persuade the Indians or the Pakistanis, the Egyptians or the Israelis—and others—to abjure nuclear aspirations.

Beyond that there is the real possibility that a Japanese nuclear arsenal would reawaken and create a precedent for atomic weapons in the Federal Republic of Germany. Given Soviet fears of German "revanchism," this could seriously endanger the future of the SALT talks.

For more than 10 years now we have pursued the elusive goal of arms limitation. Each agreement, each link in this painfully forged chain of progress, has provided the basis for subsequent discussion. To show so little regard for the Nonproliferation Treaty as the suggestion in Tokyo does could undermine the fragile foundation of the Helsinki talks and blight the chances of further arms limitation.

Mr. President, I ask unanimous consent to have printed in the RECORD several articles pertinent to my comments.

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

LAIRD, JAPANESE OFFICIAL MEET ON ASIAN SECURITY

(By Selig S. Harrison)

TOKYO, July 5.—Defense Secretary Melvin Laird conferred with retiring Defense chief Yasuhiro Nakasone today in the first of a week-long series of meetings here on Japanese-American military cooperation in Asia.

Laird reportedly expressed the general hope that Japan "would do more" to assist in strengthening Asian security but avoided specific suggestions in his 65-minute exchange with Nakasone on the defense chief's last day in office.

Nakasone relinquished his post in a cabinet reshuffle today and was named chairman of the executive board of the ruling Democratic Party.

Defense officials here are acutely sensitive to the view often expressed in the Pentagon that Japan should make some form of contribution to Asian security commensurate with its new economic strength and thus help reduce U.S. military outlays in the region.

When Nakasone visited Washington, these officials state, Laird stressed that it would not be enough for Japan to assume increasing responsibility for its own conventional defense as presently planned and to give economic aid to developing countries in Asia.

Nakasone responded that the Japanese government is constitutionally barred from sending troops abroad and still faces strong public opposition to the export of weaponry as a result of the pacifist legacy left by World War II.

The exchange reportedly ended with vague references to the possibility of "indirect military aid" as a compromise approach, and this was regarded as the point of departure for the meetings this week.

Defense officials underline the pledge made by Prime Minister Sato to the Diet (parliament) that Japan would not export arms to countries engaged in military combat. They point to a variety of ways in which indirect military assistance might be given.

ECONOMIC AID

One would be economic aid implicitly provided in order to free other funds for defense spending. Another would be the sale of trucks or hydrofoil boats on easy credit for nominally civilian uses without asking whether the trucks are intended for transfer to the armed forces, or whether the boats will be turned over to the Navy for use as torpedo boats and equipped with guns purchased elsewhere.

Both of these methods would be politically easier to handle here than any aid given directly to a military agency or a police establishment.

But assistance to police forces in the name of "internal security" or "social stabilization" is viewed as a realistic political possibility within the next year or two by defense officials. This could include communications equipment, helicopters and vehicles, but not weaponry.

The most substantial request to Japan for economic aid obviously intended to underwrite military expenditures has come recently from South Korea.

When Sato visited Seoul for the inauguration of President Chung Hee Park last week, Park asked for a new $300-million loan over and above $160 million already promised and $80 million in commercial credits for a new Seoul subway system just announced.

KOREAN FORCES

Japanese leaders view the new Korean request against the background of emerging U.S. efforts to get the Koreans to pay for the maintenance of their defense forces out of their own budget rather than through U.S. military aid.

The Japanese appear cool to the request and are nervously watching to see whether Laird puts in a word for Seoul.

An illustration of the sensitivity of military aid for the Japanese government can be seen in a hush-hush program undertaken partly at the behest of the United States to help Indonesia get spare parts on easy terms for military equipment supplied by the Soviet Union during the Sukarno regime.

Rather than use official aid credits of reportedly arranged for the parts to be made by Mitsubishi Heavy Industries Nippon Seiko and other companies on special order and routed indirectly to Indonesia through intermediary U.S. firms, with payment on a barter basis in the form of industrial raw materials.

Should the Indonesian issue arise in the Diet, defense officials are expected to reply that is all strictly commercial and that only "parts" such as blades and bolts have been made in Japan as distinct from "components" such as propellers and engines. The distinction as viewed here lies in the fact that components might have clearly identifiable military uses while parts could be for a variety of purposes.

URANIUM MANUFACTURE

It is understood that Nakasone did not raise the controversial issue of U.S. help in the manufacture of enriched uranium here during his meeting with Laird today.

The uranium issue dominated Nakasone's visit to Washington but has temporarily subsided as a result of Japanese negotiations with Australia and Canada looking to a joint uranium enrichment facility in one of the two countries.

The proposed joint facility could receive U.S. technical help and would involve less security problems in the protection of secret technology than would be the case in a venture solely controlled by Japan or any other single country.

Laird is scheduled to meet Prime Minister Sato and newly named Foreign Minister Takeo Fukuda on Friday. A two-hour working session followed by lunch has also been planned for Saturday with new defense chief Keikichi Masuhara.

Sato rescheduled the cabinet reshuffle, originally set for July 20 at the time Laird's visit was first planned, to coincide with an astrologically favorable "Taian" or "lucky day" on the lunar calendar. Laird is visiting Japan in response to an invitation extended when Nakasone came to Washington last September.

Laird is scheduled to inspect a dress parade of the only fully mechanized division of the Japanese ground self-defense forces Tuesday in Hokkaido. On Thursday, he will watch jet acrobatics at the Hamamatsu Air Base, followed by dinner at a geisha restaurant in Kyoto's elegant Gion district.

With a grand total of 20 in the touring U.S. party including six wives, the total cost of the dinner at 20,000 yen ($55) per head is estimated to exceed $1100.

A-ARMS FORESEEN FOR JAPAN; SHIFT LINKED TO DIMINISHED AMERICAN ROLE

(By Selig S. Harrison)

TOKYO, July 7.—Chinese missile progress and constraints on the U.S. nuclear posture resulting from arms control agreements with Moscow might lead Japan to deploy defensive nuclear weapons in the early 1980s, American officials predicted here today.

Discussing the current visit of Defense Secretary Melvin R. Laird, officials said that forthcoming talks between Laird and Japanese leaders would touch on the possible impact of the current U.S.-Soviet strategic arms limitation negotiations on Japanese and American military planning in Asia.

Since Peking is not a party to those talks, these sources pointed out, a Moscow-Washington agreement would leave a non-nuclear Japan exposed to a growing Chinese nuclear capability while at the same time permitting a reduction in anti-Soviet U.S. nuclear deployments.

Laird reportedly believes that the indefinite continuance of the U.S. nuclear umbrella in its present form could not necessarily be taken for granted by Japan under such circumstances.

In addition to the possibility that curbs on the U.S. nuclear posture might be directly built into an agreement with the Russians, this view holds, the U.S. will not feel threatened by Peking for several decades and might thus be unwilling to continue bearing the costs of nuclear deterrence in the Pacific alone.

Officials speculated that Japan might de-

cide to develop shipborne antiballistic missiles in the early 1980s as a supplement to U.S. nuclear protection.

It was not clear whether Laird had discussed the impact of the arms limitation talks in his initial meeting here Monday with retiring Defense Minister Yasuhiro Nakasone. The Nakasone meeting coincided with a cabinet reshuffle and a more intensive working session has been scheduled with newly appointed defense chief Keikichi Masuhara Saturday. Laird will meet Prime Minister Sato and Foreign Minister Takeo Fukuda Friday.

Officials of the Bureau of International Security Affairs in the Pentagon are accompanying the secretary and are holding parallel talks with Japanese defense planners.

Sources conversant with his thinking said that Laird sees a direct meaning for Japan in continuing U.S.-Soviet exploration of restrictions on military aid. Should the arms talks result in restraints on the provision of military equipment to smaller powers, these officials declared, the United States would look to Tokyo to fill a role in Asia currently assumed by Washington as a central element in the Nixon doctrine.

It is understood that Laird is resisting Japanese pressures to set up public verification procedure demontrating the removal of nuclear weapons from Okinawa at the time of the reversion of the island. Newspapers and opposition leaders are demanding that the government insist on some form of verification, and outgoing defense chief Nakasone assured the Diet (Parliament) in March that the Japanese self-defense forces would ask the United States for the right to inspect nuclear removal operations. But American officials said that Laird would stress the need to keep potential enemies guessing on the whereabouts of nuclear weapons as essential to deterrence.

He also reportedly emphasizes that the Japanese public should recognize the need for nuclear-powered and nuclear-equipped U.S. ships and submarines to use Japanese ports.

Informed sources said that Laird devoted much of his session with Nakasone to an explanation of his "total force" strategy, a concept in which the forces of the United States and its allies are viewed as a consolidated whole. While he did not question Japan's fourth defense plan, ending in 1976, Laird reportedly suggested in general terms that Japan should "do more" and implied that the fifth plan might go beyond the presently contemplated ceiling fixing one per cent of gross national product as the maximum to be spent on defense.

With the seventh fleet facing future cutbacks as a result of rocketing costs, officials suggested, Japan might contribute to Asian security through its shipbuilding. But it was not clear whether Laird favors an enlargement of the Japanese maritime self-defense forces to cover reductions in the 7th Fleet or is more anxious as a short-term objective to see Japanese shipyards build military vessels for Asian neighbors such as the Koreans.

JAPAN'S NEW FOREIGN CHIEF STRESSES U.S. TIE

(By Takashi Oka)

TOKYO, July 8.—Takeo Fukuda, Japan's new Foreign Minister, said today that the adjustment of economic relations with the United States was the most urgent problem the Japanese Government faced in the next six months.

Japan must take speedy * * * base her relations with the United States on "mutual benefit and equality," the Foreign Minister said. Otherwise, there is great danger that "a fissure will develop between the Japanese and American people, a fissure that could have tragic consequences not only for our two countries but for the entire free world," he declared.

The 66-year-old Mr. Fukuda, formerly the Finance Minister, was named Foreign Minister three days ago when Premier Eisaku Sato carried out an extensive reorganization of his conservative Government and the leadership of the Liberal-Democratic party. Mr. Fukuda is a close associate of the 70-year-old Premier and a leading contender to succeed him when his current, and avowedly final, term ends in October, 1972.

Among the measures Mr. Fukuda said he was contemplating are a final solution of the textile dispute between Japan and the United States and a significant Japanese gesture such as liberalizing the import of computers and opening the domestic computer industry to foreign investment.

STEPS DEBATED AMONG OFFICIALS

Both proposed steps have been subjects of debate within the Government for months. However, until now, no minister has suggested either the opening up of the Japanese market to foreign computers or going beyond the "voluntary self-restraints" the Japanese textile industry has been imposing on exports to the United States since July 1.

Mr. Fukuda, who is about to undergo an operation for the removal of a gallstone, received this reporter at 7:45 A.M. at his comfortable Japanese-style home in the western suburbs of Tokyo. Twenty pairs of shoes were lined up in his entrance hall and a former cabinet minister was being ushered out.

"I must have had 50 visitors so far this morning," Mr. Fukuda said jovially. "I keep an open-door policy."

In Japan, a politician's status can be measured by the number of shoes in his entrance hall in the early hours of the morning—the only time he is usually free to receive visitors before starting his daily rounds.

ACCORD ON SECURITY SEEN

The basic facts of the Japanese-American relationship, as Mr. Fukuda sees them, are as follows:

There is no clash between the United States and Japan in the most important area of their relationship—security. The forthcoming return of Okinawa to Japanese rule is the best symbol of Japanese-American friendship in this area.

But there is sharp disagreement, in the economic field, with textiles the major example. The disagreement, at this point, is mainly between financial and political circles on both sides—legislators and businessmen. But if it is allowed to continue, this could engage the national feelings of both Americans and Japanese, at which point the dispute could begin to affect the two countries' security relationship as well.

It is urgently necessary for Japan to adjust her economic relations with the United States before national feelings reach such an explosive stage, Mr. Fukuda declared.

At present, Japan continues to pump exports into the American market at a steadily rising rate, while restricting American exports to Japan, both of capital and of goods. Almost every Japanese businessman or official who has recently gone to the United States has come back telling the same story: that American political and economic circles are extremely irritated over what they regard as the unfairness of Japan's position.

On June 4, the former Sato Cabinet announced an eight-point program to deal with complaints coming in about Japanese practices, not only from the United States but from many other countries.

The program called for easing of restrictions on imports, specially reduced tariffs for imports from developing countries, tariff cuts, liberalization of foreign capital investment in Japan, removal of nontariff barriers, increased economic aid to underdeveloped countries, orderly marketing of exports abroad and flexible manipulation of fiscal and monetary policies to stimulate domestic demand.

"The Americans said, in effect: 'You have a fine program. But what we want is action.' I agree with them, and action is what we are going to have," Mr. Fukuda said.

As many of the eight points as possible will be carried out during July and August, while others that require legislative action will be submitted to the Diet (Parliament) this fall. Mr. Fukuda looks upon the annual Cabinet-level consultations with United States officials, scheduled for Washington in September, as a good occasion on which to tell his American colleagues about progress already made and further steps to follow.

Specifically, on textiles, Mr. Fukuda said he did not regard Japan's long dispute with the United States as having been resolved by the Japanese industry's recent imposition of "voluntary self-restraints." He thus is the first Japanese minister to assert that he contemplated steps going beyond "self-restraints" as a means of settling the issue, which is basically one of curbing Japanese exports at a time when the American textile industry is in deep economic difficulties.

Mr. Fukuda would not commit himself to seeking a Government-to-Government agreement, which is what Washington desires, saying this was a matter of method and detail to be worked out. But he expressed hoped that within two months at least the outline of a settlement could emerge.

One area where Japan should not hesitate to speak out, Mr. Fukuda said, is that of defense. "Our Constitution allows us to concentrate exclusively on our own self-defense," he declared. "Therefore we cannot contribute to world peace in the area of military power. The United States must recognize this fact."

JAPAN SAYS LAIRD PLEDGES ARMS AID; PROMISE OF HELP TO IMPROVE OUTDATED EQUIPMENT FOR FORCES IS REPORTED

(By Takashi Oka)

TOKYO, July 10.—A Japanese Defense Agency spokesman said today that Defense Secretary Melvin R. Laird had pledged to help the Japanese improve their military equipment.

The pledge reportely came when Mr. Laird met with Keikichi Masuhara, the new Japanese minister in charge of the agency.

Mr. Laird was said to have promised to effectively maintain the securtiy treaty system under which the United States helps with Japan's defense and Japan permits United States bases on her territory.

The Defense Secretary also pledged to work for approval in the United States Senate of the agreement to return the Ryukyu Islands to Japanese rule some time next year. Mr. Laird made a similar pledge to Premier Eisaku Sato yesterday.

During his visit to Self-Defense Force units, the Secretary is reported to have been struck by the use of outdated equipment.

Much of this equipment was originally supplied by the United States. As the equipment became older, the Japanese replaced it, not with American war goods, but with equipment of their own development and design.

Some defense experts in this country charged that in so doing, the Self-Defense Force sacrificed the efficiency and economy of buying proven equipment abroad, for the sake of developing a more advanced Japanese technology.

Mr. Laird has not entered openly into this controversy. But observers here note that for years the Finance Ministry has resisted Defense Agency efforts to increase the proportion of homemade equipment on the ground that it would be cheaper to buy tested equipment from abroad.

The Secretary of Defense leaves tomorrow for South Korea after eight days in Japan.

CONTROVERSIES AVOIDED

Mr. Laird's meetings with Mr. Masuhara today and with Mr. Sato yesterday were described as cordial. Both the Secretary and his Japanese hosts seem anxious to avoid such controversial subjects as the possible acquisition of nuclear weapons by Japan. Earlier, a member of Mr. Laird's party had intimated that American defense planners were not averse to seeing Japan "go nuclear" in the late nineteen-seventies or early nineteen-eighties. The statement was made during a briefing described as an expression of Mr. Laird's own views.

News reports of the briefing caused a furor in this country, where the Government's declared policy is neither to possess nuclear weapons, made them or allow them into the country.

The United States State Department issued a statement following the news reports that it knew "of no responsible body of opinion in Japan or the United States that advocates possession of nuclear weapons by Japan or foresees such a necessity or possibility."

This uproar over what Japan might or might not do has obscured what is of more immediate interest to Japanese and American defense planners: the quality of the Japanese Self-Defense Force and its 260,000 men in land, sea, and air force. Under Japan's constitution, the Self-Defense Force cannot serve overseas, nor can it acquire purely offensive weapons. The political reality in Japan is such that these restrictions are unlikely to be removed soon.

WORKING WITHIN FRAMEWORK

Therefore, some defense planners of both nations believe it is more fruitful for the United States to seek maximum effectiveness of the Self-Defense Force within its present framework.

It is impractical, for instance, the planners believe, for Japan to think in terms of replacing the United States Seventh Fleet—task forces grouped around carriers and including one-third of a battle-ready Marine division at sea.

But limited submarine activity, such as defense, a function of the fleet, is already being carried out by the Japanese without violating their Constitution. Any strengthening of the Japanese antisubmarine role would be the kind of military burden sharing the Nixon doctrine calls for, at least in this one area.

Japan has begun to develop fixed underwater electronic submarine detection devices and an airborne early warning system also is planned.

Both systems rely exclusively on Japanese technology. For the airborne system, for instance, $33-million is budgeted for research and development over five years. Some experts see this as a waste of money, considering that the best such system could be obtained from the United States.

LAIRD IN THE CHINA SHOP

(By Joseph Kraft)

The Nixon Administration is rightly proud of the way it has managed the approach to better relations with China. But Secretary of Defense Melvin Laird seems not to have been let in on the secret.

In Tokyo the other day he casually played bull in the Japan shop with an issue that could undo all the careful preparatory work done by the administration so far. That issue, the key to American relations with China, is the issue of nuclear weapons for Japan.

So far the administration has concentrated on two aspects of improved relations with mainland China. One concerns the issue of Chinese representation at the United Nations.

At his press conference on June 7, President Nixon observed that "a significant change has taken place at the United Nations on the issue of the admission of mainland China."

That statement sounds innocuous. It says nothing about a one-China policy or a two-China policy or anything of the sort. But it announces that the administration is prepared to adjust its own position to the prevailing consensus at the U.N. It opens up the avenue to a one-China policy, or a two-China policy, or whatever else Mr. Nixon feels is sensible.

The second approach to Peking has been on bilateral relations. There has been a steady dismantling of restrictions on trade, travel and cultural exchange. That progress toward normalization can continue for a long time to come.

The feature common to both approaches is gradualism. As he moves forward, the President can get the feel of public opinion in this country, and reaction in China and the rest of the world, including the Soviet Union. And he can vary the pace of what he does as these various factors dictate.

But this cautious approach, while basically sound, has as a necessary difficulty that it does not offer much to Peking. The Chinese know that on both international representation and bilateral relations they have time on their side. Eventually, they are going to get both and there is no need to pay a price now—the more so as neither international representation nor trade with the United States is apt to be all that important to Peking.

What really does matter to the Chinese now is the threat of Japan, and particularly the threat of a nuclear Japan. Judging by Peking's recent comment, Tokyo has replaced Washington as the big bad wolf of international relations.

Richard Moorsteen and Morton Abramowitz point out in their study, "Remaking China Policy," that "Japanese rearmament, including Japanese nuclear acquisition, has shot upward in Peking's publicly expressed concerns."

They cite among other things an editorial in the Peking Review charging that "Japanese militarism aims at nuclear threat and nuclear blackmail."

In these circumstances, the eventual point of harmony between this country and China lies in the nuclear field. Specifically, there is a joint interest in not having Japan go nuclear. At some point down the road, Washington will want to link good relations with China to a non-nuclear Japan whose defense is underwritten by the American deterrent.

But all this seems to have been lost on Secretary Laird. During a visit to Tokyo last week he left Japanese officials with the clear impression that the United States expected them to play a much larger role in their own defense. As part of that role, he indicated that Washington, in flat defiance of this country's commitment to the nonproliferation treaty, did not mind if Tokyo developed nuclear weapons.

Mr. Laird's gaffe can, of course, be undone. As Ambassador Nobuhiko Ushiba pointed out in a remarkable speech Friday night, a nuclear Japan is "neither probable nor practical." But undoing the damage is not so easy.

Mr. Laird has set in motion in Japanese politics currents very difficult to arrest—especially now that Japanese-American relations are already aggravated by conflicts of economic interest. He has built suspicions in Peking that will be also hard to dissipate.

These troubles are all unnecessary. But they suggest the urgent need for bringing the Secretary of Defense into the delicate policy Mr. Nixon is trying, so rightly, to follow.

LAIRD CONFUSES JAPAN ON A-ARMS ISSUE

(By Selig S. Harrison)

TOKYO, July 13.—Defense Secretary Melvin R. Laird's studied ambiguity on the issue of nuclear weapons for Japan during his recent visit here has left behind a trail of confusion, uneasiness and agitated debate concerning his possible motives.

When a Japanese reporter asked how the United States would react if Japan developed tactical nuclear weapons, Laird suggested at his farewell news conference that Japanese defense planners should give "higher priority" to upgrading conventional military capabilities, adding that "President Nixon and our government will continue to provide the nuclear umbrella."

The secretary coupled this response with an assurance that he sees "no role for Japan as far as the nuclear deterrent is concerned during the periods of the 1970s and beyond." But he spoke of the issue casually as one of "priorities" three times in the course of his reply, and the inference drawn by most Japanese observers was that he does not necessarily rule out the future desirability or inevitability of nuclear arms after the conventional buildup now programmed here has been completed in 1980.

What Laird said with cautious indirection in the open forum of a press conference confirmed the worst Japanese fears generated by more direct statements coming out of an earlier background briefing given by U.S. defense planners authorized to discuss the secretary's thinking.

The principal spokesman at this briefing pointed to a series of developments which might lead Japan to deploy defensive nuclear weapons in the early 1980s—possibly "ABMs (antiballistic missiles) on ships," he said, since a country with Japan's population density would be doomed if enemy missiles ever came close to the big population centers.

The most critical development pushing Japan toward the nuclear option, it was suggested, would be a U.S.-Soviet agreement in the strategic arms limitation talks resulting in a reduced U.S. nuclear posture in the Pacific.

Peking is not taking part in the negotiations and would still be free to develop its missile strength unchecked.

This would pose a growing threat to Japan at a time when the intercontinental ballistic missile threat to the United States from Peking would still be "decades" away, and when the United States would feel less directly endangered than ever before by Moscow.

Even if the strategic arms talks did not have a direct impact on the U.S. nuclear presence in the Pacific, the spokesman reasoned, Washington might be increasingly unwilling to bear the costs of maintaining the nuclear deterrent alone. No longer would Japan be an indirect beneficiary of an anti-Soviet strategic posture that the United States maintained basically for its own sake.

CHANGED SETTING

In this changed strategic setting, Tokyo could choose to acknowledge its new position as the immediate beneficiary of the deterrent and actively help the United States to maintain it. Or Japan might begin to worry about U.S. reliability and decide instead to develop its own defensive nuclear weapons as a supplement to the U.S. strategic umbrella.

The point of it all was not so much that the United States should directly encourage Japan to go nuclear, but rather that the Japanese should begin to pay a greater price for U.S. nuclear protection. By implying that the U.S. nuclear shield can no longer be taken for granted and that the United States is not afraid to see Japan go nuclear, Laird apparently hoped to change the bidding in the overall bargaining relationship between the two countries.

Laird astonished the Japanese press and delighted hawkish elements in the military here with an uncompromising refusal to permit a public verification procedure demonstrating the removal of nuclear weapons from Okinawa.

He seemed impatient on finding that the

"nuclear allergy" is still dominant here 25 years after Hiroshima but did not let this deter him from asking for free access by nuclear-armed and nuclear-powered U.S. ships, submarines and aircraft as a logical corollary to receiving U.S. nuclear protection.

MOTHER PORT

It is understood that Laird also asked for semipermanent arrangements permitting the 7th Fleet to make Japan a "mother-port" as a way for Tokyo to help support the nuclear deterent and the U.S. naval presence in a more general sense. At present, U.S. vessels, including aircraft carriers with nuclear-capable aircraft, operate out of the huge San Diego, Calif., naval station as home base, using Yokosuka and Sasebo in Japan only for port calls and repairs.

One of the most interesting items on Laird's agenda here was a proposal for the reversal of an earlier decision to return Yokosuka and, more importantly, for the establishment of a major residential complex for the wives and children of naval personnel on Okinawa. This would be a political hot potato for the Japanese government but was urged by Laird as a way to save substantial sums on steaming costs back and forth between San Diego and the western Pacific.

The timing of the controversial nuclear briefing on the day before the scheduled opening of the strategic arms talks has led to a widespread suspicion that the real motive behind the exercise may have been a desire to influence the Helsinki talks by projecting the specter of a nuclear Japan. Whether or not this is justified, it is clear that the settlement currently proposed by the Soviet Union in Europe could eventually have an impact on the U.S. nuclear posture in the Pacific and thus on Japanese nuclear plans.

BAN SOUGHT

Moscow wants tactical nuclear weapons in western Europe capable of reaching Soviet territory to be banned, along with intercontinental missiles, as one of the preconditions of a strategic arms agreement.

Should the United States ever agree to this, some Japanese and U.S. officials argue, Moscow and Peking could point to this as a precedent for demanding a pullback of U.S. nuclear weapons in the Pacific for a comparable distance from their shores.

This could lead to pressures for the withdrawal of nuclear bombs for use by carrier-based aircraft from storage vessels in the western Pacific, and it could make it all but impossible, politically speaking, for nuclear-armed ships, submarines or aircraft to call at Japanese ports.

In assessing the weight of accident and design in the Laird visit, it is instructive to recall the secretary's long preoccupation with the role of nuclear weapons in the hands of U.S. allies as an essential element in the U.S. strategy. Laird's 1962 book, "America's Strategy Gap,"' advocated "defensive nuclear weapons with proper controls" for NATO partners, citing approvingly a statement that "military establishments which do not have nuclear weapons are little more than oversized gendarmeries."

REFERENCE NOTED

Japanese readers have been quick to note the reference to "proper controls," implying a two-key arrangement, as well as another passage made in the NATO context with a striking applicability to the current Japan-U.S. dialogue initiated by Laird. "The nuclear deterrent in the hands of the allied powers would be a great help to us," Laird wrote, "since it would provide us with a bargaining vehicle for insisting, in turn, that they meet their conventional force requirements."

The alarmed antinuclear forces here see the Laird visit as renewed proof of collusion between Japanese and American hawks and as a partial vindication of the Chinese propaganda line warning of the revival of Japanese militarism.

"Smoke does not arise when there is no fire whatsoever," said the newspaper Asahi in a comment on the State Department disclaimer issued following the briefing here.

Yomiuri recalled the Defense Agency white paper last October arguing that "small-scale, tactical, purely defensive nuclear weapons" would be legally permissible under the U.S. imposed "no war" constitution.

"These press reports are trial balloons intended for American and Japanese public opinion," Yomiuri observed.

EFFECTIVE FIREARMS CONTROL

Mr. KENNEDY. Mr. President, I recommend to the attention of the Senate two separately prepared treatments on the subject of effective firearms control.

The first presentation is entitled "The Failure of Federal Gun Controls." It was written by Carl Bakal and appears in the current—July 3—issue of the Saturday Review.

Anne Lapidus Lerner is the author of the second treatment that appeared in the New York Times on Monday, July 5. Under the startling headline "Make Mine Semiautomatic," Anne Lerner brilliantly satirizes what could become our real-life approach to the increasing surge for more guns to defend ourselves from all those other folks who have guns. While Bakal, who also authored the expert documentary "No Right To Bear Arms," tells the sad and shameful litany of the loopholes in our current firearms laws—Anne Lerner's treatise should jolt every reasoning American into a full realization of where we will all end up if we persist in the giddiness of the gun mystique. At that point, human rights will be granted through the muzzle of a gun barrel. And personal freedoms will be guaranteed not by the blessings of the Constitution, but by the fastest gun.

I was impressed with Carl Bakal's expression of our failure to implement effective controls. He clearly sees that existing statutes on firearms exist, not to control crime or to resist the abuse of guns—but, rather, existing laws play on the national lipservice to needed controls, while actually avoiding the provision of effective controls or screening to prevent high risk users from gaining access to weapons use. Thus, although the letter of the law—the 1968 Gun Control Act—prohibits the mail order sale of guns of all types, including cheap handguns, there are no Federal restrictions on gun shipments between licensed dealers in different States. So, as Bakal properly points out, a person who lives in one State and wishes to buy a gun available in another State can order it through a federally licensed dealer in his home State. The dealer who has the gun then sends it to the dealer in the purchaser's State of residence. The purchaser can then pick up the gun from the dealer in his home State. Loopholes like this one enforce the adamancy of gun control critics who believe gun laws would not halt gun crimes. To that phrase, I submit that "weak and insincere" laws will not halt gun crimes. What is needed is meaningful legislation that is realistically designed to screen potential licensees and deny gun possession to high risk persons. At the same time, procedures must provide for testing and monitoring the proficiency of the shooter's ability. If you do not prove to be a high risk to society and you can thoroughly prove your proficiency with weapons, there is no reason to deny you a gun. But, the reason why Mr. Bakal calls us to task is simply that this Nation has not yet made the commitment to end our bloody firearms assault upon our fellow Americans.

Anne Lerner reminds us that unless we do enact effective controls, every citizen will find that his firearm is more vital than his automobile.

Before we fall to that level, I expect, Mr. President, that we can resurrect with a thread of sanity, some of the rising demands for adequate firearms protection from ourselves.

I ask unanimous consent that the article be printed in the RECORD.

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

THE FAILURE OF FEDERAL GUN CONTROL

(By Carl Bakal)

In the wake of the assassinations of Martin Luther King and Robert F. Kennedy, Congress enacted the Gun Control Act of 1968 to "provide for better control of the interstate traffic in firearms." Signed by President Lyndon B. Johnson on October 22, 1968, and dated to take effect on December 16, the landmark measure was the first federal gun control legislation of any consequence passed in three decades.

The new law virtually bans the interstate and mail-order shipment of firearms to individuals and forbids over-the-counter gun sales to minors. It also prohibits the possession of guns by convicted criminals and certain undesirables, and bars the importation of those cheap, concealable foreign handguns responsible for so much murder and mayhem in this country.

Yet, it is scarcely more difficult to get a gun today than it was before the new law went into effect two and a half years ago. Almost anyone—even a murderer, a madman, an addict, an alcoholic, or another potential assassin—can still easily buy some sort of gun, including a $265.85 Remington deer rifle of the type used to kill the Reverend Dr. King and a $6 Iver Johnson pistol like the one involved in the murder of Senator Kennedy.

In fact, during recent years, there has been a sharp increase in the sale of guns and particularly handguns, which, though comprising only about a quarter of the roughly ninety million privately owned firearms thought to be in this country (some authorities put the figure as high as 200 million), now account for half of all our homicides and three-quarters of all firearms homicides. Whereas the annual sale of shotguns and rifles has doubled since 1963, the sale of handguns, few of which are usable for sporting purposes, has quadrupled, according to the National Commission on the Causes and Prevention of Violence, which notes that drastic increases in gun purchases occur in areas that have experienced civil disorders. With twenty-four million handguns already in private hands, an additional two and a half million are being manufactured domestically or imported every year. Today, one new handgun is sold in the United States every thirteen seconds, and used handguns are being traded at the rate of more than two a minute.

In Dallas, gun dealers say their handgun sales have more than doubled since the Gun Control Act of 1968 went into effect. "Before the gun law was passed, we were selling seventy-five to one hundred guns a month," says one dealer. "Now we average two hundred and fifty to three hundred sales a

month." And Dallas District Attorney Henry Wade says, "If the gun law is having any effect, I can't tell what it is."

"I don't think that the gun law has cut down the availability any," says Jamie Moore, chief of police in Birmingham, Alabama, a state in which one dealer alone reported that his sales had tripled during the first six months the law was in effect.

Inevitably, crimes committed with guns across the nation have also shown a sharp increase. Armed robbery with guns increased from 99,000 in 1968 to 115,000 in 1969; aggravated assaults by gun increased from 65,000 to 73,000 and murder by gun from 8,900 to 9,400. Coincidentally, our 9,400 firearms homicides in 1969 equaled exactly the number of Americans killed in combat in Vietnam that year. When you add the nearly 3,000 annual domestic fatal victims of firearms accidents and the 10,500 gun suicides here the total of our annual home-front firearms fatalities now amounts to 23,000—or, in a *single* year, more than one-half of all the combat deaths the U.S. military has suffered during our entire decade in Vietnam.

What is the reason for all this? What has happened to the law that was supposed to curtail this growing glut of guns and to "provide support to federal, state, and local law enforcement officials in their fight against crime and violence"?

The fact is that the Gun Control Act of 1968, although well-intended and widely heralded as a major step forward, is a sadly inadequate compromise law, one riddled with as many holes as a marksman's target. For example, a provision of the act did indeed stop the importation of the snubnosed pistols and revolvers known as "Saturday night specials"—cheap, concealable guns of the kind that no sportsman and few police officers would want. Retailing for anywhere from $30 to $15 or even less, they had been coming into the United States (largely from West Germany, Italy, and Spain) at the rate of 750,000 a year, and were a favorite of the criminal, being used in no less than 50 per cent of all crimes involving guns, according to the National Commission on Violence.

However, the new law, while banning the importation of these guns, did not prohibit the importation of their *parts*. Hence, thanks to Yankee ingenuity, a quaint new "cottage industry" has sprung up in this country. Enterprising former importers have been assembling Saturday night specials here using parts from abroad and cheap local labor—in Miami, Cuban refugees are paid about $1.90 an hour—working in makeshift factories such as converted garages and even a church. In addition, some domestic manufacturers are producing these cheap handguns from parts made exclusively in the United States. As a result, total domestic production of these guns during 1970 was estimated to be about one million—or far more than the annual flow of foreign guns that the 1968 law was supposed to stop.

In any number of specialized gun magazines or newspapers sold by subscription or on newsstands you can see mail-order advertisements for these guns, which therefore soon find their way to almost every part of our country.

But doesn't the Gun Control Act prohibit the interstate mail-order sale of these and other guns? Yes, an individual on his own cannot purchase or sell a gun across state lines. But there are no federal restrictions on gun shipments between licensed *dealers* in different states. Hence, if a person who lives in one state wishes to buy a gun available in another state, he can place an order for it through a federally licensed dealer in his home state. The dealer who has the gun then sends it to the dealer in the purchaser's state of residence. The purchaser can then pick up the gun from the dealer in his home state.

Under the act, any resident of a state can purchase a gun anywhere in his state provided he meets specified minimum age requirements (twenty-one for handguns and eighteen for long guns) and is not under indictment or has not been convicted of a crime punishable by more than a year's imprisonment. Nor can he be a fugitive from justice, a narcotics addict or unlawful user of drugs, an adjudged or committed mental incompetent, or anyone else otherwise disqualified from gun ownership by state or local law. However, the federal law provides no foolproof way for gun dealers to check on the background of a would-be purchaser or, for that matter, even to determine whether the person they are selling to is just who he says he is. A driver's license is usually considered sufficient identification to establish a person's name, address, and age. And so, any proscribed person can easily get a gun, as well as ammunition for it by presenting false credentials or by simply lying. Another gaping loophole in the 1968 law is that any legal purchaser of a gun can, with virtually no risk of federal prosecution, resell or give it in his own state to virtually any other individual—a friend, a neighbor, even a total stranger, no matter how unsavory his background.

Aren't there state laws to screen out such persons? Unfortunately, most state gun laws are inadequate, nonexistent, or unenforceable. No states have any licensing laws that really restrict the purchase and possession of rifles or shotguns, and few states have any meaningful laws that apply to handguns. In fact, eight states have no law against felons buying firearms, and in thirty-five states lunatics can legally own guns. The National Commission on Violence rated New York, Massachusetts, and perhaps New Jersey as the only states with restrictive handgun licensing laws that are strictly enforced. The commission also noted that of the estimated twenty-four million handguns in this country, only about three to five million were covered by records maintained by the states. Yet, the new federal law has left it largely to the states to carry the burden of dealing with the menace of the handgun.

To safeguard themselves against the shortcomings of our ineffectual federal and state laws, a number of municipalities, during the past few years, have enacted laws of their own aimed at restricting the sale of firearms and ammunition to their residents. For example, in 1965 Philadelphia passed an ordinance much stricter than the permissive Pennsylvania handgun licensing law. The tolerant state law imposed on would-be handgun purchasers only the minor inconvenience of having to wait forty-eight hours for delivery after filling out a perfunctory application form. But applicants were not required to furnish fingerprints or photographs; thus, no meaningful check could be made for a criminal record. On the other hand, under the city ordinance, those wishing to purchase any type of gun—shotguns and rifles as well as handguns—would have to apply for a police permit, furnishing fingerprints, photographs, and the firearm's serial number.

What effect has the ordinance had? From 1965 to 1969, criminal homicides in Philadelphia increased 32 per cent. However, this was far below the 47 per cent rise across the nation as a whole during the same period. Significantly, only 44 per cent of Philadelphia's murders in 1969 involved guns, slightly above the 43 per cent in 1965, whereas the average for the nation increased from 57 per cent in 1965 to 65 per cent in 1969. Perhaps even more noteworthy is the fact that during the six years the ordinance has been in effect permits have been denied to 779 persons out of a total of 27,858 would-be gun purchasers. Among the 779 prevented from purchasing guns locally have been 123 burglars, 48 robbers, 121 persons with convictions for aggravated assault and battery, 16 rapists, 7 habitual drunks, 15 narcotics addicts, 96 people with previous records for illegally carrying concealed and deadly weapons, 27 persons convicted of intent to kill—and 12 murderers.

The experience of Toledo, Ohio, has been equally dramatic. Only a few years ago, that city of 375,000 was known as the gun capital of the Midwest. Firearms of all kinds could be bought there not only at gun shops but at jewelry stores, supermarkets, and gasoline stations—with no questions asked—in contrast to the situation in Michigan, which requires a permit of sorts for the purchase of handguns. It is no wonder that the great majority of the guns used in the 1967 Detroit riots came from nearly cities in such neighboring states as Ohio; indeed, many of the guns came from Toledo, only an hour away. A 1968 survey showed that of the 13,000 handguns sold by one Toledo dealer during a nine-month period no fewer than 5,448 went to Michigan residents.

In spite of repeated appeals from Toledo officials, the Ohio Legislature for years refused to enact a law that would control the unrestricted traffic in firearms. Finally, in August 1968, the Toledo City Council enacted an ordinance of its own that had been drafted by the city's chief counsel, John J. Burkhart. Aimed especially at the Saturday night specials, the ordinance requires anyone in the city who owns or wishes to obtain a handgun to have an ID card (cost: $3). The cards, which are valid for three years, are issued to all applicants except minors under twenty-one, known fugitives, certified mental cases, narcotics addicts, habitual drunkards, and those with serious felony records.

In the twelve-month period prior to the passage of the ordinance, thirty-four murders were commited in Toledo, twenty-two of them, or 61 per cent, with handguns. Two years later, during the twelve-month period ending July 1970, the number of murders had dropped to twenty-six, fourteen of them, or 53 per cent, with handguns, this in the face of a sharp increase in the number of murders across the nation. Robberies and aggravated assaults involving handguns showed an equally dramatic drop. While crediting these decreases to all of the city's recently intensified efforts to reduce crime, Chief Counsel Burkhart, noting that half the gun outlets in town have gone out of business, observes, "The new gun law and the resultant greater unavailability of guns locally cannot help but be a big factor."

Since Louisville, Kentucky, enacted its ordinance requiring an eight-day waiting period to buy a handgun, armed robberies in that city have declined 9.5 per cent and assaults with firearms have also decreased. However, in other cities—such as Washington, D.C., New York, Chicago, San Francisco, and Miami Beach—that have also enacted firearms ordinances of various kinds during the past few years, the effect of the laws is not yet so readily apparent, for one thing, because of the absence of equally stringent laws in surrounding or other nearby jurisdictions. For example, in commenting on Washington's strict law, which requires the registration of all firearms and limits ammunition purchases only to holders of registration certificates, Chief of Police Jerry V. Wilson says, "The only effect that this ordinance has had is that it has forced people to buy firearms in the suburbs."

Evidence to this effect comes from a 1969 Senate Juvenile Delinquency Subcommittee study of 177 sales of ammunition to District of Columbia residents—by gun dealers in nearby Maryland. An FBI check showed that at least sixty-six, or 37 per cent, of the ammunition purchasers had criminal arrest records. The study showed that ammunition was sold to persons convicted of such crimes as murder, armed robbery, assault, assault

with a dangerous weapon, grand larceny, rape, and housebreaking, as well as to persons with a total of 203 arrests for misdemeanors—136 of them drunk charges.

Speaking for New York, Mayor John V. Lindsay says, "Our city is proud of its significant role in enacting firearms control legislation. But we are only one city, and the problem of gun trafficking is one that cuts across city and state boundaries." And a New York City police captain comments, "Hell, you can drive to Virginia, only two hundred and fifty miles away, and see signs in hardware shores that say 'Hand-guns for sale; no restrictions.'"

In New York City, 83 per cent of a sample of handguns confiscated by the police were found to have been acquired outside the state. Similarly, in Massachusetts, where there are also strict gun controls, a ten-year study by the state police traced 87 per cent of the guns used in crimes in that state to purchases in other states.

Even today, it is quite simple for a Toledo resident—or anyone who *says* he is a Toledo resident—to circumvent his city's ordinance. To prove this for myself, I recently visited a large shopping center just one mile outside of Toledo's city limits. On display there, in addition to the customary food, clothing, furniture, and other usual household sundries, was a showcase filled with an array of glittering handguns. I selected a Harrington & Richardson Model 622 six-shot revolver, which was priced at $32.82. Before writing up the sale, the clerk, in accordance with the requirements of the 1968 federal law, asked me to show identification establishing that I was an Ohio resident and over twenty-one. I pulled out a driver's license that I had borrowed from a Toledo friend. (It could just as well have been stolen.) The physical description on it bore no resemblance whatever to me. Had I decided to complete the transaction, I could have walked out and performed whatever mischief I wished.

Yet, it is reasonable to assume that any law, no matter how limited in scope, that prevents or makes it more difficult for dangerous or potentially dangerous persons to acquire firearms must have at least *some* effect. Belying charges, too, that gun laws are generally ineffective because criminals who want guns badly enough will go outside the law to get them anyway is the experience not only of Philadelphia but of New Jersey, which, in August 1966, enacted a unique statewide law comparable to the Philadelphia ordinance. During the first two years the New Jersey law was in effect, approximately 7 per cent of the applicants for permits were found to have criminal records. In California, in a single year, police checks of gun dealer records thwarted 806 would-be purchasers—697 of them ex-convicts, seventy-four narcotics addicts, twenty-seven aliens, and eight minors.

Every reliable study indicates that where gun control laws are most stringent, the murder rate, as well as the percentage of murders involving firearms, is lower than in areas where gun laws are weak or nonexistent and which, hence, have a greater number of guns per capita. Contrary to popular belief, New York City, despite its rising incidence of crime, actually ranked only tenth among the nation's fifteen largest metropolitan areas in 1969 in number of homicides per 100,000 population, according to FBI data. Philadelphia, also with a strict gun law, ranked eleventh, and Chicago seventh. Even the District of Columbia ranked as far down as sixth. At a rate of 9.4 violent deaths per 100,000 inhabitants, New York stood far behind Houston's 16.8, St. Louis's 14.3, Cleveland's 13.8, Baltimore's 13.4, and the 13.0 rate for Detroit—all cities with weak, if any, gun laws.

There is a similar correlation between state gun laws and homicides. New York, Massachusetts, and New Jersey, which have the strictest gun laws in the nation, are also among our most densely populated states (ranking among the top five) and have a high ethnic mix as well as other of the factors that, according to the FBI, should make for a high incidence of crime. Yet, in terms of murder rates, all three states rank fairly low, New York twenty-third in the nation. As to the percentage of murders committed by firearms, the three states are among the five lowest of our fifty states. On the other hand, Alaska, our most sparsely populated state and with no controls on the purchase of guns, has the nation's highest murder rate. Nevada, Alabama, Mississippi, Texas, Georgia, and South Carolina—all with a minimum of controls—are among the ten states with the highest murder rate and also have a relatively high percentage of murders committed with firearms. In Alaska and Texas, for example, the percentages are 71.4 and 68.7 respectively, compared to 31.8 in New York.

In spite of its shortcomings, even the federal 1968 Gun Control Act has had some salutary effects. During the first eighteen months the act was in force, the Internal Revenue Service, which polices the act, made 2,522 arrests for violations of it—more than four times the 599 arrests made during the previous eighteen months under the old and weaker federal firearms laws. Many of the violations were for failing to disclose criminal records or for using fictitious names when purchasing a gun.

Limited as it is, the new federal law also was responsible for the indictment of Angela Davis—until recently, one of the nation's ten "most wanted" fugitives—on charges of murder and kidnaping in connection with the celebrated San Rafael, California, courthouse shoot-out last August that took the lives of four persons, including a judge. Through records required by the Gun Control Act, four of the guns used in the shoot-out were traced to purchases made by Miss Davis.

With the number of federal prosecutions for violations of the law having tripled since 1968, even the Justice Department has conceded the usefulness of the new federal statute in bringing various offenders to book. Clearly, the inescapable conclusion again is that gun legislation that makes it easier to charge violations of the law must play a role in the prevention and detection of crime.

Who could possibly object to such legislation? Strangely enough, among those who do is none other than the administration itself, in spite of its vaunted concern over law and order and crime in the streets. The administration has hardly bothered to conceal its distaste for the 1968 statute—not because it is too weak, but rather because of the fanciful notion that it is too strong. Consequently, the administration has proposed no legislation whatever to plug the many loopholes in the law, not even the obviously needed measure to prohibit the escalating manufacture and sale of the cheap domestically produced handguns of the sort that, if foreign-made, would not meet the statute's present standards for importation.

In opposing gun registration and persisting in the fiction that gun control should be left a matter primarily for local and state regulation, President Nixon and Attorney General Mitchell are apparently still of the view that their administration's political strength lies where the guns are: 59 per cent of Southerners own guns (which accounts for 72 per cent of their region's homicides), whereas only 34 per cent of Easterners are gun owners.

Thus, in April, at the centennial convention of the National Rifle Association, where the featured speaker was Senator Barry Goldwater, it was not surprising to hear NRA President Woodson Scott tell the assemblage that the NRA had been assured by "important members of the administration" that there would be no increased effort to curb the traffic in guns. This assurance presumably stemmed from a little-publicized mid-January White House meeting at which three top NRA officials met with administration staff members and various representatives of the gun lobby in a room across from President Nixon's office.

The gun lobby's ability to reach into the halls of the high and mighty is also indicated by the fact that a gun club, affiliated with the NRA, now operates right out of Defense Secretary Melvin Laird's office, which, among other things, also serves as a focal point in the nation's capital for lobbying against gun controls.

Indeed, the administration has played a not inconsequential role in the relentless efforts of the gun lobby to emasculate the 1968 act through the stratagem of having its provisions repealed bit by bit. So successful have these efforts been that in November 1969—less than a year after the act went into effect—Congress, in a move supported by the administration and without a minute of hearings, repealed the act's requirement that a person buying shotgun shells and high-power rifle ammunition go through the minor inconvenience of furnishing the dealer with his name, address, age, and verifying identification. In protesting the repeal, Representative Emanuel Celler of Brooklyn, who had guided the act through the House, noted that, in the previous year, shotgun and rifle ammunition had been responsible for the murder of 1,600 Americans. Also pointed out was the fact that ammunition controls had been included in the act only after thirty-five days of public hearings at which 154 witnesses had appeared, and that the full Senate had approved the controls after six weeks of debate.

The campaign this year is to exempt .22 caliber rim-fire ammunition, too, with no fewer than seventeen bills already introduced in the 92nd Congress to this effect. This is in spite of the fact that millions of revolvers and pistols, including many of the Saturday night specials, as well as most rifles, use this kind of ammunition, which accounts for about 70 per cent of the ammunition produced and sold in America, yet is rarely used for hunting. On the other hand, it is the most criminally abused ammunition, the kind most often used in armed robberies, as well as in no less than 3,300 murders in 1968, one of the victims having been Senator Robert F. Kennedy. At least half a dozen bills have also been introduced in the 92nd Congress to repeal the 1968 act entirely.

In contrast to these efforts to nibble the 1968 act to death, none of the many bills introduced during the past few years to strengthen the federal law has met with any success, although repeated polls have shown that an overwhelming majority of the public favors a law far more stringent. Two-thirds to 81 per cent of the American people, according to the Harris and the Gallup polls, approve of the registration of all firearms and the licensing of all gun owners. The majority polled by Gallup is also in favor of a law requiring a person to obtain a police permit before he or she may buy a gun.

Provisions of this sort have been incorporated into a bill by Senator Edward M. Kennedy that would require the registration of all firearms and the licensing of all gun owners. In addition, the bill would ban the domestic production, sale, and possession of all handguns not designed for sporting use—that is, the kind commonly used in holdups and other crimes. Going even further, a bill introduced by Representative Abner J. Mikva of Illinois would ban handguns of any kind for virtually all but law enforcement officers and the military.

Essentially, the same proposals have been included in the various recommendations of a procession of four prestigious Presidential commissions in the past four years. Serving

on or heading up these commissions has been a bipartisan array of some of the nation's most distinguished and knowledgeable citizens, including two Attorneys General under Presidents Eisenhower and Johnson, and Dr. Milton S. Eisenhower, brother of the late President and president emeritus of Johns Hopkins University. However, the findings of the commissions have been generally ignored. Last November Dr. Eisenhower, who headed the National Commission on Violence, declared that the United States held "the distinction of being the clear leader in violent crime among modern stable nations," as well as of having the highest gun-to-population ratio in the world, and stated, "I continue to be perplexed by the blind, emotional resistance that greets any proposal to bring this senseless excess under control." And as recently as May 26, 1971, he warned a Senate subcommittee that "there are arsenals being built up by the extreme Right and the extreme Left," and sadly concluded, "but from the Executive Branch, which brought us [the commission] into being, there has been almost total silence."

The hypocritical attitude of the administration was exemplified by the White House conference of law enforcement officers held on June 3 to discuss means of coping with the recent rash of killings of policemen. Conspicuously missing from the invitation list, which included police chiefs and sheriffs from such places as Brighton, Colorado, Toms River, New Jersey, and Oneida, New York, was the head of the nation's largest police force, New York City Police Commissioner Patrick V. Murphy, although of the fifty-one policemen killed so far this year, most of them with handguns, seven were on the New York force. As a frequent and outspoken advocate of strong federal gun control legislation, Murphy by his vigorous presence would have been embarrassing to President Nixon and Attorney General Mitchell, who at the meeting reiterated their opposition to further gun controls and, as their only solution to the problem of police killings, called for legislation to provide $50,000 to the family of any policeman unfortunate enough as to be slain in the future.

Certainly, there can be no question that the overwhelming public majorities that say they favor strict firearms controls, of the sort long in practice in twenty-nine European countries, also seem unwilling to compel the national commitment necessary to implement such controls via political pressure and ultimately the ballot. As David Steinberg, executive director of the National Council for a Responsible Firearms Policy, has put it, "They seem to be waiting for a White House initiative that will not come soon—or another shock to the national conscience."

MAKE MINE SEMIAUTOMATIC

(By Anne Lapidus Lerner)

The gentlemen of the Building Inspectors Union are to be congratulated on their demand to be allowed to carry guns in the pursuance of their duties. The rapid escalation of the number of groups allowed this privilege has made obvious to the average citizen of New York that his only alternative to a planned withdrawal from the city is the widespread deployment of defensive arms. If building inspectors need guns to enter buildings, their residents certainly do. A firearm has become the *sine qua non* of the continued existence of the individual in our large urban centers. Once this fact is recognized, careful consideration must be given to its ramifications.

A standard hand-gun of U.S. manufacture should be issued every voting registrant in New York City. This will certainly do much to increase the voting rolls and to encourage every citizen to fulfill his patriotic obligations. It will also further maintain the constitutional right to bear arms. Needless to say, it will serve as a shot in the arm for the ailing weapons industry and help redress the dollar drain by giving away guns made here, thus reducing purchases of foreign-made guns. Courses in the use of fire arms could be offered as part of a program of Continuing Education for Living in the Modern Urban Environment. Gun education would start in the second grade of all schools receiving public funds. The cost would be high, but the expansion of the gun industry and the growth of training programs would cut into welfare and unemployment expense. We have always known that just because our society is free, it is not cheap.

One immediate benefit of this proposal would be the resolution of the commuter tax issue. In the midst of an armed citizenry the commuter would best be armed and upon payment to the city of a sum equal to 24.1 per cent of his Federal income tax would be granted a gun. A commuter (other than the Governor) whose business losses exceeded his income or who, for any other reason, paid no Federal taxes, would be given a gun for the fee of $241.57. In light of the provision that no other guns would be allowed, commuters will jump at the chance.

Avoidance of this heavy tax would offer an incentive to encourage members of the uniformed services to live in the city. Those who did not live here and opted not to live in the city would have no guns—with the exception of policemen actually on duty. As this would apply equally to all commuters, it would eliminate the constitutional issue involved in forcing or encouraging only members of the uniformed services fully to participate in the pleasures of Fun City.

Finally, the tragic killing of policemen would be reduced as a result of this proposal. The police have become a major target of gunfire because they are the only fair target—the only ones who are known to have guns. Once everyone is armed, everyone will be a fair target and bear his fair share of the bullets.

THE HIGH COST OF DRUGS

Mr. McINTYRE. Mr. President, on June 28, the Washington Post published an article entitled "20 U.S. Drugs Cost Less in Eight Other Nations," written by its distinguished reporter Morton Mintz. The facts presented in this article show that Americans pay significantly higher prices for many types of drugs, even as much as four times greater than the lowest foreign price. In the majority of examples cited by Mr. Mintz, the prices charged in the United States are the highest prices among those countries surveyed.

What causes or sustains this situation, which deplorably costs the Government over $1.4 billion in HEW-sponsored programs and which painfully consumes a large part of every citizens budget? The pharmaceutical industry claims that the high price of drugs is the cost which we Americans must pay for superior health care. Let me point out, Mr. President, that this is not necessarily a true statement. In foreign countries, such as Great Britain and Sweden, which have national health plans, not only is the quality of health care at least as good if not better than that in the United States, but the price of drugs is lower. Nor can the industry continually justify their high prices with claims that they are involved in high-risk ventures or that they spend large amounts on research and development.

Testimony before the Small Business Committee's Monopoly Subcommittee presided over by Senator NELSON, and of which I am a member, has shown that the "high-risk" claim has been grossly overemphasized. The drug companies know that their products are necessities, the demand for which is unresponsive to changes in price. Other witnesses have shown that the research and development claim is also a false screen for the most part. Most major drug discoveries have not been made in the industry's laboratories but have been made in labs funded by the Government or in European laboratories.

The Task Force on Prescription Drugs reported in 1968 that—

> The exceptionally high rate of profit which generally marks the drug industry is not accompanied by any peculiar degree of risks, or by any unique difficulties in obtaining growth capital and that industry profits have not been significantly reduced by new governmental regulations concerning drug safety, drug efficacy, or drug advertising.

What the cause of high drug prices comes down to is this: Pharmaceutical companies seek to maximize their profits and, to this end, charge what the traffic will bear. This continuous maximization has yielded rates of profit which since the first investigation of the pharmaceutical industry by the late Senator Estes Kefauver, have remained significantly higher than most other major American industries.

There seems to be no convincing justification for high drug prices in the United States. The then president of CIBA, Charles T. Silloway, said before Senator NELSON'S monopoly subcommittee in July 1967 that the price of drugs must "be judged in relationship to the standard of living, and manufacturing wages paid." But I see little difference, in fact, between this assertion and Senator NELSON'S charge, which Mr. Silloway denied, that pharmaceutical manufacturers charge what the traffic will bear.

The key factor which allows such practice to continue is, of course, the absence of any real competition among major drug companies in the United States. The countries in which drug prices are lower either have a national health plan or have more competition ready to meet U.S. companies entering their markets. An additional factor which contributes to the lack of competition in this country is the industry's collective and costly campaign against generic prescribing. Their efforts insure continued monopolies over differentiated products.

Mr. Mintz' article should dismay and anger every U.S. citizen, especially our elderly citizens who live on fixed incomes and spend a large portion of their money on drugs. I ask unanimous consent that the article be printed in the RECORD.

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

TWENTY U.S. DRUGS COST LESS IN EIGHT OTHER NATIONS

(By Morton Mintz)

A new government study shows that manufacturers of 20 popular prescription drugs charge druggists in the United States much higher prices, generally, than they charge pharmacists in eight other countries.

In the case of Darvon, a painkiller that

American doctors prescribed more often than any other drug in the years 1967 through 1969, the price was more than four times higher here than it was in Ireland.

Similarly, American druggists pay more than three times as much as their Irish counterparts for: Elavil, a Merck antidepressant; tolbutamide, an oral antidiabetes pill Upjohn sells as Orinase; Librium, a Hoffman-LaRoche tranquilizer/sedative: chlorpromazine and trifluoperazine, antidepressants that Smith Kline & French sells as Thorazine and Stelazine, respectively; meprobamate, a sedative/tranquilizer Wyeth Laboratories trade names Equanil; Doriden, a CIBA sedative and a penicillin that Lilly sells here as V-Cillin K.

In other cases, the lowest prices among the eight countries were found in Brazil, Sweden and the United Kingdom, but never in the United States. The highest prices for 12 of the 20 drugs were those charged in this country; three each were higher priced in Canada and Italy, and one each in Brazil and Sweden. Other countries in the survey were Australia and New Zealand.

Edmond M. Jacoby and Dennis L. Hefner, who did the study for the Division of Health Insurance Studies of the Social Security Administration, point out that Ireland, along with New Zealand and the United Kingdom, negotiate with pharmaceutical firms for lower drug prices.

Italy and Brazil actually set drug prices, and Sweden regulates them. Australia considers the price of a medicine in deciding whether to include it on the list of drugs for which the government provides reimbursement.

The authors, whose report was published in the May Social Security Bulletin, also note that the United States grants drug manufacturers 17-year patent monopolies, not only on production processes, but on products, as well.

Brazil and Italy grant no patents at all on pharmaceuticals, Jacoby and Hefner say. Sweden grants them on processes alone. The other countries in the study issue patents on processes and products, as does the United States.

Jacoby and Hefner say their data does not reveal the extent to which price variations are caused by "real economic factors," such as differences in labor costs and sizes of markets.

But, they say, "General knowledge of the problem suggests that it would be unwise to assume that price discrimination exercised by drug producers is a minor factor." They go on to say:

"The study shows that prices in the United States for these (the 20) drugs are generally higher than in any other country studied. The lowest price for any drug was usually about one-fourth the highest price.

"Although certain countries exhibited tendencies toward a high or low level of prices, these levels were not consistent for all products. For one category of drugs—tranquilizers—U.S. prices were highest in every case.

"Yet for Achromycin-V, an antibiotic, the U.S. price was among the lowest observed."

The authors did not note that this product, which is tetracycline, is highly competitive in price because a patent monopoly was broken in court.

The authors continued:

"The price for Polycillin (an antibiotic) was much higher in Brazil than in any other country, yet for five drugs Brazil had the lowest price.

"Australia, Ireland and Sweden pay part of the retail price of prescription medicines. In Sweden, payment is for one-half of that portion of the price between $1 and $3 and for everything over $3.

"In Ireland, payment depends on the patient's income; in Australia, payment is for everything except a nominal co-payment fee.

"For medicines to treat certain chronic diseases all three countries pay the total price.

"The United Kingdom and Italy pay the full retail price for medicines. New Zealand pays for the least expensive brand of a drug.

"These six governments therefore have a direct interest in the prices at which pharmaceutical items are sold."

The study grew out of an earlier investigation by the Task Force on Prescription Drugs, which the Department of Health, Education, and Welfare created in the Johnson Administration.

In the fiscal year now ending, "pharmaceutical services" in HEW-sponsored health care programs will amount to about $1.4 billion, out of a national total of more than $7 billion, the study says.

About a decade ago, the late Sen. Estes Kefauver (D–Tenn.), as chairman of the Senate antitrust subcommittee, established that pharmaceutical houses freqeuntly were charging American druggists more than druggists in countries as distant as New Zealand, even for medicines manufactured in the United States and shipped abroad.

In 1967, Sen. Gaylord Nelson (D–Wis.), chairman of the Senate Monopoly Subcommittee, established that such pricing disparities were persisting.

He brought out, for example, that CIBA's price to druggists for 100 0.25-mg. tablets of Serpasil, its brand of reserpine, which often is used to lower blood pressure, was $4.50 in the United States—but $1.05 in Bonn, $1.19 in London, $1.24 in Bern, $1.56 in Vienna, $1.52 in Rome, and in Mexico City, $3.00.

Pressed to explain, Charles T. Silloway, then president of the Swiss firm's United States subsidiary, testified about such things as "differing economics" in various countries and "local circumstances."

Nelson said, however, "In every single instance where competition occurs the price is far lower." He also emphasized that the United States grants patent monopolies on both processes and products, while many other nations do not.

Here, in U.S. dollars, is a summary of specific prices to pharmacists for 100 tablets or capsules, as found by Jacoby and Hefner in January, 1970:

ANALGESIC

Darvon (propoxyphene hydrochloride) or HCL; Lilly sells it abroad as Doloxene; U.S. price for 65 miligram capsules, $7.02; highest price, $7.86, Italy; lowest, $1.66, Ireland.

ANTIBIOTICS

Polycillin (ampicillin); Beecham holds original British patent but licenses Bristol in the United States and other countries, and in still other nations; Aesculapius; U.S. price for 250-mg. capsules, $21.84; highest price, $41.95, Bristol, Brazil; lowest, $8.23, Beecham's Penbritin, United Kingdom.

Declomycin (demethylchlortetracycline); sold in all nine study countries by Lederle Laboratories or its corporate parent, American Cyanamid; highest price for 150-mg. capsules, $19.70, United States; lowest, Brazil, where tradename is Ledermicina, $4.93.

Erythrocin (erythromycin); sold in all nine nations by Abbott Laboratories; highest price for 250-mg. capsules, $26.12, United States; lowest, $8.56, Ireland.

Terramycin (oxytetracycline); sold by Pfizer in all eight nations; highest price for 250-mg. capsules, $20.48, United States; lowest, $4.63, Brazil.

V-Cillin-K (potassium phenoxymethylpenicillin); sold by Lilly, under various tradenames in seven of the nine nations (data not available for Italy and Sweden); U.S. price for 250-mg. capsules, $8.95; highest price, $10.69, Canada; lowest, $2.40, United Kingdom.

Achromycin-V (tetracycline HCL); sold by Lederle or Cyanamid in all nine nations; U.S. price for 250-mg. capsules; $5.34; highest price, $13.89, Sweden; lowest, $3.42, Ireland.

ANTIDEPRESSANT

Elavil (amitriptyline HCL); sold by Merck in all nine nations, sometimes as Tryptanol or Triptzol or Tryptizol; highest price for 25 mg. tablets, $8.55, United States; lowest, $2.26, Ireland.

ANTIDIABETIC

Orinase (tolbutamide); sold by Upjohn here and by Hoechst elsewhere as Rastinon or Orinase; highest price for 500 mg. tablets, $8.23, United States; lowest $2.22, Ireland.

ANTIHISTAMINE

Benadryl (diphenhydramine HLC); sold in all nine countries by Parks-Davis; U.S. price for 50-mg. capsules, $2.22; highest price, $2.77, Canada; lowest, 81 cents, Brazil.

TRANQUILIZER SEDATIVES

Librium (chlordiazepoxide); sold in all nine nations by Roche; highest price for 10 mg. capsules, $6.40, United States; lowest, $2.05, Ireland.

Valium (diazepam); sold in all eight nations by Roche; highest price for 5 mg. capsules, $8.03, United States; lowest, $2.46, Ireland.

Equanil (meprobamate); sold in eight countries by the Wyeth Laboratories division of American Home Products, and in Sweden by Ferrosan; highest price for 400 mg. tablets, $7.06, United States; lowest, $1.67, Sweden; lowest Wyeth price, $1.74, United Kingdom.

"HEAVY" TRANQUILIZERS

Thorazine (chlorpromazine HCL); Rhone-Poulenc, of France, licensed Smith Kline & French to produce and sell this drug in the United States but is, in turn, controlled by Farmitalia of Italy; however, Rhone-Poluenc owns the two firms that sells the product in Australia, Brazil, Ireland, Sweden and the United Kingdom; highest price for 10 mg. tablets, $6.60, United States; lowest, $1.68, United Kingdom.

Campazine (prochlorperazine maleate); SKF sells 10 mg. tablets for $7.86 in the United States, the highest price among the nine nations, and for $3.04 in the United Kingdom; the lowest price, $2.28, is charged in Sweden by another manufacturer; SKF is a licensee, as described under Thorazine.

Stelazine (trifluoperazine HCL); SKF sells this in all of the nine nations except Italy and Sweden; highest price for 5 mg. tablets, $9.75, United States; lowest, $2.42, Brazil.

CARDIOVASCULAR

Lanoxin (digoxin); sold in all nine countries by Burroughs-Wellcome; U.S. price for 0.25 mg. tablets, $1.03; highest price, $1.73, Italy; lowest, 38 cents, United Kingdom.

ORAL CONTRACEPTIVE

Ovulen 21 (ethinodiol diacetate with mestraol); sold in all of the nine countries by Searle; U.S. price for a 6-month supply, $7.38; highest price, Italy, $8.20; lowest, $3.59, Ireland.

SEDATIVE

Doriden (glutethimide); sold by CIBA in all nine nations; highest price for 250 mg. tablets, $3, United States; lowest, 92 cents, Ireland.

SULFA ANTI-INFECTIVE

Gantrisin (sulfisoxazole); sold by Roche in all nine countries; U.S. price for 500 mg. tablets, $2.49; highest price, $3.06, Canada; lowest, $1.51, Brazil.

ORGANIZING FOR THE CONQUEST OF CANCER

Mr. KENNEDY. Mr. President, last week by an overwhelming margin, the Senate passed a bill authorizing the creation of a new, independent National

Cancer Authority to direct the nationwide effort to conquer this dread disease. This landmark legislation represents the best thinking of the Health Subcommittee, the Labor and Public Welfare Committee, and the distinguished panel of consultants on the conquest of cancer on how to develop the most effective organizational framework to find a cancer cure at the earliest possible date.

Seymour S. Cohen, American Cancer Society professor of biochemistry, University of Pennsylvania, has written a highly informative article in the June issue of Science magazine. In his article, he makes a proposal, analogous to the mechanism adopted in the Senate bill, describing the importance of a sound organizational and administrative base to direct the comprehensive national plan for the conquest of cancer, and the kind of coordinated approach necessary to achieve rapid, significant progress toward this goal. I ask unanimous consent that the article be printed in the RECORD.

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

CANCER RESEARCH AND THE SCIENTIFIC COMMUNITY

(By Seymour S. Cohen)

The expression of governmental intent to increase the application of national resources to the study and control of disease must be considered as encouraging to the development of medical science. In this spirit, therefore, the introduction in the Senate of the Conquest of Cancer Bill by former Senator Ralph Yarborough (D-Tex.) in December 1970 and the emphasis given to the increased financial support to cancer research by President Nixon in his State of the Union message and in more recent statements should be welcomed by the entire scientific community. This is true even if we are very much concerned about the specific manner in which these resources will be used. For example, the proposal to merge the National Cancer Institute in a National Cancer Authority separated administratively from the National Institutes of Health has led the discussion into a much-publicized battle over a single administrative form. The reporting of this matter has done nothing at this time to clarify the need for improvements in the organization of cancer research, a need which in fact led the consultants to the Yarborough committee to their legislative proposal. Nor does this discussion seem to point to the real need for more funds in this area and how they should be spent. Nevertheless, it is already clear that more money will become available to medical science; a healthy ferment has been stirred in the National Institutes of Health and the scientific community generally, and opportunities for proposal, counterproposal, and new directions have become available.

At this point I will take the position that I really do not care whether the financial and administrative support given to cancer research is mediated through a National Institutes of Health or a National Cancer Authority, if it can be shown that the form is best adapted to the needs of the problems and does not distort our national needs in other medical and scientific areas. However, it should be clear that I do not consider that the present forms have provided the intellectual and monetary support currently needed. Furthermore, I do not see how an appropriate administrative form can in fact be chosen in the absence of well-defined goals, programs, and priorities. It is precisely for this reason that the scientists must get into the act and must participate at every stage in order to facilitate the development of a suitable administrative form. If we do not participate in this chore, our programs and priorities will be set, as they have been in the past, by the administrators who are already fighting for the power and the bodies, which include us.

The scientists seem at the present time unable to describe their needs in an integrated and effective way. Probably few among them have seriously thought of the various needs of a set of problems which range from the nature of a cancer cell to treating malignant disease in a complex patient. Furthermore, it may well be that fundamental information may not be sufficient for the development of a detailed program of experiments and priorities. Nevertheless, many of my colleagues are certain, as a result of startling progress in cell biology in the recent past, that we are on the verge of important advances. Therefore, at the least, we must affirm the sense of excitement and promise with which new resources will be greeted. Also we should attempt to assess our scientific position as a step in the effective use of the material opportunities that are promised. It is one of the purposes of this article to ask the scientists (i) to join the discussion, (ii) to inform the public, the legislators, and the administrators of the important opportunities afforded by the past three decades of growth of biological science, and (iii) to determine how to integrate our efforts to solve problems. I have several suggestions concerning the last objectives, which seem somewhat unreasonable to conjure visions of 1984 to many of my colleagues. However, the major point of this article, perhaps, is to indicate the nature of our present disarray.

Within this context we may ask if the current discussions of these problems in *Science* and *Nature* have been helpful. Staff reporters in both journals have failed to provide a serious analysis of the development and deficiencies of the varied structures within which cancer research takes place. Both journals have stressed the battle between the forces eager to administer the proposed expanded funding. The journals have neglected the scientists, who must make the discoveries that will be possible only when they are given the necessary resources. The public, which supplies the patients (one in four) that make this enterprise so urgent, is never mentioned. If one is to read the article by R. J. Bazell [*Science* 171, 877 (1971)] the concept of improving cancer research as developed by the consultants to the Yarborough committee, is a "disease" spread by "conspirators," whose leader is a Madame Roland type, adept in "both familiar and novel political maneuvers" which have been used to engineer "the establishment of a commission, filled with friendly faces." Despite the fear of being hoodwinked, which is engendered by this article, I must shamefacedly admit that I share the point of view of this hardworking, public-spirited body of consultants who have said that cancer is important and that we must improve our approaches to dealing with it.

It is my opinion that, although we are far from understanding in detail all the major scientific features of our problems, a major impediment to the solution or solutions of cancer lies in the organization of science itself. This suggests that, unless serious changes are made in this organization, research progress in this field will be unnecessarily slow and inadequate. In speaking of "the organization of science," I am referring to the entire complex of educational institutions, cancer institutes, industrial organizations, and government and private funding agencies involved in cancer research in the United States. I will endeavor to indicate that we do need a more appropriate national scientific organization with ample funds and administrative support that can define critical research areas on a short- and long-term basis and point to a stepwise solution of these defined problems. It will be stated that existing organizations have in fact failed to cope with the historic, scientific, and administrative exigencies of the special basic and clinical problems in clarifying and handling cancer. A survey of our present shortcomings and opportunities is presented below.

RECENT HISTORY OF MEDICAL ADVANCE

Chemotherapy and the magic bullet. The dramatic discovery in the late 1930's and the 1940's of effective chemotherapy for many bacterial diseases by sulfa drugs and antibiotics led to the hope that virus diseases and cancer might be conquered similarly in the not too distant future. However, it became clear by the mid-1950's that the biochemical bases of antibiotic action on bacteria, rather than on the hosts they infect, reside in the special qualities of structure and function of bacteria with respect to cell walls, membranes, and ribosomes. The biochemical differences among virus-infected cells, tumor cells, and normal cells are far more subtle; although there are differences, they are more difficult to establish and to exploit by chemical inhibitors. We are now in a position to approach these problems more realistically.

Making better rifles and bullets. The observation that antibacterial agents were not useful against viruses and tumors led to more sophisticated efforts to design compounds against these entities. An empirical methodology designed to discover antibiotics for bacteria was adapted to the detection of natural or synthetic compounds that could act against viruses, virus-infected cells, and tumor cells. Simultaneously, an improved knowledge of cellular and virus structure and function also facilitated the design of possible chemical inhibitors. Despite much serious effort, chemical inhibitors so detected have been found to be inactive or only partially effective against tumors in animals or in man. However, the results have not been wholly negative, and indeed about a dozen agents have been significantly helpful for certain types of tumors and sufficiently promising to warrant continuing work.

Some of these compounds have been nucleic acid analogs, and these have found their way into a therapeutic armamentarium. We are left with the following major problems: Why are partly effective compounds not more effective, and how can we make partially effective compounds more efficacious?

Our knowledge of the target. For many reasons, the major advances in our knowledge of cellular biology after World War II began in virology and bacteriology. The fruits of these disciplines in the 1960's have been the development of molecular genetics and great progress in the clarification of cellular growth and multiplication in microorganisms and in higher cells. Cellular biology is a sophisticated discipline, as well as the center of much experimental work and progress. Since cancer is a disease beginning with the transformation and development of individual cells, we have only recently attained the ability to explore the origin, development, and cure of cancer in a scientific way.

The foregoing sections state, therefore, that:

(1) Hopeful misconceptions concerning the efficacy of empirically detected antibiotics have been eliminated and clarified in the past 20 years.

(2) Promising leads for therapeutic agents exist but have been revealed to be far from perfect or even adequate in the treatment of cancer.

(3) For the first time scientific progress in cellular biology has made the study of cancer

and cancer cells an appropriate subject of detailed analysis.

ORGANIZATION OF CANCER RESEARCH

Universities after World War II. The great increase of medical scientists doing research in medical schools after World War II was in most instances an unplanned phenomenon. In addition to the expansion of personnel into individual departments on so-called hard money, there was a new soft money contingent of workers funded by the new types of research support that developed in the 1950's. In very few instances did such expansions consist of integrated efforts in cell biology, although occasional departments active in cancer research, such as those at the University of Wisconsin and Yale University, were organized. In the immediate postwar period, the principles underlying the acceptance of individuals into biological research in universities were personal creativity, and minimum cost to the university in funds, space, and equipment. It is clear, therefore, that the selection of medical scientists tended to concentrate work on small problems that did not involve collaborative work or extensive facilities.

Furthermore, since cellular biology is a relatively new discipline, studies within this discipline in medical schools were effected within essentially all preclinical departments, with the possible exception of organ-oriented departments such as physiology departments or many pharmacology departments. Thus in any single school, cellular biology has been a fragmented discipline studied in many departments, with resulting duplication of efforts, personnel, equipment, and facilities. Despite this duplication, in most schools the centuries-old departmental organization has prevented the integrated teaching of cellular biology, which we have defined as the core of the fundamental aspects of cancer research. Also, even fewer schools have learned how to merge the frequently numerous fragments of strength in cancer research within the school into a curriculum of instruction on cancer, a curriculum which spans both fundamental and clinical knowledge.

Briefly then, cancer as a problem in cellular biology, which spans many preclinical and clinical departments, lacks scientific and administrative interest and centralization in most universities and medical schools. These institutions rest on traditions of scholarship, faculty promotion, and support of research which in fact pulverize efforts toward collaborative work in cell biology and human biology. As now constituted and organized, they are not suitable instruments for the development of cancer research or even for instruction in cancer biology. Although cancer research permeates medical schools, very few medical schools have attempted to integrate their efforts in oncology.

Cancer institutes. There are numerous private and governmental institutes whose ostensible aims are to perform research on cancer. Coming into existence or expanding largely after World War II, when much less was known about cancer, virology, or cell biology, the institutes rarely had systematic programs. They stressed that, since cancer was a largely unknown entity, any research on growth would help to clarify the cancer problem. This position was emphasized to attract scientists mostly interested in biological problems other than that of cancer and to facilitate obtaining financial support for these workers. As a result, cancer institutes now contain many investigators who are only secondarily interested in cancer. The institutes have frequently obtained associations with universities and have used similar tenure regulations, which now handicap reorganization of these institutes. It is clear that, even as in the universities, research in these institutes is fragmented and lacks a serious program and direction.

I do not feel qualified to discuss the National Cancer Institute (NCI) and the National Institutes of Health (NIH). The former has emerged as the major funding unit in government support of cancer research. It would be instructive to know how much work directly related to cancer is undertaken in the NIH outside of the NCI and the extent and nature of the integration of efforts among the various institutes in ths area. It is probable that the threat thought to be posed to the NIH by the Yarborough bill has compelled extensive discussion of this matter within the NIH. The results of such discussions within the NIH should be made known to the scientists, who may have some constructive idea of their own. The relation of the research actually carried out within the NCI to the nature of the financial support given to cancer research also warrants a great deal of discussion.

The NIH has undoubtedly noted that the increasing bypass of a critical peer review system of grant funding by the NCI in favor of a less well monitored contract system has considerably disturbed some of their panelists and much of the scientific community. This subject also should be discussed openly, or scientists will view it as increasing evidence of an administrative rather than a scientific determination of research goals and priorities.

Pharmaceutical companies. In theory these companies are efficiently integrated, compentent aggregates of all the skills necessary to solve major biological problems. Such skills have been applied to the discovery, test, and development of numerous antibiotics which can kill pathogenic microorganisms (or arrest their development) in man. However, cancer does not provide a financial incentive for a large-scale attack by such companies, which have just barely begun to make serious advances in the study of virus disease. In my limited view, the lack of a critical mass of excellent biologists and biochemists in any one company and the lack of a scientifically knowledgeable administrative core have all helped to prevent such companies from effecting more than serious screening operations.

American Cancer Society. This Society, whose science advisers give considerable time and effort to the screening of proposals for cancer research, does not usually identify critical problems and attempt to obtain work to solve such problems. However, the Society does not, in principle, deny an obligation to identify and attack scientific problems, and it has established its Council for Analysis and Protection, which may develop such activities. Nevertheless despite the numerous achievements of the Society in education and mobilization of public support, this basic weakness, as well as the relative dearth of funds, prevents the Society from approaching rapid solutions of various cancer problems.

A PROPOSAL

I think that the work of the National Foundation for Infantile Paralysis in the identification and solution of specific critical problems may present a useful model for activity which should be adopted by the American Cancer Society and possibly by the entire cancer research enterprise. The Foundation set up a kind of general staff of distinguished scientists, who determined the state of the problems of poliomyelitis and how these might be approached. It should be noted that although poliomyelitis has been virtually eliminated in the United States, in large part through the efforts of the Foundation, all of the scientific problems connected with the disease have not been solved.

In the period of my contact with the Foundation between 1940 and 1955, the scientific general staff pointed to a need for chemists, virologists, and immunologists, and developed fellowship programs to that end. Among many other programs, they recommended support of work on bacteriophage and courses and symposia in virology; they also facilitated the transformation of phage workers and others into animal virologists, a movement which began in 1953. It is my belief that this record proves that a broad and continuing examination, assessment, and recommendation of research programs by a scientific general staff can be beneficial to the development of a science and need not evolve into one more stifling bureaucracy.

This group was also not above recommending support of specific work on particular problems, for example, the typing of viral strains, essential to the next practical advance. They sought capable scientists who were engaged in these activities and offered to help them to do it more completely. I do not consider such seductions to be an affront to science or to personal dignity.

Cancer problems are unquestionably more complex than the polio problem, and perhaps we will need several staffs for specific areas, such as cancer virology, chemical carcinogenesis, and chemotherapy. Perhaps we will also need a general staff to integrate these separate and overlapping efforts, but, in effect, the panels established by the NIH and the American Cancer Society now include the kinds of individuals and structure capable of providing these types of senior leadership. I wish to suggest that these panels, expanded and reorganized if necessary, should be identifying problems, suggesting programs, establishing priorities, and seeking answers, in addition to their present roles of evaluating research proposals.

CONCLUSION

In sum there is no organization on the national or international scene which can easily facilitate the solution of the numerous large and identifiable problems in cellular and virus biology, drug design, and clinical pharmacology as a rational exercise in scientific effort and collaboration. We are at the stage in biological science wherein the problems are ripe for the many excellent investigators now available. Nevertheless the structure and finances of sciences, as well as our scientific institutions and their leaders, are not geared to organized study and application to a disease which kills one of every six people in a painful and ugly way. I believe that it would be relatively easy to mobilize many outstanding biological scientists to aid in an organized attack on this group of diseases. Such an attack must be designed in large part by the scientists themselves.

LOUIS "SATCHMO" ARMSTRONG

Mr. MANSFIELD. Mr. President, against the noise of modern, industrial society one sound stood out from the rest. That sound came from Louis "Satchmo" Armstrong, a jesting, fun-making, emotion-provoking performer who loved people and brought joy everywhere. Capable of translating emotion and thought into the quick notes of his trumpet or the raspy musical chords of his voice, he was a great contributor to America and all humanity; he will be missed. I have a feeling that when the saints go marching in, it will be to the joyful sounds of his trumpet.

I ask unanimous consent that an editorial published in the Washington Post of Friday, July 9, be printed in the RECORD.

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

LOUIS "SATCHMO" ARMSTRONG

He played the sweetest trumpet in the world, he sang in a voice that came on like a melodic cement mixer, he made wry cracks

to kings and popes, but most of all, Louis Armstrong made his audiences feel alive. That sounds simple enough, but Americans are not a feeling people who naturally show—much less pour out—their emotions. Yet a Louis Armstrong concert, where his jazz trumpet wrung out the deepest emotions and let them drip onto the listeners' dried-up feelings, was a means of liberation. Get loose, you cats, said his songs—whether played or sung—let it all come out, feel the notes, feel the rhythm, feel life.

The path that Louis Armstrong took from back alley poverty in New Orleans to fame nearly everywhere is well known. Unlike many who traveled this route, Mr. Armstrong did not leave behind the baggage of his earlier life-style. Even in the most formal settings, he showboated, stomped and mugged, and came across as if he were cutting up in a backroom jam session. Yet, whether pleasing the crowd with an old one like "Muskrat Ramble" or pleasing himself by cutting loose with a solo swing, Mr. Armstrong was the disciplined craftsman whose art worked because he worked at his art. He played notes that other trumpeters only had dreams about.

Criticized by some as a white man's black, Louis Armstrong paid no mind. He had suffered the pains of racism and was not so softened by fame to forget them. For a long time, he refused to play in his segregated hometown of New Orleans, only going back after passage of the 1965 Civil Rights Act; at that time, he performed with an integrated band before an integrated throng. Abroad, whether in Africa—"I'm African-descended down to the bone," he once said—Europe or eastern Europe, often no more than a sign or billboard saying "Louis" was needed to get out a crowd.

Because the best in any craft are always mourned the most, Louis Armstrong's death is a true national loss. No doubt, when the saints go marching in, it will be to the trumpet of Satchmo. Make ready.

SENATOR MILLER SPEAKS ON GOVERNMENT AND THE PRESS

Mr. GRIFFIN. Mr. President, former Secretary of State Dean Acheson, writing in the July 7 issue of the New York Times, said that—

Far-reaching improvement of public health in the relations between press and government is called for.

His statement goes to the heart of what the senior Senator from Iowa (Mr. MILLER) has been saying for some time. Senator MILLER believes the time has come for serious soul searching on the part of both the press and the Government, to insure that the public's right to know is being served fully and accurately.

Senator MILLER strongly believes that the public wants and expects neither press abuse of freedom of the press nor Government censorship.

Because his comments are so pertinent to the national debate now going on, I ask unanimous consent that a speech delivered recently by Senator MILLER and published in "Vital Speeches of the Day" be printed in the RECORD.

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

ETHICAL CONSIDERATIONS IN PUBLIC RELATIONS: THE GOVERNMENT AND THE PRESS

(By JACK MILLER, U.S. Senator from Iowa, delivered to the Government Information Organization, George Washington Alumni Club, Washington, D.C., April 2, 1971)

I very much appreciate the invitation to speak before this most important group. I selected the subject, Ethical Considerations in Public Relations," because I know you are interested in what people outside of your membership think about the kind of job you should be doing. Is there a credibility gap? What should be done about it?

Your last speaker laid down a sharp challenge when he said: "There is something wrong when the American People have to rely on C.B.S.—the *New York Times* and Reuters for information concerning the war in Southeast Asia—instead of looking to their government." Needless to say, that speaker was not the Vice President.

Let me begin my analysis by referring to what columnist-reporter David Broder had to say in a book published early in 1970.

". . . the skepticism about government and the skepticism about the press," he wrote, "has now reached a degree in this country where I think it has become—if you view a free press and a representative government as worthwhile institutions to protect—a source of concern. How do you mediate the conflict? Are ground rules possible? If they are going to be found, they can only be found if we shift our perspective from a two-sided conflict or engagement or relationship between press and government, between politician and reporter, and look at both of them in terms of the essential third party in mistransaction, which is the public. No government official in a country that operates on the theory that ours does, has a right to rule by fear, in secrecy and private. Similarly, no newspaper reporter as an individual has any personal right—it seems to me—to simply make himself a public nuisance on the thing. If either of them has to be judged, he has to be judged in terms of how well his behavior conforms to and assists the model that exists in our country, which is a representative government resting on—in some meaningful sense and not just a fictitious sense—the consent and the understanding of the governed. . . . Both have an obligation which they have to remember. They must inform the public, so as to arm the public with the essential information that makes public policy decision a meaningful process. And that is an obligation which neither the politician nor the reporter can fulfill alone."

Let me hasten to add that I have not always agreed with Mr. Broder, although I feel he has matured considerably and I respect his concern, which I have had for a long time that both the government and the press live up to their shared responsibility to keep the public informed.

In the book, Mr. Broder confesses that "I am personally much more concerned about the ratings and the distortions of the press than I am about the bias of politicians."

He could well have had in mind the admonition of Thomas Jefferson that for the great American experiment in self-government to succeed, the will of the majority is a necessary condition; but it is not a sufficient condition. The will of the enlightened majority," he said, "is the necessary and sufficient condition." And he underscored this by observing that "Whenever the people are well-informed they can be trusted with their own government."

The founding fathers carefully avoided establishing an official information system. Instead, they left the business of informing the public to the press—and, with it, the responsibility of helping make our democracy work. Certainly they did not wish the press to play Pollyanna, but most certainly they expected the press to cover fully the policies and activities of the government—and the results, good or bad, of those policies and activities.

At the same time, they expected government officials to keep the public informed, through the press, of what their government is doing. In carrying out this role, which is peculiarly yours, it will not do to issue only the good news and to withhold the unfavorable news, much less to mislead. A credibility gap is not conducive to self-government; and even if there is no credibility gap, in fact, if the people *think* there is, the seeds of destruction of our system of government are being sown.

Similarly, if a judge engages in improprieties, such as deciding a case in a manner reflecting his personal interest, this tends to destroy the confidence of the people in our system of justice. But even if he does not, in fact, let his decision be influenced by his personal interest, if that personal interest is there—if there is a conflict of interest—then the public can be expected to *think* he was so influenced—and that is conducive to loss of confidence in our system of justice. It is significant, I believe, that the Supreme Court has condemned not only impropriety but the appearance of impropriety on the part of a judge.

It seems to me that your duty is to be as open as possible—short of endangering our national interest. And by "national interest" I do not mean self-interest or self-preservation of any Administration or any official. Government action or, for that matter, government inaction has a far-reaching impact on the general welfare. Accordingly, the members of our society have a right to know the bad news as well as the good news. There may be occasions when their right to know must be denied, or, at least postponed, for compelling reasons of national security. In such a case, however, I do not believe many of us agree with Arthur Sylvester's "right to lie" approach.

I do not believe the public's right to know is satisfied when a public information office merely provides information—through the press—which exclusively or primarily reinforces the ideas of those who happen to be managing the government at the moment. In short, you do not have the right to see only what you wish to see. If you do, the public will not be served—although you may think you are serving your superiors or the Administration in power. Such practices also lay a foundation for retaliation by the press.

All of us—elected and appointed public officals, and members of the press—must bear in mind the ethical considerations which are the foundation of the professions of politics and journalism. You have this responsibility in disseminating the news; the press in reporting it.

George Bernard Shaw once remarked that every profession is a conspiracy against the public.

I would interpret this to imply that the members of every profession are so deeply involved in the institutional rigidities of their particular field that they overlook their first responsibility to society.

Although the great playwright overstated his case, as he quite frequently did, he did have a point.

I believe it is necessary for all professions—and this especially includes the professionals in government, whether elected or not—to take the time and make the effort to periodically re-examine their contribution to society and their own professional standards of conduct by which the public will measure its trust and confidence in them—and to make this re-examination with unsparing frankness.

They should ask themselves whether they are living up to the code of ethics—written—which governs their professions; and whether, in fact, that code is all it should be.

They should ask whether they are, perhaps, spending a little too much time in self-commendation, in promoting their own self-interest.

They should ask what difference to society it would make if their profession went out of existence or were taken over by another profession. (Parenthetically, I might add that there are some on the Hill and in the press who question the need for appropriations for government information activities.)

They should ask whether they are temporizing with a problem that really calls for quick, decisive action.

And, every once in a while, I think the professions should invite outside critics to work with them in a no-holds-barred appraisal of how well they are doing. I think this is especially necessary when professionals are a part of the government, for some of them tend to consider themselves above the public, rather than servants of the public.

I can assure you that those of us in the political profession do not have to invite criticism. That is a built-in feature of our profession, and, when it is knowledgeable and constructive, it helps to keep us on our toes—to do a better job.

But no profession, especially in government, should be exempt from constructive criticism—nor think that it should be exempt. And I emphasize this, because a common characteristic among all the professions—including yours—is a responsibility to the public which needs and supports their services.

All of us in government, both elected and appointed, should periodically review our Code of Ethics to see how well we are living up to it.

On March 22, 1968, the Senate adopted this resolution:

"Resolved, it is declared to be the policy of the Senate that—

"(a) The ideal concept of public office, expressed by the words 'A public office is a public trust,' signifies that the officer has been entrusted with public power by the people; that the officer holds this power in trust to be used only for their benefit and never for the benefit of himself or a few; and that the officer must never conduct his own affairs so as to infringe on the public interest. All official conduct of Members of the Senate shall be guided by this paramount concept of public office.

"(b) These rules, as the written expression of certain standards of conduct, complement the body of unwritten but generally accepted standards that continue to apply to the Senate."

One of the unwritten standards has always been that no member of the Senate shall engage in activities which impair the dignity and the good reputation of the Senate. Resolutions of Censure contain language referring to this standard as having been violated.

It may be that there are some in this audience who have never read the Code of Ethics for those in federal government service. It is a part of the federal statutes, with the force of law as of July 11, 1958. Its provisions include the following:

"Any person in Government service should:

"Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

"Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneratiton, or not; and never accept, for himself, or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

"Never use any information coming to him confidentially in the performance of governmental duties as a means of making private profit.

"Expose corruption wherever discovered.

"Uphold these principles, ever conscious that a public office is a public trust."

Your Code, as an employee of the Federal government, and mine, as a Senator, exist for the purpose of insuring the highest standards of conduct and, at the same time, reassuring the public—often a cynical public—that their confidence in our integrity is well placed.

The most influential judges of a Member of Congress are his constituents, who have an opportunity to render their judgment when election time comes around. But there are occasions when a Member is called to judgment by his peers—the McCarthy and Dodd cases being the most recent examples.

What the late President Kennedy said in 1961 to federal employees is worth recalling:

"No responsibility of Government," he said, "is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public business. There can be no dissent from the principle that all officials must act with unwavering integrity, absolute impartiality, and complete devotion to the public interest. This principle must be followed not only in reality but in appearance. For the basis of effective Government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter."

Note his emphasis on the need to avoid the "appearance" of impropriety as a means of assuring public trust and confidence. Of course, the President was not talking about public trust and confidence which has been shaken by untruths and innuendoes; he was referring to activities of a public official himself which have the appearance of impropriety before the general public.

Let me turn now to the press.

Writing in February 1970, Stewart Macdonald, executive director of the American Newspaper Publishers Association Foundation, commented that "few subjects receive more public discussion, arouse more argument and raise more tempers than the press."

And the distinguished columnist, Crosby Noyes of the *Washington Star*, had this to say just last month:

"An independent press does not necessarily impose systematic opposition as a necessary ingredient of good government.

"Yet opposition has in fact become an axiom in American journalism today. On some papers, it affects everybody from the editor down to the copyboys. Everyone, it seems, enters the profession these days to promote his personal views of how the country should be run. And if, in the process, it makes it a good deal more difficult to run the country at all—why, that's the way the ball bounces.

"Reporters, of course, can and should give public officials a hard time when it comes to the problem of finding out what's going on. All administrations have things that they would rather not talk about, and it is a rare politician who will explain himself in a less than favorable light.

"Yet insisting on the people's right to know is not exactly the same thing as insisting on a God-given right to frustrate, hamstring and, if possible, destroy the elected leadership of the country. The obligation of newspapers to inform their readers does not necessarily imply an obligation to inform them that their government is being run by a pack of fools.

"For when this is done systematically and as a matter of principle, reality has a way of getting bent out of shape and the public can wind up being very badly misinformed about many things. Which is, withal, a fairly dubious contribution to good government or good journalism."

The American Society of Newspaper Editors, at its annual convention in 1925, adopted a code of ethics; and Sigma Delta Chi, the professional journalistic society which includes members of all the media, adopted these the following year. All have stood the test of time, and some are worth repeating:

"I. The right of a newspaper to attract and hold readers is restricted by nothing but consideration of public welfare. . . . A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

III. Freedom from all obligations except that of fidelity to the public interest is vital.

1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism.

2. Partisanship, in editorial comment, which knowingly departs from the truth, does violence to the best spirit of American journalism; in the news columns, it is subversive of a fundamental principle of the profession.

IV. Good faith with the reader is the foundation of all journalism worthy of the name. . . . It is not to be excused for lack of thoroughness of accuracy within its control. . . . Headlines should be fully warranted by the contents of the articles which they surmount.

V. News reports should be free from opinion or bias of any kind."

I doubt that any of us could find fault with these canons of ethics. The trouble seems to be with the failure of some members of the journalism profession to live up to them, and as a result, an entire profession suffers a loss of public confidence. A Gallup Poll taken in late 1970 disclosed, for example, that 45 per cent of those polled thought the news from Washington was slanted.

In the face of this lack of trust and confidence on the part of a substantial segment of the public, it does little good for an offending journalist to say that the danger from press abuse of freedom of the press is nothing compared to the danger of government censorship and control.

The people want and expect neither. All they ask is that journalists live up to their canons of ethics. In short, they don't want unethical journalists any more than they want unethical politicians, unethical lawyers, unethical doctors, unethical ministers, unethical government officials, or unethical members of any other profession which proclaims its responsibilities to the public.

It is rare that one hears about downright falsehoods being printed or broadcast. Those who would violate the canons of ethics of journalism find subtler ways of dealing with the "facts" to support their own prejudices: the half-truth; reporting only the news that is favorable to their point of view; or reporting only news that is unfavorable to the other side; or reporting both sides, with twice as much copy going to the side they favor; or putting what they like on page one and what they don't like on page twelve; or the so-called "silent treatment"—just not reporting any news about the other side at all.

There has been a growing concern on the part of the public over the decisions by some journalists regarding what is really "news." Is it "news," or is it front-page "news" when, for perhaps the fiftieth time, some Member of Congress—possibly even one who thinks he has been ordained to be President—engages in negative criticism of the President? Is it prime time "news" to devote a third of a newscast to the rantings of a self-proclaimed revolutionary who couldn't lead a corporal's guard?

I am sure it is very frustrating when these things occur—frustrating to the public which wants and needs balanced reporting of the facts in order to be well-informed, and terribly frustrating to public officials, most of whom are more than willing to take their chances with a well-informed public.

What do you do if your office, your agency, or the officials you work for are the victims of unethical conduct on the part of some of the press? Well, first of all, I would recommend a good deal of soul-searching to make sure your own skirts are clean. Unethical conduct should not breed unethical conduct, but it does. If you are free to cast stones, then I would strongly urge that you resist the temptation to offset unethical conduct by unethical conduct. It might be well to have a talk with an offending journalist and try to reach an understanding. If that fails

a personal visit with his superior might be helpful. After three strikes, perhaps he would be out—his superior advised that he is persona non grata and to send someone else in the future. Other situations may require an agency head or even the President, himself, to hold a press conference or make a statement to command the public attention needed to offset the misinformation or misimpressions that have been given the public.

It can be very helpful to enlist the aid of fair-minded members of the press to help put the matter in perspective before the public. And there are fair-minded Members of Congress on both sides of the aisle who are willing to speak out against abuses that are brought to their attention.

I believe it is generally recognized that this Administration is up against a more unfriendly press than that encountered by the two previous Administrations. However, all three of the Administrations I have served with shared a common fault—"euphoric press-agentry" is what Iowan Hugh Sidey recently called it in LIFE Magazine. This may have been effective 25 years ago, he said, "but it is nothing short of a poison today."

What he was warning is that the American people have for too long listened to good news from succeeding Administrations, only to be disappointed and frustrated over the failure of deeds to match the promises. They have become cynical and distrustful—both of their government and of the press. As the *Washington Evening Star* editorial for March 27 said:

"Perhaps the most serious charge that can be leveled against all government information services . . . is that they are largely a waste of the taxpayers' money. They do not do an effective job of providing the public, through the media, the serious information on which to base intelligent opinions on questions of great national importance. And the news media, we regret to say, have reacted with an ingrained hostility to the entire establishment which threatens to alienate the average citizen from his government. . . . It is a state of affairs, withal, that could stand improvement."

I strongly believe that the American people will not respond unfavorably to unfavorable news—if they have not been subjected to "euphoric press-agentry" and, instead, have been frankly told that our problems may be tougher to solve than we would hope. I can still remember the understanding with which the people received President Kennedy's warning that things would get worse before they got better. After all, most people don't expect miracles. Many times I have heard the comment that President Nixon is doing the best he can with some terribly difficult problems that he inherited.

I have already talked too long, and I haven't even got to the problem of press photographers and cartoonists. If any of them are worrying you, I'm sorry. There is nothing you can do about them.

ADLAI E. STEVENSON

Mr. CRANSTON. Mr. President, I rise to pay tribute to the memory of a very special man who contributed so much to American politics by lending to it his own unique brand of wit, honor, and dignity. I refer to the late Adlai E. Stevenson who died 6 years ago today.

I first met Adlai during World War II, and it was my pleasure to know him over the years that followed. It was my privilege to play a role in the two presidential contests waged by him in 1952 and 1956. I know that Adlai Stevenson and his compassion for mankind has strongly influenced many fine young men and women today whether they work in Government or in the private sector.

Governor Stevenson was an inspiration to us all.

As we reflect upon his words and deeds we cannot help honoring him as one of the great men in the Nation's history.

HELPING OLDER PEOPLE

Mr. TUNNEY. Mr. President, there exists in the United States today a crisis of great magnitude and scope, which undeniably affects us all and undeniably is ignored or glossed over by most Americans. This "unnoticed crisis," as it has been aptly called, is the plight of older Americans, now numbered in the 20 millions and recognized by this decade's census as the fastest growing segment of our population.

Today, I wish to express my personal commitment, and I call for that same commitment from all Senators, to face and deal with the hard and unattractive fact that being a senior citizen in America is synonymous with being a second-class citizen. I ask, before it is too late, that we do not continue to neglect a valuable and deserving human resource. It is true that we have devoted hours and dollars of effort to extend the life expectancy of the American man and woman. But what kind of extended life do we offer those who have contributed to the maintenance and direction of our country when in their prime? I say that we offer inadequate retirement income, prohibitive housing costs, half-way measures for dealing with illness and its skyrocketing costs, ever decreasing opportunities for meaningful employment—compensated or volunteered. As a result of these failures, we have created for the elderly, lives filled with anxieties over loneliness and poverty. Is this our Nation-wide plan for thanking our recent forefathers?

The end-of-decade statistics showed that as of 1969, one-half of the families with a head age of 65 or over had incomes of less than $4,803 a year; the median income for older people who lived alone, or with no relatives, was only $1,855 a year; of 20 million older Americans, nearly 5 million lived in poverty. Moreover, recent data indicates that after a decade of decline, the number of older people living in poverty is rising again. And demographers tell us that not only will the number of aged rise, but that the aged as a proportion of the population will continue to rise for several decades. For example, my own State of California has approximately 1.7 million persons 65 and over, more than one-quarter of whom either live in poverty or are threatened by it. It is estimated that the elderly population in California will reach 2.7 million by 1985 and the number living in poverty will be a larger percentage if the current trend continues.

All of these problems of aging have been recognized and accounted for in the impressive volume of public laws enacted for senior citizens. But, as with most legislation, it must be adequately funded and properly administered to fulfill its purpose. The older American has become relatively easy to ignore by every level of Government. The administration budget for fiscal year 1972, for example, cut funds for programs under title III of the Older Americans Act. This cut-back in title III funds for community grants for programs to serve and involve senior citizens will result in a 35 percent cut in funds for State of California projects. It is of great concern to me that the administration has not coordinated the census figures and census projections for senior citizens in California with its determination to cut title III funds.

The administration cutbacks in title III programs could seriously hamper the proven success and widespread beneficial effects of these endeavors. The scope of these programs, and hence, the scope of debilitating cutbacks, is clear. The California Commission on Aging has reported that since 1965 there has been a total of 98 title III projects in California which have reached over 350,000 seniors with some type of direct service. They have served as examples to hundreds of California communities and have given these thousands of seniors a new life with which they help themselves by helping others. Title III projects and their programs have been defined as the greatest single deterrent to loneliness, loneliness which can lead to physical and mental breakdown, and eventually institutionalization. Title III, whose results cannot be measured because it deals in preventive-type services, is a savings at any price.

Has the purpose of the Social Security Act been fulfilled? Can the older American retire in health, honor, and dignity after years of contribution to the economy? The 10-percent increase in social security benefits has not and will not accomplish the larger goal of "social security" for the elderly. Many permanent changes need to be incorporated into the Social Security Act to make it the Nation's No. 1 comprehensive retirement program. The House has reported a bill, H.R. 1, that would make significant changes in the program. Among the changes is a 5-percent benefit increase effective for June 1972 and an automatic cost-of-living increase thereafter, when the cost of living rises by 3 percent or more. In addition, the special needs of widows for additional income is recognized by a provision that would increase widows benefits to 100 percent of her husband's retirement benefits instead of the 82½ percent she now receives. Another part of the proposed amendments would liberalize the retirement test so that beneficiaries could earn more without losing their social security benefits. Under the bill, the amount a person could earn and still get all his benefits would be raised from $1,680 to $2,000 a year. In addition, benefits would be reduced by $1 for each $2 of all earnings above $2,000. This would be a change from the present law which provides a $1 for $2 reduction for the first $1,200 above the exempt amount and for a $1 for $1 reduction for all additional earnings. I support and will work actively in the Senate for additional benefits for senior citizens:

First. A 20-percent increase in benefits at this time with a provision for an automatic cost-of-living escalator which would be a backup to assure that if Con-

gress should fail to act, benefits would not lag behind rises in the cost of living.

Second. Computation of benefits as of age 62 instead of 65 for men, as is presently done for women.

Third, An increase from $1,680 to $3,600 of the present earning limitation for social security recipients to enable them to rise from the poverty level.

Fourth. Payment of out-of-hospital prescription drug costs under medicare as provided for in Senator MONTOYA'S bill, S. 936, of which I am a cosponsor.

The lack of a Federal mechanism to help meet the cost of out-of-hospital prescription drugs has been called one of the most critical shortcomings of medicare. All the available data supports the conclusion reached by such diverse groups as the DHEW Task Force on Prescription Drugs, the AFL–CIO and the President's Task Force on Aging, that there is a clear need for covering prescription drugs under medicare and that such coverage is feasible. There is a significant sentiment in this body and in the other body for legislation such as S. 936, which would provide reimbursement under medicare for out-of-hospital drug costs. This is an issue that is as old as the medicare issue that dominated the debates of the 1960's and I should hope that it will not remain a dominant issue for the 1970's.

Fifth. An expansion of the types of medical and therapeutic services covered by medicare and a strict control over the escalating fees for subscription to medicare insurance.

Sixth. Medicare coverage for disabled persons under age 65 who are receiving social security benefits.

Seventh. Benefits of former working women to be continued in addition to those benefits to which they are entitled which were earned by their deceased spouses.

Eighth. Increased special benefits for certain people age 72 and over who have not worked long enough to qualify for regular benefits; and increase from $48.30 for one person and $72.50 for a couple to the regular minimum.

In our zeal to take care of the large groups, we sometimes neglect the smaller ones. Therefore, I would remind the Senate of the special needs of blind people. On a number of occasions, we have passed, only to lose it in conference, legislation that would make it easier for blind people to get social security benefits. In addition, we must not lose sight of the advantages to be gained from the bill, S. 1030, which the Senior Senator from West Virginia, JENNINGS RANDOLPH, introduced and I cosponsored which provided rehabilitation services for older blind persons. Figures published by the National Center for Health Statistics of the U.S. Public Health Service indicated that an estimated 1.1 million older people have severe visual impairments. According to the National Eye Institute, glaucoma, senile cataracts, and diabetic retinopathy, cause 42.5 percent of all blindness in this country. Each of these conditions strikes primarily older people. Specialized programs to help these older people function effectively and efficiently need to be designed. Thus, S. 1030 would provide Federal financial assistance to appropriate State and local agencies and to institutions of higher education for the purpose of establishing the needed specialized services for training additional personnel and for conducting appropriate research and demonstration projects.

I believe that the guidelines for effective housing programs for the elderly should be directed toward a two-pronged effort: First, to supply housing at carefully determined construction, rental, and purchase costs and second, to design housing with the recognition of the special problems of older people—loss of mobility, and hence of regular social contracts; long-term illness, widowhood; declining energy; and the large amount of time spent indoors and within the housing facility.

Key to the housing problem is the adverse effect of escalating real estate taxes on senior citizens who are homeowners. At the present time, property taxes in our State are extremely high, falling hardest on older Californians. I believe that a comprehensive State, local, and Federal study should be made to find a way of reducing this burden. Another alternative is to allow appropriate Federal income tax relief for property taxes which senior citizens must pay. I will shortly be introducing legislation which would provide a property tax credit for senior citizens.

Among the myths perpetrated about the satisfied, comfortable and invisible lives of older Americans is that of the nursing home. Only 10 percent of our nursing homes are nonprofit institutions, with the nursing home profiteers collecting government funds from the two out of the three patients in homes for the aged whose ability to pay the often exorbitant fees is afforded by Federal or federally-assisted programs. Part of the myth is that these homes are strictly licensed, regularly and thoroughly inspected, and staffed by competent personnel. This, in fact, is untrue; the National Fire Prevention Association lists nursing homes at the head of the unsafe places to live. And proper medical care for the aged residents is pitifully inadequate. It has been estimated that Federal standards are being enforced in only one-third of the country's medicare-certified homes. Nursing homes under the medicaid program are in such widespread violation that full compliance is probably nonexistent. I call for a program of nursing home reform including standards for nursing homes that will assure the safety, health, and well-being of the residents as well as involvement of the elderly on citizen review boards to check enforcement standards. Of great importance to the elderly is peer group contact and a sense of belonging and community. Being crowded into old age homes for the rejected and relegated, is not what this affluent, yet selfish Nation of middle-aged, self-content Americans can and should offer to their older folks.

The problems of older persons with regard to transportation affect both their opportunities for social contacts to enrich their lives and employment possibilities to enhance their standard of living. Serious problems of isolation affect 5 million of the elderly and this number cannot be ignored. Many senior citizens are no longer able to drive their own automobiles due to reasons of health, finances, or safety. They are then faced with the dismal prospect of attempting to use public transportation that, is either non-existent, nearly inaccessible or too expensive. Older pedestrians must cope with the hazards of a vehicular traffic system designed for the benefit of the harried and hurried suburban commuters—short traffic light cycles, broad streets, and high curbs. The State of California has taken positive steps in the enforcement of strict pedestrian courtesy laws; however, the high rate of death and crippling injuries of older Americans causes me to believe that sufficient steps have not been taken to assure their total freedom of movement even as pedestrians.

The goal of providing worthwhile and satisfying employment of senior citizens has been promulgated in the Older Americans Act and its amendments, but implementation of programs to reach the goal face a problem today as middle-aged Americans find themselves in stiff competition with each other for the scarce positions in the many fields which have been so adversely affected by the economic recession. I believe, therefore, that the necessity has arisen for the creation of a Federal-State clearing-house of possibilities of volunteer and compensated employment for the elderly which would not compete with those positions available for unemployed heads of young households. Although the Economic Opportunity Act Amendments of 1967 provided for participation of senior citizens in community action programs and in VISTA, a referral bureau of far greater scope and coverage specifically for senior citizens needs to be implemented on this volunteer level to utilize one of our major resources of knowledge and expertise—the senior citizens.

We need to do something about the deplorable nutritional standards of these elderly people and to this end I have cosponsored a bill, S. 1163 introduced by Senator KENNEDY, which I hope will be favorably considered in this session. This bill would establish a nutritional program for the elderly by amending the Older Americans Act to provide grants to the States for operating and expanding programs which would provide low-cost, nutritional meals to older people under conditions which would broaden their social contacts. Under such a program, older persons could eat their meals in the company of their friends while at the same time have a proper diet. Such a program would also provide employment for elderly persons in the preparation of the meals and in educational programs where individuals can learn about adequate nutrition.

I am opposed to the proposed cutback in appropriations for the foster grandparent program, one of the most successful and rewarding programs developed under the Older Americans Act of 1965. I will join in the legislative effort in

the Senate to restore the full appropriation for a program which was designed to grow with its intended $25 million authorization in 1959 rather than be emasculated with a $7.5 million administration budget request for fiscal 1972. All of the people employed as foster grandparents are from the poverty level income bracket, and as such, can qualify for old age assistance. It seems senseless to deprive older Americans a meaningful service to our society and to force them to go on welfare assistance for approximately the same amount of money they could productively earn as a foster grandparent. The seniors lose the opportunity to engage in worthwhile employment; they are forced to take welfare from society rather than to contribute an invaluable and personal service to that society and its neglected children. Our Nation and our communities lose the benefit of their service to the children for whom they are foster grandparents.

This program ought to be expanded rather than cut back. There are 68 foster grandparent programs in the United States and Puerto Rico, employing 4,093 persons. This number appears insignificant when compared to the more than 8 million people over 60 years of age who live in poverty, or 40 percent of their total. If only 1 percent of the 8 million were able to participate, 80,000 seniors would find themselves in positions of self-respect and removed from the Nation's dole. Howard Parks, program director of the Stockton, Calif., foster grandparents program, reports that the number of employment applications in the Stockton files are equivalent to 3 percent of local senior citizens who are receiving public assistance payments; these applications to join the foster grandparents program serving the Northern California Youth Center were all received without solicitation by the Stockton office. The Stockton program is unique in this country in its personal involvement of the foster grandparents with juvenile delinquents from the Northern California Youth Center and it has been lauded around the Nation for its great success in benefitting both the young men and the seniors in their need for meaningful human relationships.

I am concerned about the direction which the White House Conference on Aging will take when it meets in November of this year. The advice of older people and particularly of organizations most closely identified with their problems must be sought by those planning the Conference on Aging. It is the fear of many senior citizen spokesmen that wisdom of the needs, desires, and hopes of older people is being sought, instead from specialists and providers of services.

The elderly are not just another American minority crying out for fair treatment and recognition of their needs. They are the least recognized because their form and manner of protest and appeal is most easily ignored. They have been quietly and nonviolently asking their children for the ability to live out their lives in an honorable, healthy, and decent way. With a trillion dollar gross national product, our affluent nation has seen fit to contribute only a total of $26 million for special service programs for the elderly in a year when DOD cost overruns for research and development of weaponry systems total $33 billion. The administration failed to support a national program of federally funded community service training and employment which would have been provided under the vetoed Manpower Training Act. In their plans for executive reorganization, the Administration on Aging would be stripped of its primary function of administering the senior citizens programs with the RSVP—retired senior volunteer program—and foster grandparent program to be engulfed by the huge new Federal volunteer agency and the research and development and demonstration programs to be transferred to the Social Rehabilitation Service. I believe that as a Nation that prides itself in the advancement of human dignity, we cannot allow our senior citizens to die the slow death of poverty, ill health, uselessness, and loneliness.

GAO STUDY OF VIETNAM PACIFICATION PROGRAM SPENDING AND THE PENTAGON REPLY

Mr. PERCY. Mr. President, in 1970 auditors of the General Accounting Office stationed in Vietnam studied the pacification program operated jointly by the United States and the Government of South Vietnam—the program known as CORDS—Civil Operations and Rural Development Support. On July 1, 1971, GAO referred its study to the Secretary of Defense and appropriate House and Senate Committee Chairmen, and on July 10 the New York Times reported one of the findings of the study—that of $2,077.6 million authorized for expenditures in 3 fiscal years, GAO could not find documentation obligating the spending of $1.7 billion.

The GAO study was provided by the Comptroller General to the Government Operations Committee of which I am acting ranking Republican member, and to the Chairmen of the House Foreign Affairs, the Senate Foreign Relations, and the Senate and House Armed Services Committees. It is an extremely valuable document. Titled "Background Information on United States Participation in Pacification and Development Programs in Vietnam," it raises very serious questions about the uses and controls on hundreds of millions of U.S. funds spent for pacification programs, and on the effectiveness of the programs themselves. The study deserves full disclosure and Congressional action, to assure at the very minimum, immediate use of proper accounting and auditing procedures.

As a result of the Times report I called for congressional study of the document, and yesterday, after reviewing the GAO study, I wrote Secretary Laird requesting that the study be declassified and be made public.

The Defense Department made available to the press yesterday a document responding to the July 10 Times report. This document asserts that the $1.7 billion can be fully accounted for by obligational data not available in Vietnam. It said that about $1.3 billion was budgeted for hardware and other commodities and that this amount can be completely accounted for because it was supplied to units in Vietnam through the logistical systems of the U.S. armed services. The Defense Department may be correct in asserting that it can support with records the disposition of the goods costing $1.3 billion. But this does not address my point, or the point being made by GAO.

The CORDS is a central, joint command that oversees the operations of eight pacification programs operating throughout Vietnam. Logically, CORDS should have a complete accounting of the amounts of funds being spent for each program. The GAO says that neither CORDS nor the Military Assistance Command Vietnam—MACV—in Saigon has such an accounting. That is because much of the goods used in pacification programs flow directly from supply depots and logistics centers in each of the three armed services directly to field units in Vietnam. CORDS has no way of knowing about the uses of these materials as the system currently operates. As the GAO study indicated, in an unclassified paragraph:

> During our survey, we received incorrect and conflicting figures from the CORDS directorates. We also found that many of the responsible officials in the directorates were unaware of the amounts obligated under their programs, and in some instances did not know the amounts in their budgets.

There is a reason too for the current method of operation. In 1967, when the CORDS program was set up, combat was at its highest point. It would have been too time consuming to demand strict accountability of field commanders for all materials requisitioned. The open-ended supply system established then still exists now, although combat has been sharply reduced.

I suggest that it is now time to impose a more logical system on the dispersal of U.S. funds and materials for pacification programs in Vietnam. The Defense Department paper does not reassure me that the system now operates adequately; it is not responsive to the GAO staff study. Because we are dealing with hundreds of millions of dollars, I think we have a right to insist on a much more thorough investigation of this problem.

Without violating the secret classification affixed to the GAO study by the Defense Department, I will try to summarize briefly the nature of the CORDS pacification programs and the GAO's findings on the funding and effectiveness of these programs.

The CORDS program was begun in 1967 after the United States convinced the Government of South Vietnam that a pacification program would be useful. The CORDS effort has been implemented through eight specific programs for territorial security, people's self-defense forces, establishment of local governments, economic prosperity, national unity, protection from terrorism—Phoenix—public information, and refugees. CORDS itself can be described as

an effort to provide coordinated management of programs and money contributed by various agencies of the U.S. Government and the Government of Vietnam.

Funds for these eight CORDS programs come from three sources:

First, U.S. dollar contributions made by the Department of Defense, AID, and the CIA:

Second, counterpart funds in Vietnam currency—piasters—and

Third, Vietnam Government funds also in piasters.

The total amounts of CORDS funds for 3 fiscal years, 1968, 1969, and 1970, converted to dollars, was slightly less than $4 billion. In their study of the CORDS programs the GAO analysts focused on the first item, contributions of dollars directly by agencies of the U.S. Government to the pacification programs through CORDS, and on the uses of these funds. The GAO study deals with all eight elements of the CORDS pacification programs, and serves two important purposes. It analyzes the effectiveness of the pacification programs operated under CORDS, cites shortcomings, and makes recommendations for improvement. Second, it addresses the cost aspects of these programs from the point of view of the amounts authorized compared to amounts obligated, and the amounts not spent and "reprogramed."

It is the latter aspect of the GAO study that the New York Times reported on July 10. The Times reported that, of the slightly more than $2 billion contributed to the CORDS programs by DOD, AID, and CIA in fiscal years 1968, 1969, and 1970 the GAO was unable to obtain obligations or documented expenditure records for $1.7 billion. GAO officials have subsequently explained that this does not mean that the money was in fact fraudulently spent or lost. GAO is careful to point out that this means that its auditors, working from records available in Vietnam, were unable to find documents obligating the funds. Of the money totaling $339.2 million that GAO did find obligations for, $65.5 million was not spent and was returned to the contributing agencies for reprograming.

Mr. President, the GAO study has raised a number of important issues and questions about the use of American dollars in Vietnam. I prefer not to explore these questions here without determining first whether the Defense Department will declassify the study. It is regrettable that the entire 159-page document is classified "secret." Though portions of it are marked "secret," and other portions "confidential," portions of the study are unclassified.

The secret classification is required by the Department of Defense. Although the GAO gathered the material and made the report, the material use is from Defense documents and the classifications reflect the classifications of the original documents. Senior GAO officers agree that much of the report should be declassified and made public.

In my view the secret classification is unnecessary and large portions of the study should be declassified and published. Here is another example of the practice so well demonstrated in the case of the Pentagon papers, of unnecessary use of confidential and secret classifications. Wholesale and indiscriminate use of these classifications actually weakens the entire documents security system and encourages casual treatment and violations of security. In my view, the national interest requires not that the study be hidden, but that it be made publicly available.

For these reasons I asked the Secretary of Defense to declassify the GAO study to the greatest possible extent, in particular, the full section relating to U.S. expenditures for CORDS programs and the accounting and auditing procedures applying to them.

The GAO study raises issues about the costs of the war, the uses of American dollars spent to support it, and the Government's accountability to the people. These issues cry out for the closest inspection. The GAO is to be commended highly for initiating this study in its own right, and for taking the initiative to refer it to key congressional committees, as well as to the Secretary of Defense.

Now it is our responsibility to investigate these findings further and act on them. Admittedly, they are incomplete; the General Accounting Office has been quite candid in telling me that this study was preliminary and should be used as background to guide further studies. It is our responsibility to help direct the GAO's efforts and guide it in establishing a system that will provide tight accountability and audit procedures for uses of U.S. funds in CORDS programs.

The GAO's findings on the disposition of U.S. funds for the CORDS program falls squarely within the jurisdiction of the Government Operations Committee, which is to study budget and accounting matters other than appropriations, to receive and examine reports of the Comptroller General of the United States, and to submit recommendations to the Senate as necessary in connection with such reports. The GAO's findings provide ample material, and suggest several courses of action to immediately correct an untenable situation. The study's findings on the effectiveness of the pacification program should be given equally thorough scrutiny by the Foreign Relations and Armed Services Committees.

Declassification of the GAO study, particularly the entire section relating to funding, is essential. Also essential is further investigation of the study's findings. Thus I have formulated questions based on the study to refer to the Comptroller General and his staff. Hopefully in these ways we can spur adoption of proper accounting and auditing procedures. I am much encouraged that the GAO now plans to pursue its investigations in this area and I feel confident, based on my past personal dealings with the Defense Department, that we shall have its complete and necessary cooperation.

NEW YORK'S FIRST YEAR WITH LEGALIZED ABORTION

Mr. PACKWOOD. Mr. President, when New York State legalized abortion last year, there were grave predictions of death and devastation, of women being maimed and murdered, or unwilling doctors and nurses forced to violate their religious and ethical convictions. Opponents of abortion reform warned that the legalization of abortion would create havoc in New York City's hospitals—where it could be assumed a large majority of the abortions would be performed—characterized by severely overcrowded hospitals and desperate shortages of health personnel. Not only is abortion reform undesirable in religious and ethical terms, they argued, but the legalization of abortion would place such a heavy burden on New York as to render the law—for all practical purposes—unworkable.

Well, Mr. President, the facts and the figures on the first year of New York's abortion law are now in. I know abortion supporters and opponents alike will be pleased and relieved to know that none of last year's dire predictions have come true. As Mr. Gordon Chase, New York City's health administrator, recently reported:

> The catastrophe many foresaw a year ago failed to materialize.

Not only is New York now serving as a resource for women from all over the country, it is, as Mr. Chase stated, serving women safely. The first year's record shows continuing declines in the rate of complications from abortions, declines in both the infant and maternal mortality rates, and in the rate of out-of-wedlock births. Yet another cause for optimism is the continuing increase in the number of early abortions, which are much safer than later abortions. Over 75 percent of all abortions in New York are now being performed prior to 12 weeks gestation.

Mr. President, because of the far-reaching nature of this first year's record, I ask unanimous consent to have the entire text of Mr. Chase's June 29 statement, and documentary tables, printed in the RECORD.

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

GORDON CHASE CITES SUCCESS OF NEW YORK'S NEW ABORTION LAW

In the first year of the new abortion law, close to 165,000 abortions will have been performed in New York City, Gordon Chase, Health Services Administrator, announced today. Under the liberalized New York State abortion law which took effect on July 1, 1970, over 150,000 abortions were performed in the City by May 31, with an additional 14,000 estimated for the month of June.

"New York City has accounted for the lion's share of abortions in the State and has been a resource for women all over the country," Mr. Chase said. "Nevertheless, the catastrophe many foresaw a year ago failed to materalize: we have been able to serve our residents as well as substantial numbers of out-of-State women, and, most important, we are serving women safely."

There have been no abortion-associated deaths reported in the past four months; the last reported death occurred in February. "We have a remarkable record of safety," Chase said, "compared to that of other countries, like Great Britain, where the rate was 17 per 100,000 in the first year of its abortion law, or Scandinavia, where the rate was 40 per 100,000."

There have been seven deaths here following abortions performed in hospitals and eight following abortions outside of hospitals, including one in a doctor's office before Article 42 of the N.Y.C. Health Code was enacted. The Code virtually prohibits abortions in doctors' offices. Calculating, as other countries do, on the basis of abortions performed under legal auspices, there were 8 deaths in over 150,000 abortions during the first eleven months, a rate of 5.3 per 100,000.

Another index of increasing safety, Chase said, is the continuing decline in the rate of reported complications from abortions. In the first six months (through December 31, 1970), the overall rate was 12.4 per 1,000 abortions; by the end of March (nine months) this rate had declined to 10.0 per 1,000; and the most recent report (through June 11, 1971—see table attached) is down to 8.7 per 1,000.

"The safety record is improving, probably because doctors are gaining experience with the procedure, and certainly because the proportion of first trimester abortions (those within the first twelve weeks of pregnancy) has been increasing," Chase said. "Complications are decreasing steadily in both early and later abortions, but there is no question that early abortions are much, much safer. The complication rate for late abortions is almost six times as high as the first trimester abortions.

"Our most important educational task is to get across the message that early abortions carry much less risk," Chase said, "and we have evidence that we are succeeding." Analysis of certificates of termination-of-pregnancy for ten months (through April 30, 1971) reveals that 74.7% of abortions were performed in the first trimester. Trend data show that early abortions are increasing: they were 68.6% of the total in July and August; 70.8% in September and October; 73.7% in November and December; 77.3% in January and February; and 77.2% in March and April.

Similarly, very late abortions—those done after 20 weeks—are declining. Such abortions were 4.4% of the total for the first six months (through December 31), but 3.5% in January and February, and 3.6% in March and April. They are 3.9% of the cumulative total through April.

"We will be watching these trends closely as we go into the second round of an intensive public education campaign utilizing all the media, Chase said. "We hope to duplicate or better experience in Japan where after ten years first-trimester abortions represent 94% of all the procedures."

Chase noted that although it is too early to reach definitive conclusions, there is evidence that the abortion law may be having a favorable effect on maternal and infant mortality, and numbers of out-of-wedlock births.

"Data analysis has to be undertaken cautiously," he said, "since it must be remembered that the first three months under the new law don't really count in looking at birth data; women whose pregnancies were advanced would not have had abortion as an available option in that period. Nevertheless, we see some hopeful signs." He cited the following evidence:

Maternal mortality, inclusive of abortion-related deaths, has been declining steadily in the City over the past five years, due in part to the increased impact of family planning services. For a six-month period from October 1, 1968 through March, 1969, the rate was 5.4 maternal deaths per 10,000 live births; during October–March 1969–1970, the rate was 5.3; during October–March 1970–1971, with the new abortion law in effect, the rate dropped sharply to 2.6, an all-time low.

Infant mortality has also dropped to a new low of 22.0 deaths per 1,000 live births from January 1 through April 30, 1971, compared to 22.5 for the same period in 1970; 25.2 during January–April 1969; and 24.5 during January–April 1968. Access to abortion "on demand" may account for some of this result, since abortion is now available to those women who are at greatest risk of giving birth to infants who may die: namely, very young women, unwed mothers (who generally get poorer pre-natal care), and women who have had many previously births and pregnancies, as well as women with medical handicaps.

Out-of-wedlock births had shown a fairly steady increase over the years but, for the first time, there may be a decline in the actual numbers of these births. From January 1, 1970 through March 31, 1970, before the law was passed, there were 7,764 out-of-wedlock births, from January 1 through March 31, 1971, after the law, there were 7,581 such births. HSA will continue to watch closely to see if the figures constitute a meaningful trend for the future.

"Incomplete" abortions—those cases that hospitals see after an abortion has begun elsewhere—seem to be declining, a possible indication that the abortion law is reducing the incidence of criminal abortions. In ten municipal hospitals taken together, incomplete and spontaneous abortions averaged 480 per month from July 1 through December 31, 9710. In January, the average was 391; in Feruary, 415; in March, 396; in April, 342; and in May, 323. Since there is reason to believe that most of this decline is due to fewer "incompletes" rather than fewer spontaneous abortions, it would appear that criminal abortions may be on the wane.

"When we started out, the greatest fear in the community was that we would not be able to serve the poor—and it is very gratifying to note that this simply has not happened," Chase said. "According to analysis of pregnancy termination certificates for the first ten months, 34.7% of City residents were served at municipal hospitals and 16.7% were patients in ward services of voluntary hospitals—the traditional sources of care for low-income women."

Chase stressed once more that at the municipal hospitals, no woman is turned away because she is unable to pay, even if she is not eligible for Medicaid. Medicaid-reimbursable abortions constitute an estimated 31% of the procedures for City residents, based on data from the first 9 months, and a recent court decision ruled that abortion will continue to be a reimbursable medical procedure.

"By and large, the proprietary (profit-making) hospitals and the out-of-hospital abortion clinics are the facilities that tend to serve out-of-State residents. 79.4% of the proprietary caseload through April consisted of out-of-State women, as did 86.9% of the non-hospital clinic caseload." 82.4% of out-of-State residents were served in these facilities.

Of the estimated year-end projection of over 164,000 abortions, based on weekly reports from hospitals and clinics (see table attached), 26,000 will be at municipal hospitals; 40,000 at voluntary hospitals; 50,000 at proprietary hospitals; and 48,000 at out-of-hospital clinics.

At present, there are 18 out-of-hospital abortion clinics known to be operating in New York City. Under Article 42 of the N.Y.C. Health Code, which was adopted on October 19, 1970, abortions are restricted either to hospitals, or to clinics affiliated with and located very close to hospitals that can provide emergency services if needed, or to free-standing clinics that are equipped to handle their own emergencies and are, in effect "mini-hospitals."

The Board of Health proposed on June 24 a new amendment to Article 42 which would require all abortion clinics to register with the Department of Health, which inspects them and assists them in complying with the medical provisions of the Code. Under this amendment, if adopted, a clinic could be shut down on 48-hour notice if it failed to register or if it violated the Code so as to endanger the life or health of its patients, in the judgment of the Health Department. This proposed amendment will be published in the City Record this week, with public comment requested.

"There is no question," Chase said, "that New York City has proved this year that legal abortion on demand is feasible. While there are always going to be individual problems in initiating any massive new program such as this, the essential fact is that we have been able to provide prompt, dignified, and—most important—safe care to vast numbers of women who have sought this procedure. The success of the new law is due in great measure to the splendid cooperation of all sectors of the health care system in the City, and especially to the high standards of performance of the medical profession."

Mr. Chase particularly singled out for praise the Family Planning Information Service, the free counseling and referral agency operated on behalf of the City by Planned Parenthood of New York City, Inc., and the Health Department Abortion Clearing House which serves over 40 hospitals, enabling them to refer their patients quickly to other hospitals if they cannot meet the demand at a particular moment.

RATES OF COMPLICATIONS PER 1,000 ABORTIONS (BASED ON WEEKLY REPORTS CUMULATIVE FROM JULY 1, 1970, THROUGH JUNE 11, 1971)

Type	Gestation and method used																	
	Total						12 weeks and under						Over 12 weeks					
	Total	D&C	Suct.	Saline	Hyst.	Other	Total	D&C	Suct.	Saline	Hyst.	Other	Total	D&C	Suct.	Saline	Hyst.	Other
Hemorrhage	1.5	1.4	0.8	4.8	4.0	1.3	0.8	1.1	0.7	.....	10.6	.....	4.5	4.4	5.0	4.8	2.5	1.5
Infection	2.0	1.1	.8	7.8	14.1	2.6	1.0	1.2	.9	.....	10.6	.....	6.4	.9	.....	7.9	14.9	3.0
Perf. uterus	1.5	2.0	1.6	.1	7.1	.6	1.6	1.6	1.5	.....	37.2	.....	1.1	6.1	4.4	.1	.....	.7
Anesthesia	.1	.1	.1	.2	1.0	.....	.1	.1	.1	.....	.....	.....	.2	.4	.....	.2	1.2	.....
Shock	.1	.1	(1)	.3	1.0	.....	(1)	(1)	(1)	.....	.....	.....	.3	.4	.....	.3	1.2	.....
Retained tissue	2.2	.5	.5	13.1	2.0	.6	.5	.5	.5	.....	5.3	.....	9.7	.9	.6	13.2	1.2	.7
Failure	.6	(1)	.1	3.9	.....	.....	.1	(1)	.1	.....	.....	.....	2.8	.....	.6	3.9	.....	.....
Lacerated cervix	.2	.3	.2	.1	1.0	.6	.2	.2	.2	.....	.....	4.6	.3	.9	.6	.1	1.2	.....
Other	.5	.4	.4	1.0	4.0	1.3	.4	.4	.4	.....	.....	9.3	1.0	1.3	.....	1.0	5.0	.....
Unspecified	.1	.2	.....	.2	.....	.6	.1	.2	.....	.....	.....	4.6	.1	.....	.....	.2	.....	.....
Total	8.7	6.1	4.5	31.4	34.3	7.7	4.7	5.3	4.3	.....	63.8	18.5	26.5	15.4	11.0	31.6	27.4	6.0

[1] Less than 0.05.

ESTIMATED TOTAL ABORTIONS, JULY 1, 1970 TO MAY 31, 1971, NUMBER OF ABORTIONS PERFORMED

Category of provider	Estimated total	Number reported on weekly forms	Estimated number reported on weekly forms	Projected estimate, July 1, 1970, to June 30, 1971
Municipal	23,738	[1] 23,738		25,896
Voluntary	36,864	31,206	[2] 5,658	40,215
Proprietary	45,811	39,968	[2] 5,843	49,976
Other	44,216	33,087	[2] 11,129	48,236
Total	150,629	127,999	22,630	164,323

[1] Municipal hospital figures are compiled from daily reports by the Health and Hospital Corp. This figure excludes 4,900+ spontaneous and incomplete abortions.
[2] Source: Analysis of data from weekly abortion reports.

DEMOGRAPHIC DATA BASED ON TERMINATION-OF-PREGNANCY CERTIFICATES—10 MONTHS FROM JULY 1, 1970, TO APR. 30, 1971 (TOTAL OF 98-457 CERTIFICATES)

[Period of gestation (percent) [1]]

Category	12 weeks and under	13 to 15 weeks	16 to 18 weeks	19 to 20 weeks	21 to 23 weeks	24 weeks and over
Municipal	57.9	9.5	13.9	9.4	5.9	2.2
Voluntary	70.6	8.6	8.8	5.9	4.0	1.4
Proprietary	72.5	10.4	7.9	5.8	2.3	.8
Other	95.1	3.6	.3	.1	.1	.6
Total	74.7	8.3	7.4	5.1	2.8	1.1

[1] Estimates are based on date of patient's last reported menstrual period, which is not always an accurate reflection of weeks of gestation.

PREGNANCY ORDER (PERCENT)

Category	1st	2d	3d	4th	5th	6th or more	Not stated
Municipal	37.8	20.3	16.0	10.5	6.9	6.7	1.8
Voluntary	49.7	14.0	14.0	9.7	5.9	5.6	1.3
Proprietary	66.0	10.7	9.4	6.7	3.6	3.1	.5
Other	66.3	12.3	8.7	5.8	3.5	2.7	.7
Total	57.3	13.4	11.5	7.9	4.7	4.3	1.0

METHOD OF TERMINATION OF PREGNANCY (PERCENT)

Category	D. & C.	Suction	Saline	Hysterotomy
Municipal	31.2	34.3	32.4	2.1
Voluntary	33.1	45.0	20.0	1.9
Proprietary	45.1	39.0	15.4	.5
Other	3.6	96.1	.3	(1)
Total	30.7	52.4	15.8	1.0

[1] Less than 0.05.

PLACE OF RESIDENCE

[In percent]

Category of provider	New York City residents	New York State	Out of State	Residence not stated
Municipal	95.0	0.6	0.9	3.6
Voluntary	61.9	5.4	30.3	2.4
Proprietary	16.7	2.8	79.4	1.1
Other	8.2	3.1	86.9	1.8
Total	39.2	3.3	55.5	2.0

	Total percent
Ethnic group:	
White	—73.8
Nonwhite	—21.9
Puerto Rican	—4.3
New York City residents:	
White	—47.7
Nonwhite	—42.3
Puerto Rican	—10.0
Age:	
Under 15	0.2
15 to 19	23.4
20 to 24	37.3
25 to 29	18.2
30 to 34	11.1
35 to 39	6.7
40 plus	2.7
Not stated	.5

ABORTIONS TO OUT-OF-STATE RESIDENTS

Nine-month cumulative total, from July 1, 1970, through March 31, 1971, based on analysis of certificates of termination-of-pregnancy

State	Number
Canada and other countries	1,518
Alabama	217
Alaska	2
Arkansas	82
Arizona	38
California	94
Colorado	148
Connecticut	1,862
Delaware	108
Dist. of Col	189
Florida	2,665
Hawaii	2
Idaho	16
Indiana	1,198
Iowa	457
Louisiana	314
Maine	345
Maryland	452
Massachusetts	3,142
Michigan	3,279
Minnesota	731
Mississippi	171
Montana	27
Nebraska	176
Nevada	12
New Hampshire	320
New Jersey	6,080
New Mexico	15
North Carolina	180
North Dakota	62
Ohio	3,585
Oklahoma	204
Oregon	3
Pennsylvania	2,844
Rhode Island	484
South Carolina	268
South Dakota	41
Tennessee	536
Utah	22
Vermont	158
Washington	21
West Virginia	287
Wisconsin	705
Wyoming	24
Georgia	838
Illinois	3,532
Kansas	52
Kentucky	526
Missouri	449
Texas	728
Virginia	986
Total	40,498

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, with the understanding that the recess not extend beyond 1 o'clock p.m. today.

The ACTING PRESIDENT pro tempore. Would the Senator clarify as to whether he wants that to be a recess until 1 p.m. or a recess subject to the call of the Chair not to extend beyond 1 p.m.?

Mr. BYRD of West Virginia. I thank the Chair.

I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 1 o'clock p.m. today.

The motion was agreed to, and at 12:37 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1 p.m., when called to order by the Presiding Officer (Mr. EAGLETON).

PUBLIC WORKS ACCELERATION BILL—VETO

The PRESIDING OFFICER (Mr. EAGLETON). Pursuant to the unanimous consent agreement, the Chair now lays before the Senate the President's veto message on S. 575, the public works acceleration bill, which the clerk will state.

The legislative clerk read as follows:

A veto message on S. 575, the public works acceleration bill.

(For President's veto message, see page 22817 of the CONGRESSIONAL RECORD of June 29, 1971).

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The Constitution requires that the vote shall be determined by yeas and nays.

Under the agreement, time for debate is limited to 2 hours, to be equally divided and controlled by the distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from Kentucky (Mr. COOPER).

The distinguished Senator from New Mexico (Mr. MONTOYA) is recognized.

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. On the time of the Senator from West Virginia?

Mr. MONTOYA. Yes.

The PRESIDING OFFICER. The Senator from New Mexico may proceed.

PRIVILEGE OF THE FLOOR

Mr. MONTOYA. Mr. President, I ask unanimous consent that the following members of the staff of the Public Works Committee, and a member of my staff, be permitted to remain in the Chamber during consideration of this legislation. They are: M. Barry Meyer, Philip T. Cummings, David Sandoval, John Yago, Bailey Guard, Judy Parente, Richard E. Herod, and J. B. Huyett, Jr.

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

Mr. MONTOYA. Mr. President, the Senate is asked today to disagree with the judgment of the President of the

United States concerning legislation directly affecting the lives and welfare of millions of Americans. We are asked to once again affirm our earlier votes on this legislation as a positive and beneficial response to the continuing high levels of unemployment that are causing distress throughout our country.

I find it personally distasteful that we are forced to vote on overriding the President's veto of S. 575. I say this because the severity of the situation faced in our country today should be apparent to the executive branch as it is to the legislative arm of our Government. It appears, however, that there is substantial disagreement between the Congress and the President and his advisers. This veto also is additional evidence that the administration is reluctant to recognize the extent and seriousness of unemployment or to even attempt to alleviate it through positive action.

S. 575 was introduced on February 3. At that time it was a proposal only to continue the very successful work of the Appalachian Regional Development program. On the floor of the Senate it was amended to provide for an extension of the Public Works and Economic Development Act of 1965. The bill was further amended in the House of Representatives to reactivate the Public Works Acceleration Act of 1962 as yet another weapon in the battle against unemployment.

As it emerged from the Senate-House conference, S. 575 was a comprehensive legislative response to a broad spectrum of economic problems and goals.

In his veto message on S. 575, President Nixon once again expressed his support for the Appalachian program and the activities carried out by the Public Works and Economic Development Act of 1965. I am gratified that he recognized the contribution these two programs have made toward strengthening the American economy. I am, however, baffled at his rejection of the accelerated public works program and making it the grounds for vetoing the entire bill.

The President has endorsed the Emergency Employment Act of 1971 which was recently passed by Congress. This legislation offers one approach to unemployment by authorizing the creation of thousands of public service jobs. It is the height of inconsistency, though, for the administration to sign this bill and almost simultaneously reject the concept of accelerated public works. It is not as if one or the other of these approaches is the answer to unemployment. Both are needed because they are aimed at resolving different aspects of the larger problem. Even together, I harbor no illusions that unemployment would be reduced to an acceptable level, whatever that level might be.

The fact is, that with 5.5 million Americans unemployed in all segments of our society, a number of responses are needed. The Congress has responded positively by passing legislation dealing with public service unemployment and accelerated public works as well as giving the President authority to innovate wage and price controls.

Accelerated public works, the issue with which we are concerned today, is aimed at stimulating activity in the construction industry, one of the most seriously depressed segments of the American economy. There are now officially and conservatively estimated to be 354,000 unemployed construction workers in this country or 10.4 percent of the total. This is nearly double the rate of unemployment for the country as a whole and comes during the season when construction activity is normally at its peak. Among certain parts of the construction industry the situation is even bleaker. The position of construction laborers, for instance, has deteriorated rapidly. In June 1969, 6.4 percent of our construction laborers were unemployed. By June 1970 the rate was 12 percent and last month, it had climbed to 15 percent, again during what should be the peak season. Last February, the unemployment rate for construction laborers was 29.3 percent and I do not even like to think what it will be 6 months from now if we do not act and act immediately.

Recent experience indicates that unless we do act and act immediately we can expect the situation to be markedly worse next winter with as many as one of every three construction laborers without a job. The situation is already serious enough. In California for example 51,000 construction workers are without jobs. Unemployment among construction workers in Cleveland is the highest in 20 years and many of these have exhausted their unemployment compensation. One-third of all New Orleans carpenters were out of work last month and 1,000 carpenters in Miami alone were unemployed. There are some States in which 40 percent of the membership of a particular craft union were unemployed.

In opposing accelerated public works, is has been charged that this program benefits only those in the construction industry. This is inadequate reasoning and simply obscures the real issues. Of course construction workers would benefit and why should they not? But that is only part of the story. Our experience with the 1962 act demonstrates that its impact was widespread. In the first year after its enactment the expenditures of $850 milion of Federal money on a 50 to 50 matching basis created 45,000 on-site jobs or another 63,000 jobs.

This experience leads us to anticipate that the accelerated public works measure now before us would directly result in the creation of at least 200,000 jobs. Of the off-site employment generated by this stepped up construction program, at least one-half can be expected to be in manufacturing industries.

It has been argued that accelerated public works provides employment at high cost per job. This does not take into account the many thousands of off-site and nonconstruction jobs that would result from the program. Considering the jobs provided both on and off-site, the cost is only approximately $10,000 per worker under this program. This argument furthermore fails to consider the value to communities of the new public works facilities that would be developed, facilities which themselves would provide some permanent jobs.

Mr. President, if anyone doubts that this country is afflicted with prolonged economic stagnation, it is only necessary to look at recent statistics. Unemployment for many workers is not just a temporary inconvenience but is quickly becoming a semipermanent state for many thousands. The average duration has lengthened until it is now 12.7 weeks. We now have 580,000 who have been unemployed for at least 27 weeks. Jobs are scarce at all levels of society. We all know stories of highly trained scientists who are without incomes. And we also know that the young, the disadvantaged and the minorities are suffering under abnormal high unemployment rates. Added to this are the estimated 400,000 Vietnam veterans who have returned from serving their country to find no place in the job world.

The distinguished Speaker of the House of Representatives called attention to the serious situation that faces us in testimony last week to the Joint Economic Committee. At that time, he said:

> Approximately 1.1 million more individuals fell below the poverty line in 1970 after ten consecutive years of intensive and successful efforts to reduce the number of poor. More than 25.5 million Americans are now in this category. That a record high of 14.4 million Americans were forced to rely on welfare assistance in March, with 20 percent of the increase for the month attributed to prolonged unemployment.

Mr. President, I have recited many statistics today and I think they amply show the need for action. But the real story of unemployment cannot be told in figures for it is a personal tale of misery of our fellow citizens who are suffering unnecessarily. Hunger, deprivation and the emotional agonies that accompany joblessness are all too prevalent in our country. We live in a time that we see inflation continuing unchecked, despite the insistence of the administration that the situation is improving. Concurrently, we are told we should not enact job producing legislation because it is inflationary. I suggest that it would be difficult to sell this argument to the man walking the streets in search of work or standing in line to receive his subsistence welfare payment.

I concede that our problems are many and difficult, but I think it is intolerable to ask the poor to bear the burden of fighting inflation by not working.

It is equally incomprehensible that the men who should be leading us out of this economic quagmire are counseling us to reject legislation that would relieve the hardships with which many thousands of our people live.

Mr. President, this is faulty advice based on faulty assumptions, and it must not be heeded. I urge the Senate to join with me in providing a new hope for our jobless by voting overwhelmingly to override this veto.

The PRESIDING OFFICER (Mr. EAGLETON). Who yields time?

Mr. COOPER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, I shall vote to sustain the President's veto of S. 575, the bill extending the Appalachian Regional Development Act, and the Public Works and Economic Development Act.

The bill includes title I, which had been added by the House, the Accelerated Public Works Act.

The Senator from West Virginia (Mr. RANDOLPH) and I introduced the original Appalachian Regional Development bill in 1965. We joined together this year with many other Senators in introducing S. 575, extending the act for 4 years. The act affects Kentucky and 12 other States, and has brought significant progress to underdeveloped areas of the States.

Perhaps more importantly, the Appalachian program has been an outstanding example of Federal-State relations. It could serve as the model for a more balanced federal system. I am sure that the President will continue to support the extension of the Appalachian Act. If the veto is sustained, I will reintroduce a bill to continue the Appalachian program, and the Public Works and Economic Development Act.

I support also title 2 of S. 575, the 2-year extension of the Public Works and Economic Development Act. The Senate Public Works Committee is committed, under the leadership of the chairman of the Economic Development Subcommittee, the able Senator from New Mexico (Mr. MONTOYA), and the ranking minority member, the Senator from Tennessee (Mr. BAKER), to make this program more effective.

Title I, the Accelerated Public Works Act, was added to S. 575 by the other body. In conference the Senate conferees were not permitted to make amendments of a substantive nature which would have improved title I and made it effective in assisting those areas of our country which are experiencing high rates of unemployment, amendments which could have established jobs for all segments of the unemployed population—those highly skilled, the professional, the semiskilled, the displaced older workers, the returning veterans, and the untrained young workers.

Title I would undoubtedly provide some jobs, but it would primarily reach the construction and allied industries. It is today a high cost industry and those who work in the construction industry have received high pay increases and I have no fault to find with that. However, they are for the most part skilled workers. It is true that there are areas of high unemployment in the construction industry and I want their unemployed workers to be benefited. But I emphasize again that title I would not help effectively and selectively the areas of the highest unemployment and that it would not reach the neediest, especially the minority groups—the black, the Mexican-Americans, the Puerto Ricans—the poor.

As I have said, title I would go chiefly to the construction industry. I realize that there are affiliated industries which would secure employment, but in the main it would go to skilled workers throughout the country. I want them to have an opportunity for employment also. But by its terms, the $2 billion in title I would be allocated throughout the country, some in areas where it is needed and some where it is not needed. It would mitigate against those who are the worst affected and the poorest in this country.

I would like to speak of some of the steps that are being taken by the administration to relieve unemployment. The President, on Monday of this week, signed the Emergency Employment Act of 1971. This act authorizes $2.2 billion and will provide, according to the best estimates, 150,000 jobs for the first year and 200,000 jobs for the second year. It has the virtue of meeting the objectives I have cited above. Public service jobs can be provided quickly and they can be tailored to meet specific unemployment needs in each community. They can be used to provide employment for the most professional workers who are unemployed, as well as for the skilled workers, the semiskilled, the unskilled, the returning veterans, and the poorest segments of our population.

There is, in fact, a special provision in the bill to give preference to those veterans who are returning home from duty in Vietnam and other areas of the world—all who are discharged from service.

Further, other employment programs are underway or proposed which would provide employment. The welfare reform program, popularly known as the family assistance plan, includes provision for manpower training and support for 200,000 public service jobs.

These two proposals would provide over $1.3 billion for jobs and job training. The administration has initiated administratively a program to provide 674,000 temporary summer jobs for teenagers and is working with the National Alliance of Businessmen to find 150,000 more summer jobs. The Congress has before it the President's proposed Manpower Special Revenue Sharing. This bill would provide $2 billion in the first year to States and communities for job training and job development.

Mr. President, I wish to point out and I would like this to be remembered, that Congress now has under consideration the Federal Water Quality Amendments of 1971. That bill is before the Committee on Public Works in the Senate. We have conducted hearings and we are in the process now of developing and marking up the bill.

This bill will provide at minimum, the administration's recommendation, for the construction of waste treatment facilities costing $10 billion, with $4 billion in Federal funds.

This is one of the primary needs of the country and this would reach the construction industry in great part. So the present title I is not needed.

It is possible that our Public Works Committee may enlarge the Federal share, and reduce the percentage to be paid by States and local governments. Projects funded under this bill, which will be enacted this year, can get underway as quickly as those under title I of S. 575.

We are all concerned about unemployment and the phenomenon of accompanying inflation. The President has embarked upon a program to challenge both of these serious problems. When they appear together, it is necessary to work toward the solution of these conflicting problems at the same time. The rather slow impact of these programs has disturbed us and is resulting in calls for additional stimulus to the economy. I believe progress is being made.

I think we should give these programs an opportunity to work before embarking on a new program authorizing $2 billion when it will not provide the kind of jobs needed for specific areas and reach areas of high unemployment.

I take no happiness in saying that one of the reasons for inflation in the economy in the last half of the 1960's is the war in Vietnam. With armed forces in Vietnam expanded to 550,000 men; with the Government entering into the marketplace for war materiels, competing with the needs of the domestic economy; with expenditures for the war growing to $30 billion annually; and with no offsetting budgetary or Federal reserve policy to tighten things up; we created the textbook conditions for inflation.

Now, in the seventies, the administration is trying to reverse the war policies and return to a peacetime economy, and of course difficult adjustments must be made. And as I stated before, I believe that progress is being made.

I know that the veto concerns the people in the Appalachian areas and the areas served by the Economic Development Act. These programs have provided assistance and development to these areas over the past years and the need for them is even greater today. I have supported the program fully. I can only assert my deep and similar interest and assurance that these will be extended and my own determination to do all I can to secure immediate extension. My mind is open also on economic and employment measures which will provide employment and speedy employment for those who need it most.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. COOPER. Mr. President, my mind is open also to the development of a public works program, such as we tried to work out in the Committee on Public Works, by agreement of the minority and the majority. We were refused the opportunity to present it in the Senate-House conference. The Senate never had its chance; it never had a voice in the development of title I, and yet we are called upon to accept it because the House forced it upon us over our objection. I say, if for no other reason, we should give the Senate, as an equal body, a chance to help develop a proper public works program.

Mr. President, I wish to place in the RECORD some figures on inflation and unemployment during the last 11 years and the money expended on the military budget.

I ask unanimous consent that the material to which I have referred may be printed in the RECORD.

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

Unemployment rate—Percent of civilian labor force

1960	5.5
1961	6.7
1962	5.5
1963	5.7
1964	5.2
1965	4.5
1966	3.8
1967	3.8
1968	3.6
1969	3.5
1970	4.9
1971—6 months to June (annual rate)	6.0

Data supplied by Department of Labor.

Human resource programs—Percent of total Federal budget

1965	29.9
1966	31.0
1967	32.0
1968	32.1
1969	34.4
1970	37.0
1971	41.7
1972 (proposed)	41.9

National defense expenditures as percent of total Federal budget outlays

[In percent]

1961	48.4
1962	47.8
1963	46.9
1964	45.2
1965	41.9
1966	42.2
1967	44.3
1968	45.0
1969	44.0
1970	40.8
1971 (estimate)	35.9
1972 (estimate)	33.8

Figures supplied by Office of Management and Budget.

Rate of inflation 1960–71

[In percent]

1960	1.6
1961	1.0
1962	1.1
1963	1.2
1964	1.3
1965	1.7
1966	2.8
1967	2.9
1968	4.2
1969	5.4
1970	5.9
1971 annual rate (first 5 months)	3.6

Figures supplied by Department of Labor.

Mr. COOPER. Mr. President, if we are to have a public works bill I plead with the Senate to give our Public Works Committee the chance to develop a bill that is fair and equitable and a bill that will help all segments of workers. For this reason I urge the Senate to sustain the veto.

Mr. BAKER. Mr. President, will the Senator yield to me for 5 minutes?

Mr. COOPER. Mr. President, I yield to the Senator from Tennessee such time as he may require.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I concur in the remarks made by the distinguished senior Senator from Kentucky. It is, in my view, a shame that this body has not had an opportunity to give serious and deliberate attention to the most expensive and pervasive aspect of this bill, title I, the so-called accelerated public works section.

As the distinguished senior Senator from Kentucky correctly pointed out, the Committee on Public Works reported the Appalachian and EDA titles to the Senate by the unanimous bipartisan vote of that committee, and under the distinguished leadership of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from New Mexico (Mr. MONTOYA). The bill was passed by this body and sent to the House where a $2 billion tag was added to it, known now as APW. Through a series of procedural maneuvers we have been denied the opportunity to consider the so-called accelerated public works on its merits.

I submit that APW was not a success in 1962 and would not be a success now. I respectfully submit it would cost about $20,000 a job if implemented and I sincerely feel most people who are the intended beneficiaries of this program would be far happier with the $20,000 than with the results of accelerated public works.

The program would be too little, too late, and too costly. The jobs would come not earlier than 1 year from now, and, based on the 1962 experience, later than that.

Most of all, I suggest that APW, as it has been vetoed by the President, the matter to which we are now turning our attention, has held hostage Appalachia and EDA, very popular, efficient, and effective programs, and is a very unsound legislative proposal.

It is a proposal with poor record during its previous tenure in 1962. If we had APW before the Senate as a separate and independent measure to authorize $2 billion for public works of this type, to build courthouses, city halls, and monuments around the country indiscriminately, without regard to need in particular areas, I doubt very much that on its own merits it would pass.

However, it has been coupled with EDA and Appalachia, so, in effect, they are being held hostage to what I call very bad legislation, the APW program. I am sorry and unhappy about that.

I, too, come from an Appalachian State, a State that has been in the vanguard with respect to the range of services and assistance that the Appalachian region has to offer and that EDA has to offer. Tennessee has a great deal at stake. The Appalachian Commission profited from the efforts of many Tennesseans in this body, in the House, and on the Commission itself, in the formulation of its policies. I doubt anyone would question where I stand on the continuation of the Appalachian program, but I want the country to know where I stand in connection with APW. I oppose it.

It seems to me that we have this course of action open to us: To accept the hostage status of Appalachia and to override this veto; or, in the alternative, to sustain this veto and then to proceed as soon as possible to report a clean bill for Appalachia and EDA and pass it overwhelmingly in this body.

It is my hope that if we choose the latter course—and I hope we will—the House of Representatives will do the same and that the bill as thus enacted would be placed on the President's desk immediately and that the EDA and Appalachia would be disencumbered of this bad legislative proposal.

This final thought: Title I of APW, it seems to me, has demonstrated its lack of relevance and effectiveness at this point and juncture in time. I do, however, recognize the general agreement in this body and elsewhere over the need for unemployment countermeasures. I do recognize that it is our opportunity, and in fact our obligation, to try to do something about it.

The Senate conferees offered, in conference with the House of Representatives, a substitute for that proposal.

If this veto is sustained, and if we report to the Senate an Appalachia and EDA bill, free of the emcumbrance of the APW, I would be most pleased to join with others in supporting a separate bill in the Senate similar to the substitute offered in conference.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, will the Senator from Kentucky yield me 2 minutes?

Mr. COOPER. I will yield 5 minutes to my colleague.

Mr. BAKER. I thank the Senator.

I intend to offer the same program, or a substantially similar program, that was offered by me and others in the conference with the House of Representatives, which we referred to variously as an Economic Disaster Relief Act or as Accelerated Assistance for Emergency Areas Act.

The point of the matter is we can do far better than the present title I. We can do a much better job than that program which has been offered to us by the House, and which we had no opportunity to consider. We can do a much better job, as I think we did in conference, than APW.

I would point out to my colleagues in the Senate that the Economic Disaster Relief Act proposed as a substitute in conference with the House was supported unanimously, without dissent, by all Senate conferees, Republican and Democratic. I believe we could have such widespread support now if we had that bill up separately, and I intend to introduce such a bill. I intend to do it because I am convinced that such a program would permit the President and the Congress to concentrate our available resources and techniques on areas of acute unemployment, instead of spreading city halls and courthouses all over the landscape regardless of the need and merit.

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

Mr. BAKER. I see my distinguished chairman rising to ask me to yield, and I am pleased to yield to him.

Mr. RANDOLPH. My colleague from Tennessee is very gracious. The argument he is now making, he made on the conference bill when we considered it several weeks ago—namely, the building of courthouses all over the country. I believe he inadvertently has brought emphasis to that type of approach, which is not anticipated under the accelerated public works effort. Nor was it, indeed, under the Accelerated Public Works Act of 1962. There were very, very few such projects, and there would be very, very few under this proposal.

Mr. BAKER. Mr. President, I thank the distinguished chairman of the full committee for his observation. I took it on myself in the last week or so, to examine some of the attitudes and opinions of our local officials in Tennessee on what they would do with APW. I am not in any way trying to be cynical with respect to our very diligent local officials in Tennessee, who state that while they do not agree with this program, nevertheless, if it is passed and $2 billion is appropriated, they will be first with hat in hand to get their share. When I pressed them on what they would do with the money, they said they were not quite sure, in many instances, but they were sure that they will come up with something. I admire the resourcefulness of the local officials in my State of Tennessee, and it may be that they will build something other than courthouses.

Let me hasten to state that I think if we spend $1 billion or $5 billion or $500 million to alleviate acute, dreadful unemployment, we should concentrate our efforts in the area where there is the most need.

I wish I could claim credit this morning for the Economic Disaster Relief Act, but I cannot. I must say, as I have publicly acclaimed before, that in subcommittee hearings, presided over by the Senator from New Mexico (Mr. MONTOYA) held in Seattle, the distinguished Governor of the State of Washington, Governor Evans, first testified on the proposal to model a program of economic relief and economic assistance after the standing statutes for natural disaster relief, in order to extend unemployment compensation, mortgage subsidy payments, and other assistance programs in the areas of the greatest, most acute unemployment. I believe it is infinitely superior to the present program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. May I have 1 minute?

Mr. COOPER. I yield 1 minute to the Senator.

Mr. BAKER. Two popular programs, Appalachia and EDA, are being held hostage to unwise legislation. I believe the Senate has now the opportunity to work its will on this program. I think the President was well advised to veto this package. The Senate has an opportunity to sustain that veto so we can vote on Appalachia and EDA, and it should not be held hostage to this legislation, so that we can move on, in a rational, intelligent way to devise a program of economic relief.

Mr. President, it is apparent from the development of S. 575 that while there is general agreement over the need for unemployment countermeasures, the best solution or approach to this problem is in dispute. Many of my colleagues in the Senate have expressed support for the accelerated public works provisions of title I of S. 575 which was added by the House during the development of this bill. I cannot help but feel that the impetus for this support was the frustration and desperation which the unemployment problem has generated.

I experienced this desperation and agony firsthand in the voices of those out of work in Seattle during recent hearings on the situation as it exists there held by the Senate Subcommittee on Economic Development of the Public Works Committee. I am familiar with the problem and I share the deep concern which has given rise to the extended debate on S. 575. But, I do not now nor have I ever seen accelerated public works as the answer to the unemployment problem.

Accelerated public works is not a jobs-intensive program—it is bricks and mortar intensive—monuments intensive. Its jobs impact is diluted by extraneous project costs and long startup times. Experience with the 1962 version of the bill showed that it was a slow and expensive and inefficient program taking 2 years to have a minimal impact on the jobs problem and at a cost of almost $20,000 per job.

On the other hand, the public service jobs bill, S. 31, which the President advocated in his veto message and which he signed into law on Monday is a jobs intensive program and will provide a far better response to the immediate problem of unemployment than accelerated public works. I want to commend Senators JAVITS, NELSON, and the other Members of the Senate Committee on Labor and Public Welfare for their excellent work in developing this piece of legislation. I feel that it supplies the deficiency of Federal economic programs to respond to emergency unemployment situations which was the alleged target of the accelerated public works bill.

It is my intention to vote against the motion to override the President's veto of S. 575. I am genuinely disappointed that the bill has followed the course that it has. It is disconcerting and deeply frustrating to have important legislation such as the Appalachian program become the vehicle for questionable programs. I am relieved that the prospects for freeing the Appalachian program of its burden are brightened by the President's action in vetoing this bill. I hope that I can now see the end of the struggle to legislatively disencumber the important programs embodied in title 2 and 3 of S. 575 from the albatross which the House has appended in the form of title I.

I do not conceive my vote to sustain the President's veto to be any threat to the continuation of the Appalachian and EDA programs embodied in title II and title III of S. 575. With the passage of the general appropriations extending resolution the Congress has provided itself until August 6, 1971—ample time—to reintroduce and pass the extensions of these important programs. The President in his veto message carefully pointed out his support for the Appalachian regional development program, the Congress has continually expressed its support for this excellent program and the Appalachian Regional Commission has consistently reinforced that faith in the administration of its responsibilities. I firmly believe that the sustaining of the President's veto will be but the first step in the passage of the extensions of this program and the EDA program which originally had constituted the Senate version of S. 575.

Further, following the vote today it is my intention to introduce as a separate piece of legislation the proposal which I submitted in conference as an alternative to title I of S. 575. It is my opinion that this proposal is not unnecessarily duplicative of assistance afforded under the public services job bill and will provide badly needed Federal assistance to areas of critical unemployment due to the loss of a major source or sources of employment. It is my hope that this proposal will be studied carefully by the Committee on Public Works to determine its impact on the problem and to best coordinate it with existing programs so that aid to areas of critical unemployment will be adequate, expediently administered on an emergency basis and addressed to the problems as they exist in the areas to which assistance is addressed.

I am encouraged by the deep concern, which I have found much in evidence on the part of my colleagues with regard to the unemployment problem, that we will develop an effective and efficient unemployment countermeasure. I am eager to get the extensions of Appalachia and EDA enacted so that we might turn our full attention to this problem.

Mr. MONTOYA. Mr. President, I yield 15 minutes to the Senator from West Virginia (Mr. RANDOLPH).

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 15 minutes.

Mr. RANDOLPH. Mr. President, we talk about jobs this afternoon. We talk about projects to strengthen America this afternoon. We talk about the conditions that make necessary the implementation of a broad program of public works to benefit the people of America who need our assistance.

I comment very briefly again upon the remarks of my able colleague who has just taken his seat. I think that we look upon an accelerated public works program now envisaged based on what was done in the Accelerated Public Works Act of 1962 which came from the Senate Public Works Committee. In that connection I remind my colleagues—and I wish that the Senate Chamber were filled this afternoon with Members of the Senate who would hear the arguments both pro and con—that in the 1962 public works program there were 5,100 waste treatment plants constructed in this country—in Tennessee and throughout the Nation. There were 1,250 water supply projects, which were urgently needed for the health of the people and the use of industry, constructed in Tennessee and throughout the country. Three hundred hospitals were constructed under that program in Tennessee and throughout the country.

That was the thrust of the program of 1962, and that will be the thrust of the program of 1971 if the Senate, in its judgment, overrides the Presidential veto on the pending legislation.

Mr. COOPER. Mr. President, will the Senator yield at that point?

Mr. RANDOLPH. I yield.

Mr. COOPER. I do not want to interrupt the trend of the Senator's thought, but, referring to the statement of the

Senator from Tennessee, I do not know, but it could be that he made the statement on the same ground that I would have made it; because, curiously enough, just after the passage of the bill in the House—and I am speaking on my own time, Mr. President—with title I, which, as I have said, we were never permitted to act upon in any way, certain officials were already speaking to our county officials, and telling them about the courthouses and jails and other things which have been mentioned.

I am not against building a courthouse or a jail where it is necessary, where there is unemployment, but I did wish to point out that this provision had been used to draw support. I hope the Senator will address himself to the point as I am sure he will, that title I would provide funds indiscriminately throughout the country, whether for areas of high employment, low employment, or whatever.

I thank the Senator.

Mr. RANDOLPH. Mr. President, I have a very sincere regard for a factual presentation by my colleague from Kentucky, because he always attempts to speak to the facts.

But now pointing out, as I did in 1962, when courthouses were not built throughout the country under the Accelerated Public Works Act, I remind my colleagues that under this program there will be approximately 1,100 areas throughout the 50 States with high unemployment that would qualify under the provisions of the proposal. There are 3,800 waste treatment facility applications, now ready for processing, that need funds; there are 850 water facility applications that need funding; there are 1,900 hospital and public center applications on file that are meritorious.

I think these should be matters of concern to all of us, whether we agree on the Presidential veto or not, as we consider this matter today. The projects are there, the projects are ready for processing, and the projects are necessary for the strengthening and sustaining of this country.

Mr. President, I regret the conditions of economic turmoil in which our country finds itself today. Frankly, we flounder in this country—not nationwide, perhaps, but we do flounder in regions of this country with heavy unemployment.

This is no new experience for me. I remember when I was first elected, in 1932. That was during the great depression in this country. We were plunged into the depths of a depression which I do not want to see repeated in this Nation. We remember that there were millions of people in this country then who were without jobs. We know that the economy had come to a virtual standstill. We know that extreme hardship was endured by millions of our fellow citizens.

I think we were fortunate in those days that we had an administration—and I do not speak politically—that recognized the depression for what it was. It was here, it was real, and we attempted to correct a deplorable condition in our country. The executive and legislative branches worked together for a common purpose, and it is now a part of history that we broke important new ground in those days and succeeded in sending the national economy upward.

Again in 1971 we are beset by economic troubles of great magnitude. Again millions are out of work.

Perhaps the figures are not just the same today, but the figures continue to mount, which indicates that we are in grave economic difficulty in our country. The magnitude of the problem today, I am sure, frightens millions of persons who are faced with underemployment and unemployment in our country.

Again, the powerful American industrial and business machine does not operate efficiently. It sputters, and it is operating at about three-quarters capacity. Although I am sure there is every reason for us to believe that the problem today is not equal in severity to that of 1932 and those years, for individuals who are out of work, with continuing inflation and unemployment, it is difficult to appreciate the difference.

There is one notable difference in what I believe to be, I say respectfully, the attitude of the executive branch of the Government, which in effect refuses to acknowledge the seriousness of the situation and to attack it with the vigor and determination which are absolutely necessary.

I am not an obstructionist to the President of the United States. I stand in this hall often and speak for his proposals. I have supported the administration in many of its efforts, and that is a matter of record.

A similar set of circumstances was encountered in the early 1960's in this country. The Senator from Kentucky was aware of the conditions then. We had, perhaps not a depression, but we did have a recession, and it struck with severe impact throughout this country.

That time we responded, in Congress, with an accelerated public works effort. to which the Senator from Kentucky offered his valuable support, to put men to work providing needed public facilities. We realized then that there was a need for such a program. We also provided tax incentives to spur job-creating business activity in the country, and we extended unemployment compensation to help those who were unable to secure jobs.

All of these efforts were positive in nature. They were not negative. They were actions that had a beneficial effect, and certainly the United States vigorously pulled out of that recession in the 1960's. Now, as we attempt to provide a similar package, if I may call it that, it will be tailored to the particular problems of the present, not those of the past.

I remind my colleagues that last year Congress gave the President standby authority to impose wage and price controls in this country. Though the President has not used this authority given to him by Congress, I think he should have used it, and I believe had it been used, the inflationary forces would be much less today.

Just a few days ago, the President of our country signed the Emergency Employment Act to create, I believe, an estimated 180,000 public service jobs in this country. He has, however, vetoed legislation which would provide a similar number of jobs by reactivating the accelerated public works program, which remains on the statute books. The Committee on Public Works, on which I am privileged to work with the Senator from Kentucky (Mr. COOPER), the Senator from Tennessee (Mr. BAKER), and other Senators, also hopes to develop legislation to provide permanent authority for coping with the economic disasters which sweep across this country. The Senator from Tennessee has appropriately mentioned that legislation upon which we shall act in the committee.

That legislation, I think, is needed to make our response complete, and it is a part of the package which I am discussing today.

Discouraging as it is, I am afraid that we must always expect economic fluctuations which will periodically produce situations such as that in which we find ourselves now.

So we should have permanent responses ready to be brought into action as quickly as possible. We have developed in recent months legislation for the Emergency Employment Act and accelerated public works. Both of these constitute what I call the integral parts of this response which should be well rounded.

I am certain—and I say this with conviction—that accelerated public works, the program to which we direct our attention today, will be—has proved itself to be—an effective mechanism for placing the unemployed back to work on worthwhile jobs that increase the strength of our communities and the well-being of the people nationwide in these perilous times.

This program has been criticized as involving only one segment of our economy, the construction industry. I believe that this is a wrong criticism, when we consider that unemployment in the construction industry is much higher than the national average. The argument fails to take into account the fact that this program is geared to providing such urgently needed community facilities as sewer and water systems and hospitals, which will, of course, improve the lives of millions of our people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RANDOLPH. How much time have I consumed?

The PRESIDING OFFICER. Fifteen minutes have expired.

The Senator from New Mexico has 32 minutes remaining, and the Senator from Kentucky has 36 minutes remaining.

Mr. MONTOYA. Mr. President, I yield 2 additional minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the argument also discounts the stimulating effect that this work would have on other industries besides the construction industry. The result would be a significant impact on the 5.6-percent unemployment as reported to us in June of this year.

I invite attention to the continued withholding by the administration of huge amounts of money that should be channeled immediately and directly into additional job-producing public works

development activities. Impounded today is approximately $12 billion. Approximately $6 billion of this is highway funds and could be a powerful stimulator for the economy if released to the States.

Past experience has shown that spending delays only result in higher costs in the long run and that withholding has not slowed inflation as intended.

It has been argued, further, that construction tends to be an inflationary industry, with rising pay scales of labor. This need not be so if the President would use the wage and price control authority which has been given to him by Congress. I know that rampant inflation is unhealthy for the economy. But I am convinced that a controlled inflation is not nearly so injurious as continuing unemployment and its effect on our people.

By refusing to take positive action, the administration is actually forcing people out of the labor market and onto welfare rolls. Must we continue this practice of deliberately wiping out any hope for productive employment by restraining the enormous resources of the Federal Government?

That the American economy needs a boost is, I believe, beyond question.

The Federal deficit for the 1971 fiscal year will exceed $23.3 billion, and this huge deficit is due almost exclusively to a shortfall in Government revenues. Income, in turn, was deficient because of slackened economic activity resulting from the severe recession the administration declines to recognize. Federal expenditures actually represent a neutral fiscal policy when counterrecessionary measures are needed.

The lack of confidence in the economy is shown in the abnormally high levels of deposits in savings accounts. People have lost faith in the future and are holding on to their money as insurance against the uncertainties about what tomorrow holds for them.

The $2.5 billion provided under the Emergency Employment Act, the $2 billion authorized for accelerated public works and the billions provided but impounded by the administration together would prime the economic pump to an unprecedented degree, providing not only jobs for our people but deficit-reducing tax revenues for the Government.

Unemployment today reaches into every corner of our society. People in every walk of life are suffering because of lack of jobs. But there is perhaps no more tragic situation than that involving 400,000 Vietnam veterans who have returned from fighting a war in a far-off land to find they are unwanted in the job market. These young men have risked their lives and certainly deserve more than to be faced by a "no help wanted" sign.

Mr. President, while we are principally concerned today with the issue of accelerated public works, I must call attention to two other important programs that are affected by S. 575.

The President has again enunciated his support for the Appalachian Regional Development Program and the Public Works and Economic Development Act, both of which are extended in this bill.

I appreciate his endorsement of these programs. Vetoing this bill because of accelerated public works, however, has placed the continuance of these two successful programs in jeopardy. Through the appropriations process we have authorized them to continue functioning but that authority expires on August 6.

These programs cannot operate effectively on a temporary basis. Their need for long-run authorization or why the questions we consider today must be resolved immediately.

The essence of what the Senate must decide is whether we are committed to doing everything within our power to help create jobs, jobs that will produce incomes with which to buy food, shelter, and clothing for millions of Americans.

There is no single solution to the problem of unemployment. Neither accelerated public works, nor public service employment, nor any other individual program can or will do the job alone. We must attack this enemy to our national well-being on several fronts with a variety of weapons.

The Senate today has the opportunity to restate its conviction that a vigorous public works program is an essential part of the total effort. I urge my colleagues to override the veto. I believe it will be in the interest of the people of the United States.

I need say only this: The Senate to restate here the conviction of Congress that we need a vigorous upswing in the economy of this Nation. The overriding of the veto will help us to bring about new jobs, worthwhile projects, and the building of a better country.

Yesterday, the able Senator from Alaska (Mr. STEVENS) joined me in sending a letter to all Members of the Senate. This letter discussed the principal issues before us on this question, and I ask unanimous consent that it be included in the RECORD at this point.

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

U.S. SENATE,
Washington, D.C., July 13, 1971.

DEAR COLLEAGUE: Tomorrow afternoon, July 14, the Senate will consider and vote on the President's veto of S. 575, a bill to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

Disagreement with the judgment of the President is a serious matter. It is our view, however, that your presence and vote to affirm the action of Congress is important to the Nation and the five and one-half million unemployed Americans. While this authorization bill itself will not provide jobs for all of the unemployed, *it will go a long way toward reducing the substantial unemployment in the construction field where there currently are between 350,000 and 450,000 unemployed workers.* Many of these would be given work instead of welfare. Taken together with the Public Service Employment Act which will provide approximately 200,000 jobs, the Public Works Acceleration Program will help set the stage for a much needed resurgence in our economy.

Arguments against the acceleration program include the so-called high cost per job—a figure of $20,000 per job has been used. Based on the experience of the 1962 Act, the cost to the Federal Government for each job created was approximately $8,000. More importantly, the argument assigns all of the costs incurred by the program to job creation when, in fact, *the program results in the construction of necessary and vital public facilities.*

Under the bill pending before the Senate, *the funds available will be used primarily for basic public works with heavy emphasis on water storage, treatment, purification and distribution, and sewage treatment and sewage facilities.* The urgency of need for such public facilities is, we believe, apparent to all Senators. Not only will the construction of these facilities provide jobs but their placement will add to the betterment of the lives of our citizens and provide a substantial number of continuing jobs in their operation and maintenance. It also will help alleviate the financial burdens of many communities at a time when bonds to finance these projects are being rejected by the electorate.

Enactment of this bill also would allow the regional economic development programs under the Appalachian Regional Commission and Economic Development Administration to continue without interruption.

It is our genuine hope that you will join with us on Wednesday afternoon to approve this bill.

With appreciation for your consideration of our appeal, we are,

Truly,

TED STEVENS.
JENNINGS RANDOLPH.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, will the Senator from Kentucky yield me 5 minutes?

Mr. COOPER. I yield 5 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, the distinguished senior Senator from West Virginia has, in his usual and eloquent way, made reference to his concern for unemployment in the country and his view that the program now under consideration, accelerated public works, is modeled after the 1962 program and is the needed remedy in 1971.

Obviously, from his remarks and the remarks I made previous to his remarks, we disagree on that point; and I will not burden the Senate with further elaboration on that point. However, the Senator from West Virginia made a number of references to worthwhile projects that could be or should be undertaken in Tennessee and in other States if APW were enacted. Obviously, I am aware of that. I am also aware of the fact that these projects need not be undertaken just under APW but can be undertaken in many ways.

The Senator from West Virginia expressed some concern for my allegation—perhaps the figure of speech was generous, but I think not excessively generous—that the passage of APW might result in the building of courthouses and city halls all over the country. I do not know how many courthouses or city halls were built between 1962 and 1964. I know that there are approximately 3,000 counties in the country. I note that the compilation I have shows that administrative and other buildings constructed under APW total almost 900.

Of course, we have to bear in mind that APW was only funded at something under a billion dollars in 1962, and this is a proposal for $2 billion.

I have no idea how many courthouses

or city halls will be built, but my effort in choosing these symbolic structures was to point out that they are not necessarily labor intensive. They are masonry, bricks, and mortar intensive, and they may or may not fit the requirements for a program for the alleviation of unemployment in a particular area.

It seems to me that if we are going to spend a substantial amount of money, we need to do it on some basis other than the casual happenstance that these funds will provide relief for unemployment.

Mr. President, the matter of APW was debated at some length in the House of Representatives, and I note certain excerpts from the December 11, 1970, CONGRESSIONAL RECORD, in which former Representative William C. Cramer referred to the per job cost for APW in the 1962–64 period.

Former Representative Cramer, for example, pointed out that one project in California, the Pinnacle Recreation Facility, took $564,000 to provide one man-year of work under the APW program. I am sure that it will be of particular interest to my distinguished committee chairman that in Moundsville, W. Va., the cost was $766,000 of APW funds to provide one man-year of work on storm drainage in that particular community.

I have no quarrel with storm drainage in Moundsville, W. Va., or any place else. But I do submit that we have an opportunity to see and examine and understand a program for the alleviation of unemployment more effectively than a shotgun approach, and that is precisely what APW amounts to.

Mr. RANDOLPH. Mr. President, may I have 30 seconds?

Mr. MONTOYA. I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. I understand the thrust of the Senator's argument. I think he rather casually dismisses the fact that approximately 350,000 construction workers in this country are unemployed. I think this is a very important item. Frankly, we did not have it in the early 60's in this country.

Of course, the costs of construction are now more than they were then, and they will be more than 10 years from now.

I think we must confront ourselves with the fact of unemployment and the need for jobs that will be used on productive projects. The thrust of this accelerated public works effort will be on water treatment plants, sewage treatment plants, and hospital facilities. These are very necessary to strengthen our economy at home.

Mr. PROXMIRE. Mr. President, I ask unanimous consent for the distinguished manager of the bill to yield me 5 minutes.

Mr. MONTOYA. I am happy to yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. EAGLETON). The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. Mr. President, I was, I think, the only Democrat to vote against the public works acceleration bill when it last came before the Senate. I have troubled over that vote. It was a hard vote for me to cast.

I have changed my mind. In the first place, I recognize the many weaknesses in the public works program. It was tried before, in 1962. All the testimony by competent economists was that this was not the most effective way to put people to work, that it would take 3 or 4 years to move into it. In the second place, the testimony was overwhelming that the Government is already obligated to the programing now on the books so that we will use up every bit of the full employment revenues through 1974. That means if we adopt a $2 billion public works program, we will not be able to find health and education programs for which there is a crying need.

Second, I was concerned because I have never been in favor of many public works programs. I feel that they are, in the main, a wasteful allocation of our resources.

But I have changed my mind on this public works problem and I have done so with considerable emphasis and feeling. There is no question that we are faced with the fact of heavy unemployment today. More people are out of work than have been out of work for 10 years—5½ million people are out of work.

There are a number of elements in the economy that could cause further unemployment. The Federal reserve has increased the money supply for the first 6 months at a 10 percent rate. Of course that has been, a stimulating force. But we may now expect a sharp reduction in the rate of money supply increase. The Federal reserve has indicated exactly this. That means that interest rates will continue to go up as they have for the past 6 weeks—which means less housing, less jobs, less construction. That means that the economy could be in for a dfficult time. I asked the chairman of the Council of Economic Advisers about this and when he testified before the Joint Economic Committee about this, he agreed that this was the likely situation.

On January 1, we will have the biggest social security tax increase in the history of the country. That will be depressing. That will take money out of the economy.

We have had a period of 4 or 5 months now in the stockpiling of steel, and we face the prospect of a strike in the steel industry. The inventories will have to be worked off. That means more unemployment.

I was hopeful, when we acted before on the public works bill, that the administration would come in with an economic program. They have not done so. Secretary of the Treasury Connally was clear in saying that the administration does not intend to take any further steps to stimulate the economy, that they are against an income tax reduction and against taking any other stimulative actions. The chairman of the Economic Council of Advisers who testified before the committee only 3 days ago confirmed this.

Mr. President, idle manpower is a terrible personal tragedy. The effect on the man who is unemployed, and his family, is something we should do everything we can do to prevent and avoid.

As I have stated, public works, in my view, are not the best way to solve the problem. It is one way, and not a bad way.

For these reasons, and with some reluctance, I want to announce that I shall vote to override the President's veto.

Mr. RANDOLPH. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to the Senator from West Virginia, who has been a great champion of public works and whom I greatly admire, although occasionally we have disagreed on this subject.

Mr. RANDOLPH. I recognize the thoroughness with which the Senator from Wisconsin (Mr. PROXMIRE) goes into any area of public works, because, frankly, he has not supported such programs in the past. It is important, while we are speaking of heavy unemployment, to indicate that not only is unemployment in the construction industry almost 12 percent; because it has been mentioned earlier that the so-called minority groups were not given attention in such a program, that 25 percent of the unskilled workers in the construction industry are unemployed. These are the very people that we will be helping.

Mr. PROXMIRE. I thank the Senator from West Virginia. That is an excellent point. What the program will do will be to provide jobs for those out of work. It will not be inflationary, or affect labor resources in short supply.

Mr. President, I yield the floor.

Mr. MONTOYA. Mr. President, I yield 5 minutes to the Senator from Connecticut (Mr. WEICKER).

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. WEICKER. I thank the Senator from New Mexico for yielding me this time.

Mr. President, let me say to the Senator from Wisconsin that I was one of many Senators who voted against the bill. Today, I intend to vote to override the President's veto. Quite frankly, I do not think the reasons for having voted against the bill have changed that much.

Mr. PROXMIRE. If the Senator would yield right there so that I may correct that, my position is the same as that of the Senator from Connecticut. I voted against the bill to begin with and I, too, am going to vote to override the President's veto.

Mr. WEICKER. I understand that. The reasons for having voted against the bill, as to the bill's content, I do not think have changed. There are weaknesses in it. I do not believe it is as broad-based as it should be. The Senate took that action with regard to emergency public service employment.

I have my doubts as to whether the money will get through the pipeline in time. So I do not think any of those reasons have changed that much.

But there is one thing that has changed and changed dramatically. Today, at noon time, in the State of Connecticut, the latest unemployment figures for the week in July, or this portion of July, were released, and the rate in Connecticut now stands at 10.1 percent unemployed.

This puts Connecticut in third place in

the unemployment sweepstakes, behind Alaska and Washington.

As we go down the figures of some of the towns in Connecticut, we can lead off with Bristol with 24.5 percent unemployed. Ansonia with 16.6 unemployed. New Britain with 14.8 percent unemployed.

Certainly I am willing to stand by and listen to the arguments of the economists with their economic game plan, but I came to the Senate primarily to represent reality. Reality today is 10.1 percent unemployed in my State of Connecticut.

Mr. President, the continuing increase in unemployment in Connecticut and many other portions of this Nation is totally unacceptable by any criteria of human understanding. I will not associate myself with any economic game plan that has as one of its ingredients a level of 10.1 percent unemployed.

Time has been given, certainly, and time enough, to those who have tried their economic theories. Just how do we explain some sort of economic theory which we do not mind sitting and listening to in the Senate or in committee, but how do we explain it to the one man out of 10 who is unemployed in the State of Connecticut, to the one man out of four who is unemployed in the city of Bristol, or to the one man out of six who is unemployed in Ansonia?

It would just be great if the Members of this body could go to the various towns of Connecticut, and outside in other States, and try to explain to a man who is attempting to provide the bare essentials of life for his family, some economic theory that, hopefully, will work.

I think that the full attention of this Government and of the subcommittee must be applied to what is our No. 1 priority in the Nation today; namely, the problem of unemployment.

There are those who have indicated that by use of the term "public works," it is some sort of "pork barrel" arrangement. It is not. The projects of sewage treatment and water treatment are essential in my State. We were promised these facilities, quite frankly, during the Johnson years. Along came the war, and that all came to an end, for the most part. We do not have adequate funding to solve the problem of sewage treatment and other problems for at least 6 years. I say that it is fine if we want to catch up. Let us do it. It is a great way to put our money to use.

In conclusion, I want to point out that Connecticut is certainly willing to shoulder its share of the burden in the fight against inflation. However, a despairing labor force that is preoccupied with providing just the bare essentials for their loved ones could hardly make a contribution to the Nation as a whole. That is exactly where the labor force sits in the country today. On this occasion, I choose their plight as my priority in the pending issue.

Mr. President, I yield back the remainder of my time.

Mr. COOPER. Mr. President, I appreciate very much the very fine statement by the Senator from Connecticut and also that by the Senator from Wisconsin. Nevertheless, despite the statements that have been made, I think that we must address ourselves to the true problem and issues we are facing. The real issue is whether the accelerated public works program described in title I, is one which will help quickly those who are unemployed? Is it a program that will help throughout the country the different groups of unemployed or will it be directed chiefly to one group? We must answer these questions. Is it the best program to relieve unemployment?

I usually agree with our chairman, the Senator from West Virginia, respecting all matters concerning public works and also on many other legislative subjects. He has referred to the depression of the 1930's I point out that the second political office I held was that of a county judge in Kentucky. Day after day I talked with people who were out of work, without money. They needed clothes. They needed food. I believe that it was perhaps the most useful job I ever had in my life.

The WPA program had the virtue of helping those who needed help, not in one particular group, but all groups, whether they were schoolteachers, bankers out of work, laborers, and farmers.

I was in the Senate in 1962. I voted for the Public Works Acceleration Act which this bill would renew. I appreciated the efforts of President John Kennedy, a man with whom we served and a man whom we loved. He was attempting to help the people. However, unfortunately the record shows that the accelerated public works bill did not reduce unemployment.

I have the record from the Department of Labor. In 1962 the percentage of the labor force unemployed was 5.5 percent. One year after the bill was enacted into law, the unemployment rate was 5.7 percent. Two years later, it was 5.2 percent. There was a 0.3 percent reduction in the unemployment rate 2 years after we enacted the bill.

There never was any considerable reduction in the rate of unemployment until 1965, when we began to move massively into Vietnam and began to incur the great budget deficits which are still a major cause of the inflation we suffer from today.

The Senator from Wisconsin with his great knowledge as the chairman of the Joint Economic Committee, and one who has always been interested in the economic problems, said that he voted against the conference report because all of the testimony before the committee was that it would be at least 24 months before title I could become effective. That statement is borne out by the record. It took from 1962 to 1964 before there was a reduction in the unemployment rate under the prior bill.

We have already enacted into law a public service bill which would provide 150,000 jobs, and very quickly. If we are to enact a public works bill, why do we not have a chance to act upon the one which was proposed to the Senate by the Senator from Tennessee (Mr. BAKER). That bill had the support of almost every member of the Public Works Committee, I believe. It is a proposal which we tried to fight for in the conference.

If the veto is sustained, we will have an Appalachian act, and we can have a better public works bill than the bill we are acting upon today.

The real issue is whether we should have a bill designed to meet the economic needs of the unemployed where they are the most severe and meet the needs of every class of worker in the country—professional, skilled, unskilled, young, old, minority groups equitably and quickly.

Mr. RANDOLPH. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. RANDOLPH. Mr. President, is it not true that all of these programs, from the WPA days until the present, contributed employment to those who were without jobs? Have not the projects also contributed to the strengthening of the communities and to the uplifting of the economy and the betterment of the Nation? Is it not worthwhile for expenditures to be made here at home, contrasting them with the huge expenditures which are constantly made in many areas around the world? Is it not time for us to realize that even though these programs are not panaceas and will not work miracles, they are constructive programs and will contribute something toward the relief of those who are unemployed and will contribute to the betterment of the people?

Mr. COOPER. Mr. President, the Senator is asking me a leading question and I will, of course, answer yes. In my opening statement I said that the program would supply some jobs. However, we do not have an unlimited amount of money. We in the Congress have contributed to the large budget deficits. We must face the consequences. We have to decide what program can best meet the need and at an appropriate cost. I think that is a question that we must answer.

We could increase the amount to $5 billion, using the same logic, and of course provide for more jobs. But we do not have unlimited resources.

Mr. President, I thank the Senator from West Virginia.

Mr. MONTOYA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WEICKER). The Senator from New Mexico has 18 minutes remaining.

Mr. MONTOYA. Mr. President, how much time remains to the other side?

The PRESIDING OFFICER. Twenty-four minutes remain to the Senator from Kentucky.

QUORUM CALL

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

The PRESIDING OFFICER. Whose time is the quorum to be charged to?

Mr. COOPER. It may be taken from my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MONTOYA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. MONTOYA. Mr. President, I have listened to the arguments made this afternoon on the part of the Senator from Kentucky and the Senator from Tennessee in support of the President's action. At the outset I wish to say I respect these gentlemen very highly and I hold them in high esteem.

However, I want to say by way of preface that I have examined the unemployment statistics in the State of Kentucky as well as the State of Tennessee and, while any unemployment statistic is something that should surprise anyone and alarm anyone, especially anyone who represents a constituency in a particular State, the statistics for those States are not as grave as unemployment statistics that prevail in the rest of the country because there is a median of 4 percent to 4.5 percent in both States.

Those of us who come from States where unemployment is really high do express grave concern about the President's action. There has been some indication about the action of the House in adding title I to the Senate bill, title I being known as the extension of the Accelerated Public Works Act of 1962. In conference we considered this matter and I was in favor of the Accelerated Public Works Act Extension.

With respect to those Senators who plan to sustain the action of the President in the belief that there will be an automatic passage of the Economic Development Act, which is another title in the bill, and the Appalachian Regional Development Act, I think there is room here for very serious discussion. I think we are mistaken in that belief.

The hard and disquieting truth is that many Members of the House need more than just the bare extension of EDA and the Appalachian Act and the title V commissions because these do not encompass the districts or constituencies of many Members of the House where high unemployment exists.

That is why we are going to face serious opposition from the House if we just come out of committee with a bare extension of Appalachia, the Appalachian Regional Commission, EDA, and the title 5 commissions.

Conversations with leaders in the House clearly indicate they will not be satisfied because too many Members are concerned with the plight of their constituencies. They are insisting that we provide in this legislation something meaningful that will cover the entire landscape of America.

Quite a few things have been said about how the accelerated public works program would only help a few people. Well, granted, but let us review briefly the situation in 1961 with which President Kennedy was confronted after the recession of 1960.

The Accelerated Public Works Act was passed in 1962, but there were other actions taken by the President, and they all constituted a package, they all constituted vital ingredients in the main thrust to try to end unemployment and to try to end the recession that had set in, in late 1960.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONTOYA. Mr. President, I yield myself 5 minutes more.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. MONTOYA. I think it is interesting to note what President Kennedy did at that time. One of his first actions was to open up the food warehouses where surplus food was stored by our Government. He issued an edict or proclamation to the Secretary of Agriculture to feed the poor of this country, the unemployed. Yes, and he sent to Congress a special message to enact unemployment compensation legislation, because, for many workers, the unemployment compensation that they were entitled to under such laws had expired, but under the Federal extension, 13 weeks of unemployment compensation was provided.

Then it was proposed that interest rates under FHA should be reduced, to try to stir up the housing industry. Yes, Congress reduced interest rates prescribed under FHA legislation from 7.5 percent to 5.25 percent. That triggered a housing construction boom in this country and created employment for many people.

Yes, and he sent to the Congress another message to do something about capital outlays for business. He asked Congress to enact a 7-percent tax credit. It was done in 1961, and the law was enacted in 1962.

Then we provided, through congressional enactment, the fast writeoff and depreciation for business. That set off more capital outlay purchases on the part of business and new construction all across this vast landscape of ours.

Then the 1962 Accelerated Public Works Act was enacted. Yes, many cities and counties came in to try to do something about such works, such as sewage collection systems, water systems, hospitals, and many other worthy projects.

When we speak of so many people being placed at work with almost $1 billion for accelerated public works, let us also mention that we have standing today as monuments to the foresight of those years sewage collection plants, municipal plants, hospitals, clinics, and many other capital outlays that are serving humanity today. These are matters that are not mentioned in the arguments.

Yes, and then, too, we did something for the farmers, because the President wanted more ingredients in this thrust. He ordered advanced farm payments made to farmers.

Yes, and the Federal Reserve was "jawboned" into providing more money and keeping interest rates down.

All these constitute vital ingredients, but where do we have the ingredients today to say that we do not need accelerated public works? Where do we have the foresight of 1961 to try to take care of unemployment? That is what we are arguing about. I am not trying to be partisan. I am trying to exhort my colleagues on the other side of the aisle and I am trying to exhort the President of the United States to do the things we did in 1961, 1962, and 1963, because they worked then. Let us do it now, in a bipartisan fashion. Let us do it for the unemployed in this country. Let us try to provide, through legislation, and through cooperative action between the President and the Congress of the United States, legislation that is meaningful, that will take care of the unemployed right now.

The argument is made, What are we going to do? How soon are these people going to go to work? I say right now they can go to work if the administration, pursuant to the enactment of this legislation, puts out the money. We in the Congress are ready to provide that money.

Let me point out that today there are 3,800 sewage disposal facilities awaiting funding. Eight hundred water projects are awaiting funding. Nineteen hundred hospital and health center projects are awaiting funding. Two hundred thousand jobs can be provided to start that kind of program.

That is what is at stake. That is what is at stake before the Congress and the United States today. Let us move forward.

Mr. JACKSON. Mr. President, will the Senator yield 2 minutes to me?

Mr. MONTOYA. Mr. President, I yield 2 minutes to the Senator from Washington.

I will defer yielding at the present time and wait to see whether the other side will yield any of its time to any Senator who wishes to speak on that side.

Mr. COOPER. Not at this time.

Mr. BAKER. Mr. President, would the Senator yield me 3 minutes?

Mr. COOPER. I yield 3 minutes to my colleague.

Mr. BAKER. Mr. President, I have already spoken previously on the range of the issues that are before the Senate, and I shall not go over them again except to say that I am genuinely sorry that we find Appalachia and EDA held hostage to APW.

I do not think anyone is arguing against concern for the great areas of unemployment. The question is, How do we implement programs to alleviate those conditions?

I make this additional point, and I make it especially with respect to the very eloquent and cogent remarks of the junior Senator from Connecticut. I conceive it as our responsibility to use our resources as wisely as we can and as effectively as we can. I submit that the accelerated public works program as represented in title I of this bill is uniformly directed over virtually every section of the country, but that the proposal which was offered in conference for an economic disaster relief bill would concentrate the same type of funding in those areas where it is most needed.

Therefore, I submit that, according to my figures, the five States having most critical unemployment and which would most substantially benefit would be Alaska, the State of Washington, Connecticut, Michigan, Maine, as well as the District of Columbia, if we substituted an economic disaster relief program for APW. These States and the District would receive in that even a far, far greater share of the total available resources.

This obviously is an "iffy" situation.

That is why I am so sorry we are in this parliamentary situation now. It is "iffy" because it means that we can sustain the veto, and if we do, we can proceed to consider Appalachia and EDA, and if we have an opportunity to consider an economic disaster relief act on its own merits, I think it can pass, and I think it should. But I do not believe a program initiated in 1962, which was not successful then, and which saw an increase in unemployment for 2 years after it was enacted, is the answer to our problem in 1971.

Mr. MONTOYA. Mr. President, I yield 2 minutes to the Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, I rise in support of the motion to override the veto of the President of the United States. I want to compliment the chairman of the Public Works Committee, the distinguished Senator from West Virginia (Mr. RANDOLPH), for his leadership in bringing about this legislation. I compliment the chairman of the subcommittee, the distinguished junior Senator from New Mexico (Mr. MONTOYA), who held field hearings throughout the United States in connection with the pending legislation.

I would point out that the Public Works Committee went into this matter very carefully, very thoughtfully. This is not haphazard legislation. The committee had an opportunity to obtain, at first hand, some of the vital statistics in connection with the economic hardship that we face in the United States.

In my own State of Washington, we have an unemployment rate in the Seattle-Everett area of 15.7 percent, probably the highest in the United States. We know that generally throughout the country the nature of our unemployment this time is different than it has been in the past. In addition to the unskilled workers without jobs, we have the highest percentage of highly skilled and highly trained white collar and blue collar workers unemployed in our history. I am referring to the scientist, the engineer, the machinist, the toolmaker, the diemaker, the highly skilled construction operator, and so on.

This legislation would make it possible to employ the highly skilled as well as the unskilled. It seems to me that it is only a matter of prudence that Congress once again take the action that we have previously taken by overriding the veto.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JACKSON. I ask for 1 more minute.

Mr. MONTOYA. I yield the Senator 1 additional minute.

Mr. JACKSON. I would observe that this program is a part of a larger economic package. Obviously, an accelerated public works program alone will not do the job; but it is late, and this work of the Public Works Committee is an integral part of the effort for economic recovery.

As to saving money, I would observe that the time to get good competitive bids is during the lean years, when many contractors do not have the business that they would normally have. I submit that the cost of these jobs will be considerably less now than they will be later. That is just common sense. I join the able Senator from New Mexico in saying there is nothing partisan in what I say. The wise thing for Republicans and Democrats alike is to see to it that this measure does become law by overriding the veto, so that we can make this legislation part of a sound program from economic recovery.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, this is a hard program to argue against, but we are not given to easy decisions. I need not protest my liberal credentials; they have been well-established in this body and in the country.

This is a difficult question because there is unemployment, and there is no doubt about it. And the difficulty is that the Government must help to meet the problem. I understand this and I was among those whose efforts produced the public service jobs bill which the President has signed.

The question is how best to spend our money. The amount involved here is $2 billion. How can we use it best?

I believe this measure is really inadequate to the occasion. I believe the best use of funds to meet the problem of unemployment is, first, public service employment; second, manpower training; and third, a backup to our family assistance plan, which has already passed the House and which provides for 200,000 public employment jobs.

Certainly the employment situation in the country at this time is bad; unemployment has hovered around the 6 percent mark and only recently though did we see a sharp drop to 5.6 percent, the actual number of people unemployed rose to 5.5 million. Thus, while the recent trend may be down, unemployment still remains a serious problem. Unfortunately, enactment of S. 575 is not the way effectively to solve that problem.

The accelerated public works program which was first initiated in 1962 to stimulate employment and the general economy had a very spotty record. No compilation of actual accomplishments was ever made of the Accelerated Public Works Act of 1962. It is not known exactly how many direct and indirect jobs were created by the program. But we know that by June 30, of 1964 it was estimated that approximately 45,500 workers were employed on site under the program. This was a result of expenditures of $860 million in Federal funds, and additional expenditures of local matching funds which brought the total to $1.7 billion. Thus, it can be argued that each job cost a minimum of $20,000 or even closer to $40,000 when total spending is taken into account. Therefore by almost any estimate, the cost of producing jobs under this type of legislation is staggering. Finally, it is very speculative how many jobs will actually be produced by S. 575 with no accurate statistical data available to substantiate estimates made on either side of the question. The Senate held no hearings on this program and the House hearings did not thoroughly review this aspect of the legislation.

A further drawback to this legislation is that it will provide little help for many areas of high unemployment, especially urban areas; and will not help directly those unemployed in aerospace, defense and technical industries. The unemployment problems throughout the country are not uniform and indiscriminate Federal spending on construction of public works projects will not directly alleviate the unemployment problem in many critical areas.

Another important point is that the construction projects provided for in S. 575 will not provide new jobs in the immediate future when they are so desperately needed. Significant employment gains under the previous Public Works Acceleration Act did not occur until 9 months after its enactment. This time lapse resulted from administrative and planning delays in getting the program into operation. In fact, we could anticipate even more delays today because of environmental impact statements which must be filed, and possible local opposition to specific public works projects. Thus, it is extremely doubtful whether jobs could be made available in the near future and most likely that it would be at least 1 year before any measurable gains could be seen from this program.

I believe that measures must be taken to directly affect employment as soon as possible. Thus, I led the fight, together with Senator NELSON and others, to pass a $2 billion public service jobs bill which was signed into law by the President on Monday. This bill will provide 150,000 public service jobs very quickly in areas of greatest need. I understand the President has sent up a budget request for $1 billion the full authorized amount for this year. The money will be spent directly for jobs and not in large part for materials as is the case under this legislation, and it is important to note that.

Besides the public service jobs provided in the recently enacted law, an additional 200,000 public service jobs are provided for in the welfare legislation which has passed the House and is pending in the Senate Finance Committee. It is quite likely that these jobs will be available no later than any job that might be created by the accelerated public works program and at much less cost.

Finally, I am working very closely with Senator NELSON and others on a comprehensive manpower bill which we hope will be enacted by the end of this year. This bill will also contain additional public service jobs thereby creating even more employment.

Thus, I believe that the public service jobs bill signed into law and the other public service jobs which will be created by the welfare legislation and the manpower legislation are important steps toward solving the unemployment problem in an effective way. There are other steps that can also be taken to alleviate unemployment both in the Nation and in particular industries. Imposition of wage and price guidelines, for example, would go a long way to help the state of the economy generally and conversion of defense and space technology to domestic uses such as mass transit, aviation needs, and other crucial needs of our cities, would help with the serious

unemployment problems in particular technical industries. However, I do not believe it helps the situation to approve legislation which will not effectively solve the unemployment problem and which has many drawbacks in terms of creating jobs in a timely matter and in critical areas of unemployment.

I am not trying to say I have the last word on the subject, but for all the reasons I have stated, and after a careful review of the merits of S. 575 and of the many opinions received from my constituents, I shall vote to sustain the President's veto.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I value the opinion and convictions of my colleague from New York. However, he has given a figure of 45,000 as the number of jobs that were created under the accelerated public works program of 1962. In reality, it was 110,000 to 115,000 jobs. I think the RECORD must be made on that point.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I have agreed to yield 2 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Kentucky, with his usual fairness, has allocated me some of his time, although he knows I shall vote to override the President's veto, primarily because I think the argument so far misses the great need. The great need is really in the area of sewer and water facilities and public works facilities, which the State and local governments cannot finance now because of the decline in the economy. I have had prepared a series of tables to illustrate this point, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STEVENS. But I would point out just one significant fact: For the first quarter of this year, for the first time, only 57.1 percent of the bond issues placed before the people by State and local governments were approved, and the reason the others were not approved was because the people know they do not have the money to take on those obligations on the local level.

On the other hand, the statistics show that the need for water and sewer facilities in particular, and storm sewer and waste treatment plants, has risen at such a dramatic rate, because of the great increase of environmental concern in this country, that needed water and sewer facilities alone would cost $11 billion if we could proceed with them right now.

That is just a portion of the need. I firmly agree with the Senator from New Mexico and the Senator from Washington that this is not a political issue. It is an issue as to which I would hope we could get away from politics. Anyone trying to play politics on it is out in left field, because the basic issue is, can we meet this need, and, in meeting it, can we help unemployment?

Mr. President, I think we can do both.

EXHIBIT 1

I. Issued and Approved Local Government Bonds for Water and Sewage Facilities—1970.

A. Actual Bond Sales:

1. Dollar Volume—$2,241,000,000.
2. Number of Issues—1,086.

B. Water and Sewage Bonds Approved—Based on Election Results:

1. Dollar Volume Approved by Voters—$1,222,000,000.
2. Approved Ratio—84.1%.

II. Issued and Approved Local Government Bonds for Water and Sewage Facilities—First Quarter of 1971.

A. Actual Bond Sales:

1. Dollar Volume—$902 million.
2. Number of Issues—306.

B. Water and Sewage Bonds Approved—Based on Election Results:

1. Dollar Volume—$117 million.
2. Number of Issues—44.

C. Approval Rate—57.1%.

III. 1968 Approval Rate Based on # of Issues—83.6%.

IV. 1969 Approval Rate Based on # of Issues—86.6%.

I. Estimates from Joint Economic Committee Publication: "State and Local Public Facility Needs and Financing" Vol. 1. Dec. 1966:

	Estimates for 1970
State and local	$5,450,000,000
Total outlay	7,340,000,000
	Estimates for 1975
State and local	$6,840,000,000
Total outlay	9,170,000,000

(Figures include regional, rural, and public water supply systems, sanitary and storm sewer systems, and waste treatment.)

II. EPA figures. Need through 1975 would be $12 billion—State and local governments would pay 50%.

III. Farmers Home Administration—Community Services Division. Based on a nation wide survey as of July 30, 1970.

Total communities needing assistance:	
Water systems	51,743
Sewage systems	30,179
Estimated cost:	
Water	$4,161,513,000
Sewage	7,121,767,000
Total	11,283,280,000

Mr. WILLIAMS. Mr. President, today the Senate is voting to override a Presidential veto, the first such veto of the 92d Congress. I deeply regret the necessity of voting to override the President on this issue, for it is one on which there should be no disagreement. The President has claimed to be committed to reducing unemployment and has also, through his statement on October 15, 1970, announced that a special effort would be made to provide jobs for the over one million servicemen and women who will be returning to civilian life from the Armed Forces this year. The President has emphasized this program in commendable terms, and has launched a campaign to convince employers that they should provide veterans with widened job and training opportunities.

But when it comes down to actual job opportunities, this glowing rhetoric of the President's has not been matched by action. In fact, the veto of the Public Works Acceleration Act, Public Works and Economic Development Act, and Appalachian Regional Development Act Extensions, demonstrated quite visibly the shallowness of the administration's commitment. This measure would provide $4 billion in Federal funds to finance public works projects in areas of high unemployment, and would also direct these funds to areas having a high rate of unemployment of Vietnam veterans. This is a measure badly needed in our Nation and in my State of New Jersey in particular, where the seasonally adjusted unemployment rate rose in May to 7.2 percent. I estimate that, based on previous Federal funding levels, New Jersey would probably receive about $200 million under this legislation, money which would go into badly needed public works programs and, simultaneously, create thousands of desperately needed jobs for our unemployed.

At this moment, more than 5.5 million Americans cannot find jobs. These are people who are capable of working, who want to work, and who are ready to go to work; but, there is no work for them.

The President's criticism of this bill comes to very little when measured against the urgent needs of these 5.5 million Americans. That is why I plan to vote to override the President on this issue, and why I fervently hope the Senate will act to nullify a veto which came as a cruel blow to the unemployed of our Nation.

Mr. TOWER. Mr. President, I intend to give my support to the President's veto of S. 575, the Appalachian Regional Development Act Amendments of 1971.

I concur with the reasons set forth by the President in his veto message. The President vetoed S. 575 because it contained the so-called accelerated public works program at a cost of $2 billion. I believe that this would be the wrong method for attacking the Nation's unemployment problem. This program would create permanent federally subsidized jobs at low-paying salaries. Furthermore, the establishment of public works job-placement programs require long leadtime, thereby negating any immediate effect the program might have on current economic conditions.

In addition, the public works plan is geared strictly toward an already inflation-ridden construction industry. The program's narrow scope would have little effect on such unemployed categories as Vietnam veterans, who in many instances need training assistance, and the aerospace industry workers who would find little incentive for becoming involved in the program.

Mr. President, I objected to the conference report on this bill because the House of Representatives had attached this public works program to the original proposal. I believed that the House overstepped the boundaries of germaneness in taking this action, and I continue to hold the position that this body should not consider the accelerated public works program until the Senate holds full hearings on this matter.

The Senate has approved the proper formula for public service employment by passing S. 31, the Emergency Employment Act of 1971. I only supported this measure after the conference committee

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had formulated a plan that is strictly transitional in nature and is geared toward a much broader group of potential jobholders. The bill is limited to 2 years and would only be triggered when the Nation's unemployment rate reaches 4.5 percent. Furthermore, I am pleased that the conferees were able to include a section in the bill making special consideration for returning Vietnam veterans.

Mr. President, I have long been philosophically opposed to the idea of direct federally subsidized public service employment. I only supported S. 31 because it has the potential to offer immediate assistance and will be terminated in 2 years. However, I will continue to oppose measures that would create permanent cadres of subsidized individuals with little benefit to our economy except to promote a sense of false security for the American people.

It is particularly unfortunate that the accelerated public works program was added to S. 575 because smooth continuation of many public works projects and the implementation of many others is now jeopardized. These public works projects are vital to the many local communities affected by the Appalachian Regional Development Act and the Public Works and Economic Development Act which S. 575 would extend. I believe the President recognizes the need to extend these two acts but was forced to veto the bill because of the inclusion of the accelerated public works provision.

Mr. President, I would hope that the Senate will uphold the President's action. Furthermore, I would hope that we are able to resume consideration of the Appalachian Regional Development Act amendments in the near future and pass it without this costly and poorly conceived accelerated public works program. By taking this action, the Congress would be acting in the national interest.

Mr. MUSKIE. Mr. President, the Public Works Acceleration Act Amendments of 1971 is a good means of attacking the present stagnant economy resulting in high unemployment and meeting pressing social and environmental needs.

Today our economy is characterized by high unemployment and inflation. The American public has been promised that the economy will improve as soon as unemployment reaches a high enough rate. The economic policy followed today is based on the belief that inflation is caused, in part, by the maximum use of resources and that inflation could be abetted by increased unemployment and economic slack. I believe that this economic policy is not only socially unjust but also economically faulty.

I believe that full employment and full production are the best way of combating inflation. Economic history supports this belief. In the 1952–55 period the country had both high employment and substantial economic growth and yet prices remained relatively stable, averaging an annual increase of only .3 percent for consumer prices. Later, in the 1956–58 recessionary period, there was slow economic growth, raising unemployment from 3.8 to 6.8 percent, and substantial price inflation, raising 10 times the average rate of the 1952–55 period.

Soon after he took office in 1969, President Nixon announced that the United States would pursue a policy designed to halt inflation by cutting back Government spending and raising interest rates. I question the wisdom of such a course of action when so many prices are administered rather than allowed to fluctuate in the free market. Instead, I believe that President Nixon should have followed a policy encouraging the maximum use of our resources.

How is this to be done? I believe that there are several ways to stimulate the American economy. We should immediately put into effect already enacted personal income tax cuts. Also, we should implement a meaningful income policy to control inflation. Recently, Congress responded to the present intolerable levels of unemployment by passing the Emergency Employment Act of 1971.

Despite these measures more can be done. The accelerated public works program is a valid response to inadequate public works and high unemployment in certain areas and industries. Congress should carry through its initiative and commitment by overriding President Nixon's veto.

The Public Works Acceleration Act of 1971 is designed to provide money for a backlog of public works projects. Estimates indicate that this act will create about 170,000 onsite construction jobs in an industry hard hit by unemployment. The total effect of this bill would be to create as many as 420,000 jobs. These jobs are not contrived but are jobs on public projects vital to the welfare of our Nation.

The President believes that this bill will not work because of the long lead times required to get the projects underway. What the President does not consider, though, is the backlog of projects already planned and ready, awaiting only funds. There are 3,000 applications for Federal approval of waste treatment plants, 800 applications for water and sewage plants, and 1,900 applications for hospitals. Many of these projects can be started right away.

The President also says that this legislation will not solve the problems of some of the segments of the labor market. I agree that the direct effect of the bill may not encompass the entire economy. Yet, this legislation will help the economy. A Vietnam veteran may not be employed on a construction site but he may be employed in a job created in a secondary industry.

In his veto message President Nixon singles out the construction workers as a major contributary cause of inflation. That argument uses the construction worker as a scapegoat for our general economic problems.

President Nixon vetoed this bill because he believes that this bill might be environmentally damaging. This blil, however, is designed, in part, to meet the environmental needs of our communities.

For these reasons, I urge that the veto of the Public Works Acceleration Amendments of 1971 be overridden. I believe that this bill is a good sound measure designed to aid the economy, to provide jobs for unemployed citizens.

Mr. MAGNUSON. Mr. President, I support the effort being made today to override the President's veto of S. 575. This veto has dealt a tragic blow to the effort to revitalize our Nation's economy. Surely the country, by any measure, is in a serious recession. The President, by vetoing the Accelerated Public Works Act, S. 575, has continued to ignore the basic economic needs of the people.

In Washington State, the actual unemployment rate is over 15 percent. Twenty-five thousand workers have exhausted extended unemployment compensation benefits in the first 6 months of 1971. Thirty-nine thousand five hundred workers have exhausted their regular unemployment compensation benefits in the first 4 months of 1971. For the first time in 30 years, serious hunger and malnutrition problems exist throughout Washington State. An accelerated public works program is needed in Washington State today in order to begin economic recovery and I urge Members of the Senate to override this unwise veto.

It means that the 256 accelerated public works projects in the State of Washington, worth $715 million, which would have created 710,895 man-days of employment in our State, will be delayed for years, unless this veto is overridden.

This veto, if sustained, will mean the loss of 142,179 man-days of employment in the Seattle area alone.

Mr. President, the 5,500,000 unemployed American working men and working women are waiting to see if the Senate will have the courage to override this veto and I hope we will not let them down.

EXPANDED JOB OPPORTUNITIES

Mr. DOLE. Mr. President, the problem of unemployment is of concern to all Americans, and in response to this concern the President and the Congress have taken action to expand job opportunities. But because of the selective nature of unemployment, much of it related directly or indirectly to industries adversely affected by defense cutbacks, it has been difficult to devise a comprehensive approach to the problem, especially since a high percentage of the unemployed have professional or highly skilled backgrounds.

EMERGENCY EMPLOYMENT ACT

In an effort to put people to work in the shortest possible time, on Monday, President Nixon signed into law the Emergency Employment Act of 1971, which provides authority to create 150,000 to 200,000 public service jobs to bring men and women back into the labor force.

HOUSE ACTION

At the time the President announced he would sign the Emergency Employment Act, he also announced his veto of S. 575, because one provision contained in that bill provided a $2 billion accelerated public works program. To understand the President's reasons for this veto, it must be realized that when S. 575 originated in the Senate Public Works Committee and when it was passed by the full Senate, it was designed only to

extend the Appalachian Regional Development Act and the Public Works and Economic Development Act. Unfortunately, the House of Representatives added the accelerated public works program, and the Senate was forced to accept that provision in the Senate-House conference on the bill. At no time during the legislative process has there been adequate consideration of the lack of value of the accelerated public works approach in expeditiously providing jobs for the unemployed.

ACCELERATED PUBLIC WORKS NO SOLUTION

The accelerated public works approach would not really solve our unemployment program. Certainly some communities would benefit from new waste treatment plants, water and sewer projects, school buildings and other construction projects which they have not been able to fund under other Federal programs. But this approach would do nothing to help the unemployed aerospace technician in Wichita, Seattle, or southern California or other highly skilled workers who are the unique feature of this employment crisis. In addition, construction projects have long lead times, and past experience demonstrates such programs would not be fully effective for at least 18 months. The construction industry, which would be the major beneficiary of an accelerated public works program, is showing considerable strength in today's economy, and we would be increasing the inflationary pressures on that industry by devoting additional funds to construction of public works projects.

Earlier this year, the Economic Development Subcommittee of the Senate Public Works Committee held a series of hearings around the country as part of its review of Federal economic development programs. I presided over one hearing in Wichita, Kans., where we took testimony from unemployed aerospace technicians. I specifically asked whether an accelerated public works program would be an answer to their problems. The witnesses replied that it would not be an answer because they were not trained as construction workers.

SUPPORT FOR ECONOMIC DEVELOPMENT ACT

I want to emphasize that my objection is not to title II, the Public Works and Economic Development Act of 1965, or to title III, the Appalachian Regional Development Act of 1965. The Economic Development Administration has been helpful to Kansas and title II, as amended, will be of even greater assistance to the rural areas of Kansas, which have been suffering from out-migration during the past 10 years. But the benefits of these programs could not offset the cost and ineffectiveness of the accelerated public works program. Hopefully, the President's veto will not be overridden and the Congress will act quickly to pass legislation containing the Appalachian Redevelopment Act and the Economic Development Act.

A NATIONAL INCOMES POLICY

Mr. HUMPHREY. Mr. President, I propose for prompt action an 11-point program headed by a national incomes policy to cool inflation, to build confidence in the dollar, and to stimulate a growing, balanced economy.

As part of the national incomes policy, I call for a National Economics Stabilization Board—a wage-price-profits board to add extra strength to the powers of Presidential persuasion to moderate excessive wage and price increases. I also call for the establishment of local and regional productivity councils to help control the wage-price spiral.

An anti-inflationary monetary and fiscal policy.

Renewed authority to impose credit controls in an economic emergency.

Establishment by the President of a National Economic Policy Council to maintain a continuous review of the domestic and international economy.

Expanded retraining programs for the unemployed.

Restoration of the Accelerated Public Works Act by overriding the President's veto.

Implementation of the Emergency Employment Act of 1971.

Restoration of the 7-percent investment tax credit.

Our economy is faltering badly.

It does not produce jobs—it produces unemployment.

It does not produce stability—it produces inflation.

And, despite all the signs, despite all the people out of work, despite advice from his own Chairman of the Federal Reserve Board, despite the concerted judgment of three former chairmen of the Council of Economic Advisers, the administration's economic game plan remains the same—do nothing and maybe the problems will go away.

But, the problems are real and they do not go away.

Inflation has increased food cost about 3 percent; housing is up 4.2 percent; transportation is up 6 percent; medical cost has increased 7 percent; clothing costs are up 3.9 percent, and recreation has increased 5.4 percent.

The Consumer Price Index rose in May at an annual rate of 7.2 percent.

Unemployment is increasing. Construction workers confront an unemployment rate of 11.2 percent. Among blacks, the jobless rate reached 10.5 percent—the highest since 1963. Some 17.3 percent of those between ages of 16 and 19 are out of work. Black teenage unemployment has reached 31.8 percent. Vietnam veterans face a similar no-job situation with 14.6 percent looking for work.

Nationally, there is an unemployment rate of 5.6 percent. But, such a high level of unemployment actually hits many more people than the 5.5 million represented by that percentage.

It hits the families of the unemployed.

It means that about 3.5 million will be forced to work part time. It means that 1.5 million skilled workers will be forced into lower paying jobs.

And, it means that throughout the year about 17.5 million people will be without a job sometime during 1971.

The administration's regressive economic philosophy has no other consequences: Plant capacity is presently 25 percent underused—further decreasing production and increasing unemployment. Interest rates are high, consumer spending is slow, and the national balance of payments continues to be unfavorable.

I believe it is time to reverse this policy and adopt a plan of action that will restore price stability while at the same time improving the rate of economic expansion.

We can no longer continue with a high rate of unemployment, with high interest rates, with climbing inflation, and sluggish economic growth.

There is clear and strong evidence that we can no longer rely on monetary and budget controls as substitutes for a comprehensive national incomes policy.

We can and must reverse the trend that is producing the largest deficit since World War II, that does alarming damage to our balance of payments, and that provides no relief for inflation.

We must have positive leadership from the highest levels of government. And we must have a program to match the leadership.

I propose an 11-point program of action to cool inflation, to build confidence in the dollar, and to stimulate a growing, balanced economy:

First, we must have a national incomes policy. Authorities from all points of the economic philosophic spectrum have called for an incomes policy. Most recently, Federal Reserve Chairman Arthur Burns said in testimony before the Joint Economic Committee:

> If we are to restore price stability with high employment in our economy, I see no immediate alternate to a cogent incomes policy.

Second, as part of this incomes policy I call for the establishment of a National Economics Stabilization Board—a wage price-profits board to add extra strength to the powers of presidential persuasion.

This Board could conduct economic reviews, analysis, and evaluations and bring to bear the persuasive prestige and actions of the executive branch in order to moderate excessive wage and price increases.

The Board could also make recommendations to the President concerning the authority Congress has already provided to temporarily freeze wages, prices, and profits.

Third, we need to establish local and regional productivity councils, composed of management and labor to help implement reasonable and economically sound wage, price, and profit policies.

Fourth, we must have a monetary and fiscal policy that is anti-inflationary.

Fifth, we should renew authority to impose credit controls but we should use them only in the case of a dire emergency.

Sixth, the President should establish a National Economic Policy Council to maintain a continuous review of the economy, both domestic and international, and advise the President and Congress of changes and recommendations in legislation and policy.

This Council should contain the economic powers of the Government—the Director of Office of Management and Budget, the Commerce Secretary, the

Treasury Secretary, the Secretary of Labor, the chairmen of the Federal Reserve Board, and Council of Economic Advisers, and the top congressional leadership of both Houses.

Seventh, in conjunction with the National Economic Policy Council, the President should establish a National Economic Advisory Council, composed of representatives of labor, management, agriculture, and the consumer, to offer independent analysis on the state of the economy.

Eighth, we should expand the retraining programs for out of work skilled employees—we should have additional programs that reorient aerospace scientists for jobs in local government, in environmental control, in the building of new towns.

Ninth, the Congress should override the President's unnecessary and insensitive veto of the Accelerated Public Works Act. This legislation was a decisive action by Congress to expand job opportunities. By his actions, the President has shown a callous disregard for the unemployed millions of this Nation.

Tenth, the President should quickly sign and implement the Emergency Employment Act of 1971—legislation to provide some 200,000 public service jobs.

Finally, we should restore the 7 percent investment tax credit.

These 11 points can be a start toward economic recovery.

They can give the psychological boost so necessary to an effective economic climate.

And they can do more.

They can provide the foundation for solid growth, for decreasing the rate of inflation, for increasing employment, and stimulating economic expansion.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes remaining.

Mr. MONTOYA. Mr. President, I just want to mention a few of the highlights we ought to consider in reaching a decision on this vital issue which we are facing at this time.

Mr. President, the economic picture confronting the Nation today is harsh in the extreme. No matter how many platitudes and press releases are used as band aids, the cancer beneath continues to fester and grow. Unemployment is rapidly becoming a national scourge.

We already have depression-size jobless figures among teenagers and in almost all of our inner cities.

We know that at least 5.5 million Americans are walking the streets without any work whatsoever.

We know that men and women with doctor's degrees are pumping gas and selling merchandise door to door.

We know that approximately half a million returned veterans are without any work.

We know that the Armed Forces of the Nation are discharging personnel at the staggering rate of 100,000 people monthly.

We know that millions of college and high school graduates have spilled out into the labor market, and have been totally unable to find any work.

We know that the summer job situation is an ongoing disaster.

We know that several States now have jobless levels exceeding 10 percent, notably Washington and Connecticut.

We know that for every four people who are listed as unemployed, there is at least one other person who does not register on the rolls because he or she has given up the struggle as impossible.

We know that those who have used up their jobless benefits—and they are growing daily—are a silent mass of misery.

We know that basic industries, such as construction and steel, are turning into unemployment disaster areas, pulling other areas of the economy down with them.

We know that 53 of the 150 largest metropolitan areas in the Nation are laboring under the burden of 6 percent unemployment or worse.

We know that bitterness and hatred are festering in the hearts of so many of these people who only seek a job.

We also know that the Manpower Training Act of last year was vetoed by the President as an anti-inflationary measure.

We also are aware of the fact that inflation rages on unchecked.

In light of all these facts, the veto of this measure we are considering today is hard to justify.

Press releases telling the Nation that every day in every way we are getting better and better just will not wash.

Muzzling the Bureau of Labor Statistics and the professionals at the Department of Labor is a fruitless exercise in futility. Cutting off their monthly press conference has only served to highlight the attempts at duplicity that have been employed.

The time has come for straight talk and absolute honesty. The American people deserve no less.

For this reason, as well as the fact that the cumulative information and facts are so damning, we should override this veto.

Mr. President, I sincerely urge Senators to override the President's veto.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. I yield myself 3 minutes.

Mr. President, I have listened to the summary of the Senator from New Mexico. I think all of us are aware of the problems our country faces with respect to the economy, inflation, and unemployment. But these things just did not happen by chance. I quoted the statistics, which I will place in the RECORD, which show that inflation began about 1965, when this country plunged into an escalation of the war, and the rising military expenditures had to encourage inflation and provide nearly full employment.

We have to be correct about this. Since President Nixon's policy of withdrawal of troops from Vietnam, military expenditures have gone down from approximately $30 billion a year to $15 or $16 billion. Men have come home to seek work. Military industries have been closed or their workers have been reduced. The aerospace industry has been reduced. I do not think we want to go back to a war economy. I think we want to go forward with this program of getting out of the war economy.

Everyone who is old enough recalls the problems we had after the end of other wars. These problems are difficult. But I do not think we can solve the problems of inflation and unemployment except by working on them together. We cannot expend vast sums of money where the benefits may be doubtful and expect inflation to decrease.

The statistics which I will place in the RECORD show that inflation has been reduced somewhat this year and that the rate of unemployment has been at least stilled.

The point I have made throughout this debate is simply that, while this is a bill which will give some employment, without question, we think there can be a better use of the funds and provide more jobs.

With great respect, as I indicated a few moments ago, to the work of Congress in 1962, the actual statistics show what the unemployment rolls were 2 years after that bill was enacted, and it was not until 24 months later, at the beginning of the expansion of the war, that unemployment was reduced.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. I yield myself 1 additional minute.

We on this side of the aisle have pledged ourselves, if this veto is sustained, to work for a better work bill, to work for one which will reach more quickly the neediest sections of the country and the neediest people. I have some sorrow in the position we take today, but I think our position, under all these circumstances, is one we can justify.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute remaining.

Mr. BAKER. Mr. President, will the Senator from Kentucky yield me 2 minutes?

Mr. COOPER. I yield 2 minutes to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I rise to underscore in agreement the remark by the distinguished senior Senator from Kentucky to the effect that those of us on this side of the aisle will work for a better work bill if this veto is sustained.

I would hope that the Economic Disaster Relief Act, patterned after the Natural Disaster Relief Act, might be passed, to concentrate the available resources and assistance of the Federal Government in those areas of most critical unemployment in Washington, in Maine, in Connecticut, in the District of Columbia, in Michigan, and in other States of high unemployment, rather than all over the country.

I would hope that such a proposal would provide for emergency supplemental funds so that the local share in matching share programs might be waived in favor of a 100-percent Federal financing in certain cases.

I would hope that such a proposal

would include an accelerated public works section, but that those accelerated public works provisions would have application in those areas of high and critical unemployment.

I would hope that there would be a provision dealing with loan guarantees to public and private corporations where there is an opportunity to create employment, especially for white-collar and blue-collar employees, where it is difficult to find employment for these highly skilled people.

I would hope that there would be an extension of unemployment benefits out of a 100-percent Federal funding for those areas where many people are about to exhaust their State unemployment benefits.

I would hope that there would be emergency and rent payment assistance to people in these areas of critical and high unemployment.

I would hope there would be a system of income maintenance loans, low interest subsidized loans, for not to exceed 1 year, up to 75 percent of the income of those unemployed persons, so that they could continue some semblance of their standard of living.

I would hope that there would be assistance for educational opportunity in the case of federally guaranteed scholarship loans so that the children of the unemployed could continue in their education.

This is the sort of effort that should be concentrated in the areas of high unemployment, and we have a chance to do it only if we dispose of APW by sustaining this veto.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, do I correctly understand that the Senator from New Mexico has yielded 1 minute to me?

Mr. COOPER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes remaining.

Mr. COOPER. I yield 2 minutes to the Senator.

Mr. RANDOLPH. Mr. President, I must use a portion of this time in what might be called pleasantry; but it is not so intended.

The Public Works Committee is fortunate in having men with the understanding and knowledge of legislation and the character and integrity of good men in the Senate such as Senator COOPER, Senator BAKER, and others.

We have attempted always to bring to this body measures that are well considered. Once again, today, in this debate, they have kept the matter at that level, discussing the issues, not allowing the subject matter in anywise to shift from the facts as they see them.

I do not believe it is inflationary in any sense to take the unemployed off welfare rolls and place them in gainful employment that develops needed projects in the United States.

The Senator from New York, for whom I have a very high regard, helped to fashion 150,000 jobs under the public service program, and I joined him in that effort. This program would give us not only 150,000 jobs; it would give us 200,000-plus jobs. They would not be the type of public service jobs created in that bill; although I am in agreement with that legislation. These jobs would put men to work—skilled and unskilled workers—constructing water and sewage treatment plants, hospitals, and other projects which are needed in the United States during this period of high unemployment.

I cannot believe that the Senate will fail to override the veto this afternoon. But if that is the result, we shall look at an earlier rollcall vote in which the Senate, by a substantial majority, said that this is a necessary program. I trust that the two-thirds of Senators present and voting will give us this legislative tool, a part of the package to give people jobs and to construct worthy projects and to strengthen the economy of America and restore the faith of our people.

The PRESIDING OFFICER (Mr. WEICKER). The hour of 3 o'clock having arrived, and in accordance with the previous order, the Senate will now proceed to vote on the question, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Under the Constitution, the yeas and nays are mandatory.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOPER. What will the vote be if we vote to sustain the veto, nay?

The PRESIDING OFFICER. A yea vote is to override; a nay vote is to sustain.

Mr. COOPER. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS) and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "yea".

On this vote, the Senators from Idaho (Mr. CHURCH) and Missouri (Mr. SYMINGTON) are paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senators from Idaho and Missouri would both vote "yea" and the Senator from South Carolina would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Missouri (Mr. SYMINGTON) and the Senator from Idaho (Mr. CHURCH). If present and voting, the Senator from South Carolina would vote "nay" and the Senator from Missouri and the Senator from Idaho would each vote "yea."

The yeas and nays resulted—yeas 57, nays 36, as follows:

[No. 138 Leg.]

YEAS—57

Allen	Hart	Moss
Anderson	Hartke	Muskie
Bayh	Hollings	Nelson
Bentsen	Hughes	Pastore
Bible	Humphrey	Pell
Burdick	Inouye	Proxmire
Byrd, W. Va.	Jackson	Randolph
Cannon	Jordan, N.C.	Ribicoff
Case	Kennedy	Saxbe
Chiles	Long	Schweiker
Cranston	Magnuson	Sparkman
Eagleton	Mansfield	Spong
Eastland	McClellan	Stennis
Ellender	McGee	Stevens
Ervin	McGovern	Stevenson
Fulbright	McIntyre	Talmadge
Gambrell	Metcalf	Tunney
Gravel	Mondale	Weicker
Gurney	Montoya	Williams

NAYS—36

Aiken	Cotton	Mathias
Allott	Curtis	Miller
Baker	Dole	Packwood
Beall	Dominick	Pearson
Bellmon	Fannin	Percy
Bennett	Fong	Prouty
Boggs	Goldwater	Roth
Brock	Griffin	Scott
Buckley	Hansen	Smith
Byrd, Va.	Hruska	Taft
Cook	Javits	Tower
Cooper	Jordan, Idaho	Young

NOT VOTING—7

Brooke	Hatfield	Thurmond
Church	Mundt	
Harris	Symington	

The PRESIDING OFFICER (Mr. WEICKER). On this vote the yeas are 57 and the nays are 36. Two-thirds of the Senators present and voting not having vote in the affirmative, on reconsideration, the bill fails of passage.

Mr. MANSFIELD. Mr. President, the vote on the overriding of the President's veto of the Accelerated Public Works Act demonstrates the division of opinion in the Senate on how best the Government should proceed in meeting the urgent economic problems confronting the Nation.

I wish to pay particular commendation to the junior Senator from New Mexico (Mr. MONTOYA) for the outstanding contribution he made in leading the debate on this issue and to the distinguished senior Senator from Kentucky (Mr. COOPER), the ranking member of the Public Works Committee, for his contribution to the dialog. As always, the chairman of the committee, the senior Senator from West Virginia (Mr. RANDOLPH) should be commended for his leadership and contribution.

Again I wish to thank the Senate as a whole for the cooperation it has given the joint leadership in expediting this measure.

Mr. TAFT. Mr. President, I voted to sustain the President's veto of the Appalachian accelerated public works bill.

While I am deeply concerned with the level of unemployment in the country, S. 575 deals with the job problem in the wrong way.

Had it passed, it would have increased inflation, raised costs in the construction industry, and cost an average of $20,000 per job created.

I supported the Emergency Employment Act of 1971, a law which by contrast will provide 150,000–200,000 new public service jobs favoring returning veterans and unskilled teenagers.

The President and congressional leaders have assured me that the Appalachian program, included in the bill, will be brought up separately for extension in the immediate future. I have long supported that plan and welcome the President's concern for its continuation.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1971

The PRESIDING OFFICER (Mr. BEALL). Pursuant to the previous order, the Chair lays before the Senate S. 934, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 934) to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Professions Educational Assistance Amendments of 1971".

TITLE I—HEALTH PROFESSIONS TRAINING

"PART A—HEALTH MANPOWER RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

SEC. 101. Part A of title VII of the Public Health Service Act is amended to read as follows:

"PART A—HEALTH MANPOWER RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 701. There are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1972, $225,000,000 for the fiscal year ending June 30, 1973, $250,000,000 for the fiscal year ending June 30, 1974, $275,000,000 for the fiscal year ending June 30, 1975, and $300,000,000 for the fiscal year ending June 30, 1976, to be available for grants to assist in the construction of teaching facilities (including interim facilities), facilities for advanced or continuing education, medical library facilities, or facilities for the conduct of research in the sciences related to health. Sums appropriated for construction grants for any fiscal year shall remain available for obligation until expended.

"DEFINITIONS

"SEC. 702. (a) For the purposes of this part, the term 'construction', when used with respect to any project, includes the construction of new buildings, and the acquisition, expansion, remodeling, renovation, rehabilitation, and alteration of existing buildings, and equipping new and existing buildings (whether or not expanded, remodeled, renovated, rehabilitated; or altered) including, in the case of medical libraries, provision of automatic data processing equipment but not books, pamphlets, or related material; and the term 'cost of construction' includes architect's fees in connection with any construction as well as the cost of the acquisition of land, but does not include the cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.

"(b) For the purposes of this part, the term 'teaching facilities' means areas dedicated for use by students, faculty, administrative, or maintenance personnel for clinical purposes, research activities, libraries, classrooms, offices, auditoriums, dining areas, student activities, or other related purposes necessary for, and appropriate to, the conduct of comprehensive programs of education, but does not include off-site improvements or living quarters.

"(c) For the purposes of this part and part E, the term 'nonprofit', as applied to any agency, organization, or institution, or combination thereof, means an agency, organization, or institution, or combination thereof, which is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and a 'combination' of agencies, organizations, or institutions means a consortium or other cooperative arrangements between or among such agencies, organizations, or institutions.

"(d) For the purposes of this part, the term 'sciences related to health' includes medicine, osteopathy, dentistry, pharmacy, optometry, veterinary medicine, podiatry, and public health, and fundamental and applied sciences when related thereto.

"(e) For the purposes of this part, the terms 'affiliated hospital' or 'outpatient facility' means a hospital or outpatient facility as defined in section 645, which is not owned by, but is affiliated (to the extent and in the manner determined in accordance with regulations) with, any school, agency, organization, or institution, or combination thereof, which meets the eligibility conditions for assistance under this part.

"(f) For the purposes of this part, part E, and part F, the terms 'school of medicine', 'school of dentistry', 'school of osteopathy', 'school of pharmacy', 'school of optometry', 'school of podiatry', 'school of veterinary medicine', and 'school of public health' mean a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatry or an equivalent degree, a degree of doctor of veterinary medicine or an equivalent degree, and a graduate degree in public health, and including advanced training related to such training provided by any such school.

"(g) For the purposes of this part, the term 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than ten years) basis while facilities of a more permanent nature are being planned and constructed.

"(h) For the purposes of this part, the term 'medical library' means a library related to the sciences related to health.

"AUTHORITY TO MAKE CONSTRUCTION GRANTS

"SEC. 703. The Secretary is authorized to make grants with respect to the cost of construction of projects for public or nonprofit private—

"(1) schools of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, or combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide a program of education leading to the first professional degree in such discipline;

"(2) agencies, organizations, and institutions, and combinations thereof, which the Secretary determines need teaching facilities for the support of any health-personnel educational program;

"(3) agencies, organizations, and institutions, and combinations thereof, which are determined by the Secretary to be competent to engage in the type of health research for which a facility is to be constructed; and

"(4) affiliated hospitals and outpatient facilities with applications which are approved by the health professions schools, agencies, organizations, or institutions with which such hospitals are affiliated and which otherwise comply with the requirements of this part.

"AUTHORIZATION FOR LOAN GUARANTEES

"SEC. 704. In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in section 703, to carry out needed projects which have been approved under this section for the construction of such facilities as are specified in section 701, the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1976, may guarantee in accordance with this section, to non-Federal lenders making loans to such schools, agencies, organizations, and institutions, and combinations thereof, for such projects, payment when due of the principal of and interest on loans for construction of the projects. The Secretary is also authorized to make commitments, on behalf of the United States, to make such guarantees prior to the making of such loans. No such loan guarantee may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to any amount which, when added to any grant under this or any other law of the United States, exceeds 90 per centum of the cost of construction of the project; nor may any such guarantee apply to more than 90 per centum of the loss of principal of and interest on the loan.

"AUTHORIZATION FOR PAYMENT OF INTEREST SUBSIDY

"SEC. 705. In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in section 703, to carry out needed projects for the construction of facilities specified in section 701, the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1976, may pay, to the holder of any loan guaranteed under section 704, or any loan which would be eligible for such guarantee but for section 706(a)(8), for and on behalf of such school, agency, organization, or institution, or combination thereof, amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan.

"APPROVAL OF APPLICATIONS FOR ASSISTANCE

"SEC. 706. (a) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which assistance under this section is sought) by which an application therefor must be filed, except that no such application may be approved unless it is submitted to the Secretary prior to July 1, 1976. Assistance applied for under this section may be provided only if the application therefor is approved by the Secretary upon his determination that—

"(1) the applicant is among the schools, agencies, organizations, or institutions, or combinations thereof, which are eligible for the assistance applied for;

"(2) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction (or such shorter period as the Secretary may specify in the case of an

interim facility), the facility will be used for the purposes for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the time specified in clause (A) for the purpose for which it is being constructed;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment;

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

"(5) in the case of an application for assistance under this part in the construction of a facility intended, at least in part, for the provision of health services, an opportunity has been provided for comment on the project by (A) the State comprehensive health planning agency (designated by the State as required by section 314(a)(2)(A), and (B) the public or nonprofit private agency or organization responsible for the plan or plans referred to in section 314(b) and covering the area in which such project is to be located or if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions;

"(6) the application contains adequate assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information as the Secretary may reasonably require;

"(7) in the case of an application for a loan guarantee or interest subsidy payment, the terms, conditions, security (if any), any schedule and amount of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

"(8) in the case of an application for a loan guarantee, the loan would not be available on reasonable terms and conditions without the guarantee under this section.

"(b) Within such aggregate monetary limit as the Secretary may prescribe, applications which (solely by reason of the inability of the applicants to give the assurance required by subsection (a)(2)(B)) fail to meet the requirements for approval set forth in this subsection may be approved upon condition that the applicants give the assurance required by subsection (a)(2)(B) within a reasonable time and upon such other reasonable terms and conditions as are prescribed by the Secretary.

"AMOUNT OF GRANT; PAYMENTS

"SEC. 707. (a)(1) Except as provided in paragraph (2), the amount of any grant under this part shall not exceed 75 per centum of the necessary cost of construction of the project with respect to which the grant is sought.

"(2) The Secretary may, when he determines that unusual circumstances make necessary a grant exceeding 75 per centum of the necessary cost of construction of the project with respect to which the grant is sought, make a grant exceeding 75 per centum (but not 85 per centum) of the cost of construction of the project with respect to which the grant is sought.

"(b) In determining the amount of any grant under this part, there shall be excluded from the cost of construction an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction of any project which is to be financed in part by a grant under this part, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(c) Except as otherwise provided in subsection (d), upon approval of any application for a grant under this part, the Secretary may reserve from any appropriation therefor the amount of such grant as determined pursuant to the preceding provisions of this section; and the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this subsection may be amended by him either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility. Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(d)(1) Upon award of a grant under this part during the fiscal year ending June 30, 1972, or during either of the next two fiscal years, under any application for such grant pursuant to this part, the Secretary shall enter into an agreement for the full amount of such grant and shall estimate the period which will be required for completion of construction of the project with respect to which such grant is awarded.

"(2) If the Secretary estimates that construction of any such project will be completed in the fiscal year in which the grant with respect to such project is awarded, he shall in the fiscal year in which such grant is awarded, reserve (from any appropriation available for grants under this part for such fiscal year) an amount equal to 100 per centum of such grant.

"(3) If the Secretary estimates that construction of any such project will be completed in the fiscal year following the fiscal year in which the grant with respect to such project is awarded, he shall—

"(A) in the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year) an amount equal to 50 per centum of such grant; and

"(B) in the fiscal year following the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year, and subject to the appropriation of such funds) an amount equal to so much of such grant as has not been reserved under clause (A).

"(4) If the Secretary estimates that construction of any such project will not be completed until after the fiscal year following the fiscal year in which the grant with respect to such project is awarded, he shall—

"(A) in the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year) an amount equal to 33⅓ per centum of such grant;

"(B) in the fiscal year following the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year, and subject to the appropriation of such funds) an amount equal to 50 per centum of so much of such grant as has not been reserved under clause (A), and

"(C) in the second fiscal year following the fiscal year in which such grant is awarded, reserve (from funds appropriated for grants under this part for such fiscal year, and subject to the appropriation of such funds) an amount equal to so much of such grant as has not been reserved under clauses (A) and (B).

"(5) The Secretary, in reserving amounts for grants under this section from funds appropriated therefor for any fiscal year, shall first reserve amounts for grants with respect to which amounts have (in accordance with the preceding provisions of this subsection) been reserved from funds appropriated therefor in a preceding fiscal year.

"RECAPTURE OF ASSISTANCE PAYMENTS

"SEC. 708. (a) If, within twenty years (or the shorter period specified by the Secretary pursuant to section 706(a)(2), in the case of construction of interim facilities) after completion of any construction for which a grant has been paid under this part—

"(1) the applicant or other owner of the facility shall cease to be an eligible school, agency, organization, or institution, or combination thereof, under this part, or

"(2) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), or

"(3) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(b)(1) The United States shall be entitled to recover from the applicant for a loan guarantee under this part the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) To the extent permitted by paragraph (3), any terms and conditions applicable to a loan guarantee under this part may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(3) Any loan guarantee made by the Secretary pursuant to this part shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"LIMITATIONS ON GUARANTEED LOANS

"SEC. 709. (a) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this part may not exceed such limitations as may be specified in appropriation Acts.

"(b) In any fiscal year no loan guarantee may be made and no agreement to make interest subsidy payments may be entered into under this part if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(1) the principal of the loans guaranteed under this part in such fiscal year, and

"(2) the principal of the loans for which no guarantee has been made and with respect to which an agreement to make interest subsidy payments under this part is entered into in such fiscal year,

to exceed the amount of grant funds obligated under this part in such fiscal year; except that this subsection shall not apply if the amount of grant funds obligated under this part in such fiscal year equals the sums appropriated for such fiscal year for construction grants.

"LOAN GUARANTEE AND INTEREST SUBSIDY FUND

"SEC. 710. (a) There is hereby established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (1) to enable him to discharge his responsibilities under guarantees issued by him under this part, and (2) for payment of interest authorized by section 704. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund; except that the amount appropriated for interest subsidy payments may not exceed $8,000,000 in the fiscal year ending June 30, 1972, $16,000,000 in the fiscal year ending June 30, 1973, $24,000,000 in the fiscal year ending June 30, 1974, $32,000,000 in the fiscal year ending June 30, 1975, and $40,000,000 in the fiscal year ending June 30, 1976. There shall be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets.

"(b) If any time the sums in the fund are insufficient (1) to enable the Secretary to discharge his responsibilities under guarantees issued by him under this part or (2) to make payments of interest authorized by section 704, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which the securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such funds.

"TECHNICAL ASSISTANCE

"SEC. 711. The Secretary is authorized to provide technical assistance (1) to applicants under this part and other public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, in designing and planning the construction of any facility for which financial assistance may be provided under this part, and (2) to State or interstate planning agencies established to plan programs for relieving shortages of training capacity for health personnel."

PART B—STUDENT LOANS

AMENDMENTS TO THE PUBLIC SERVICE ACT

SEC. 102. (a) Section 741 of the Public Health Service Act (42 U.S.C. 294a) is amended in subsection (a) by striking out "$2,500" and inserting in lieu thereof "$3,500".

(b) Section 742(a) of such Act is amended to read as follows:

"SEC. 742. (a) There are hereby authorized to be appropriated to the Secretary to carry out this part $60,000,000 for the fiscal year ending June 30, 1972, $65,000,000 for the fiscal year ending June 30, 1973, $70,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $80,000,000 for the fiscal year ending June 30, 1976. There are further authorized to be appropriated to the Secretary such sums for the fiscal year ending June 30, 1977, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan under this part for any academic year ending before July 1, 1973, to continue or complete their education. Sums appropriated under this section for the fiscal year ending June 30, 1967, or any subsequent year shall be available to the Secretary (1) for payments into the fund established by section 744(d), (2) for making Federal capital contributions into loan funds under this part, and (3) for transfers pursuant to section 746."

(c) Subsection 741(f) of such Act is amended by striking out "optometry" and inserting in lieu thereof "optometry, pharmacy, podiatry, veterinary medicine", by striking out "optometrist" each time it appears and inserting in lieu thereof "optometrists, pharmacists, podiatrists, veterinarians" and by striking out "or optometrist" and inserting in lieu thereof "optometrist, pharmacist, podiatrist, or veterinarian".

(d) Section 743 of such Act is amended by striking out "1975" each place it appears therein and inserting in lieu thereof "1979".

(e) Subsection (d) of section 741 of the Public Health Service Act is amended—

(1) by inserting "(1)" immediately after "(d)"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) Upon application by a person who received, and is under an obligation to repay, any such loan, the Secretary shall undertake to cancel (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(A) failed to complete such studies leading to his first professional degree;

"(B) is in exceptionally needy circumstances;

"(C) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(D) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, optometry, podiatry, veterinary medicine, or pharmacy, within two years following the date upon which he terminated such studies."

(f) Subsection (f) of section 741 of the Public Health Service Act (as amended by subsection (c) of this section) is further amended—

(1) by inserting "(1)" immediately after "(f)",

(2) by redesignating clauses (1) and (2) thereof as clauses (A) and (B); and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) If any person who, after June 30, 1971, obtained one or more loans from a loan fund established under this part (i) engages in the practice of general, family, internal, or pediatric medicine, or, if the Secretary by regulation shall so provide, in the practice of any other aspect of medicine, osteopathy, or dentistry or in the practice of pharmacy, podiatry, optometry, or veterinary medicine, and (ii) does so in an area designated by the Secretary as a medically underserved area, then $5,000 or 50 per centum (whichever is greater) of the total of such loan or loans to any such persons, plus accrued interest thereon, which is unpaid as of the date that such practice begins shall be canceled thereafter by the Secretary for each completed year of such practice. The Secretary shall make the designations of areas under the preceding sentence only after providing an opportunity for comment thereon to (iii) the appropriate State comprehensive health planning agency or agencies (designated by the State or States as required by section 314(a)(2)(A)), and (iv) the local area health planning agency responsible for the plan or plans referred in section 314(b) for the area involved or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions.

"(B) The Secretary shall, on or before the due date thereof, cancel any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment canceled as provided in this paragraph, upon the declaration of such borrower, at such times and in such manner as the Secretary may prescribe (and supported by such other evidence as the Secretary may reasonably require), that the borrower is then engaged as described by subparagraph (A), and that he will continue to be so engaged for the period required (in the absence of this subparagraph) to entitle him to receive the cancellation of payments provided by this paragraph for such year. A borrower who fails to become eligible for the cancellation of payments provided by subparagraph (A) for such year shall be liable to reimburse the Secretary for any payments canceled pursuant to this subparagraph."

AMENDMENTS TO THE HIGHER EDUCATION ACT TO PROVIDE FEDERALLY INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 103. (a) Subsection (b) of section 423 of the Higher Education Act of 1965 (limiting the issuance of Federal loan insurance certificates in States where the Commissioner of Education determines that all eligible educational institutions have access to non-Federal loan insurance programs) is amended by striking out the period at the end of such subsection and inserting ", or" in lieu thereof, and by adding thereafter the following:

"(3) for insurance of a loan made to a health professions student, without regard to any determination made pursuant to subsection (a)."

(b)(1) Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The term 'health professions student' means a student pursuing a full-time course of study, at an institution of higher education, leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of podiatry, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree."

(2)(A) Such section is further amended by inserting at the end of subsection (b) thereof the following: "The term 'institution of higher education' means, also, a public or nonprofit private school of medicine, osteopathy, dentistry, pharmacy, podiatry,

optometry or veterinary medicine which is accredited as provided in section 703(1), section 774(b)(2), or section 84c(f) of the Public Health Service Act, or subsection (f) of this section."

AMENDMENTS TO HIGHER EDUCATION ACT TO PROVIDE INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 104. (a) Subsection (a) of section 425 of the Higher Education Act of 1965 (limiting the size of individual federally insured loans) is amended by inserting "(other than a health professions student)" after "student" where it appears in the first and second sentences of such subsection; by inserting "(1)" after "(a)"; and by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a health professions student in any academic year or its equivalent (as determined under regulations of the Commission) which may be covered by Federal loan insurance under this part may not exceed $3,500. Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a health professions student."

(b) Clause (A) of section 428(b)(1) of such Act is amended (1) by inserting after "loans to any individual student" the following: "(other than a health professions student), and not less than $1,000 nor more than $3,500 in loans to any individual health professions student"; (2) by inserting after "insured loans made to any student" the following: "(other than a health professions student)"; and (3) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a health professions student".

AMENDMENTS TO THE HIGHER EDUCATION ACT TO PROVIDE FOR EXTENSION OF REPAYMENT PERIOD FOR HEALTH PROFESSIONS STUDENTS

SEC. 105. (a) Clause (B) of section 427(a)(2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a healthy professions student, may not exceed twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a health professions student, may not exceed twenty-five years)".

(b)(1) Clause (B) of section 428(b)(1) of such Act is amended by inserting after "at least six academic years of study" the following: "(and at least four additional academic years of study by any such student as a health professions student)".

(2) Clause (D) of such section is amended by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)".

AMENDMENTS TO THE HIGHER EDUCATION ACT TO PROVIDE FOR DEFERRAL OF REPAYMENT DURING PERIODS OF ADVANCED HEALTH TRAINING

SEC. 106. (a) Clause (C) of section 427(a)(2) of the Higher Education Act of 1965 is amended by striking out "or" before "(iv)", and by inserting after "1964," the following: "or (v) not in excess of five years, with respect to loans made to health professions students, of advanced professional training in health, including internships and residences,".

(b) Paragraph (1) of section 428(b) of such Act is amedned (1) by striking out "and" at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides, with respect to loans to health professions students, that periodic installments of principal need not be paid, but interest shall accrue and be paid, during period, not in excess of five years, of advanced professional training in health, including internships and residences."

(c) Paragraph (A) of section 428(a)(2) of such Act is amended by inserting "(b)(1)(L) or subsection" after "described in subsection".

AMENDMENTS TO HIGHER EDUCATION ACT TO PROVIDE FOR FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

SEC. 107. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

"SEC. 438. (a) If any person who, after June 30, 1971, received a loan or loans as a health professions student insured under this part (1) engages in the practice of general, family, internal, or pediatric medicine, or, if the Secretary by regulation shall so provide, in the practice of any other aspect of medicine, osteopathy, or dentistry or in the practice of pharmacy, podiatry, optometry, or veterinary medicine, and (2) does so in an area designated by the Secretary as a medically underserved area, then $5,000 or 50 per centum (whichever is greater) of the total of such loan or loans to any such person, plus accrued interest thereon, which is unpaid as of the date that such practice begins shall be paid thereafter by the Commissioner for each completed year of such practice. The Secretary shall make the designations of areas under the preceding sentence only after providing an opportunity for comment thereon to (A) the appropriate State comprehensive health planning agency or agencies (designated by the State or States as required by section 314(a)(2)(A) of the Public Health Service Act), and (B) the local area health planning agency responsible for the plan or plans referred to in section 3144 (b) of such Act for the area involved or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions.

"(b) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment paid as provided in this section, upon the declaration of such borrower, at such times in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described by subsection (a), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by this section for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection."

(b) Clause (2) of section 421(b) of such Act is amended by inserting "and section 438" after "section 437".

(c)(1) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof "portion of the principal or interest on the note which is payable by the Commissioner"; and (B) by inserting before the comma at the end of the clause "or section 438".

(2) Clause (B) of section 428(b)(2) of such Act is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

AMENDMENTS TO HIGHER EDUCATION ACT TO PROVIDE FOR FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 108. (a) Part B of title IV of the Higher Education Act of 1965, as amended by the foregoing provisions of this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a health profession student to enable him to study medicine, osteopathy, dentistry, podiatry, optometry, veterinary medicine, or pharmacy, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies leading to his first professional degree;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, podiatry, optometry, veterinary medicine, and pharmacy, within two years following the date upon which he terminated such studies."

(b) Clause (2) of section 421(b) of such Act, as amended by the foregoing provisions of this Act, is further amended by striking out "and section 438" as that phrase appears in such clause (as so amended) and inserting in lieu thereof ", section 438, and section 439".

(c) Clause (E) of section 427(a)(2) and clause (B) of section 428(b)(2) of such Act, as amended by the foregoing provisions of this Act, are further amended by striking out "or section 438" as that phrase appears in each such clause (as so amended) and inserting in lieu thereof ", section 438, or section 439".

LIMITATION ON LOAN GUARANTEES TO HEALTH PROFESSIONS STUDENTS UNDER HIGHER EDUCATION ACT

SEC. 109. Part B of title IV of the Higher Education Act of 1965 (as amended by the preceding provisions of this Act) is further amended by adding at the end thereof the following new section:

"SEC. 140. In any fiscal year no loan guarantee may be made to health professions students under part B of title IV of the Higher Education Act of 1965 (as defined in section 435(l) of such Act) if the making of such guarantee would cause the total of the principal of the loans guaranteed in such fiscal year to exceed the amount of direct loan funds obligated under section 741 of the Public Health Service Act in such fiscal year; except that this paragraph shall not apply if the amount of direct loan funds obligated under this part in such fiscal year

equals the sums appropriated for such fiscal year for direct loans."

PART C—INSTITUTIONAL AND SPECIAL PROJECT GRANTS FOR TRAINING HEALTH PROFESSIONS PERSONNEL

SEC. 120. The title of part E of title VII of the Public Health Service Act is amended by striking out "AND PODIATRY" and inserting in lieu thereof "PODIATRY, PHARMACY, AND VETERINARY MEDICINE".

SEC. 121. Sections 770 and 771 of the Public Health Service Act (42 U.S.C. 295f and 295f–1) are amended to read as follows:

"INSTITUTIONAL SUPPORT

"SEC. 770. (a) The Secretary shall make grants in the fiscal year ending June 30, 1972, and in each of the four succeeding fiscal years as provided in this section to each public or other nonprofit school of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, or veterinary medicine which is accredited as provided in section 703(1) for the support of the education programs of such schools. It is the Congress intent that the criteria established under subsection (b) for determining the amount of the grants to which such schools will be entitled provide approximately one-third of the costs incurred by such schools (based on average costs of all such schools in the Nation) in providing such education programs, if such schools make satisfactory progress in increasing enrollment and reducing the time period required for the completion of studies by students enrolled therein. The Secretary's determination of the amount of such grant shall be final and conclusive and, notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other law, shall not be subject to judicial review in any court of the United States.

(b)(1) The amount of the annual grant under subsection (a) to each such school with an approval application shall be equal to $50,000, plus—

"(A) the product obtained by multiplying the number of full-time students enrolled in such school (or the equivalent thereof, as determined by the Secretary) by—

"(i) in the case of schools of medicine, osteopathy, and dentistry, $4,000;

"(ii) in the case of schools of optometry, $1,000;

"(iii) in the case of schools of pharmacy $600;

"(iv) in the case of schools of podiatry $900;

"(v) in the case of schools of veterinary medicine $2,000; and

"(B) in the case of schools of medicine, osteopathy, and dentistry, the product obtained by multiplying $6,000 by the number of students of such school who graduate during such year under a program of such school under which students complete their studies in a period consisting of not more than three years, if the Secretary (after consultation with the appropriate accreditation body or bodies (is satisfied that there is reasonable assurance that such program will meet the accreditation standards of such body or bodies; and

"(C) in the case of schools of medicine, osteopathy, and dentistry, the product obtained by multiplying $1,350 by the number of full-time students (or the equivalent thereof, as determined by the Secretary) who are enrolled in a program of such school for the training of physicians' assistants or dentists' assistants; and

"(D) in the case of any such school, the product obtained by multiplying—

"(i) $2,000 in the case of schools of medicine, osteopathy, and dentistry;

"(ii) $400, in the case of schools of optometry;

"(iii) $300, in the case of schools of pharmacy;

"(iv) $400, in the case of schools of podiatry;

"(v) $1,000, in the case of schools of veterinary medicine;

by the number of first-year enrollment bonus students (as defined in paragraph (2)) enrolled in such school for such year.

"(2) For purposes of paragraph (1)(D), a student enrolled in any school referred to in such paragraph shall be deemed to be a first-year enrollment bonus student of such school for any year, if for the year in which such student is or was a first-year student in such school the first year enrollment for such school exceeded the first-year enrollment for such school for—

"(A) the preceding school-year by not less than 5 per centum, or by not less than five students, whichever is the greater; or

"(B) the second preceding school-year by not less than 10 per centum, or by not less than ten students, whichever is the greater; or

"(C) the third preceding school-year by not less than 15 per centum, or by not less than fifteen students, whichever is the greater.

"(3) Notwithstanding any other provision of this section, if for any year after the fiscal year ending June 30, 1972, any school of pharmacy has failed, for the preceding year, to carry out its plan required under section 771(d)(3)(G), such school shall be deemed not to have any first-year enrollment bonus students for such year.

"(c)(1) Notwithstanding any other provision of this section, the amount of the grant to which any school would (except for this subsection) be entitled for any year, as determined under subsection (a), shall be reduced as provided in this subsection if—

"(A) for the preceding year such school received a grant under this section, and

"(B) the Secretary determines, after notice and opportunity for a hearing to such school (as provided under subchapter II of chapter 5 of title 5, United States Code), that there has been a failure on the part of such school, during such preceding year, satisfactorily to carry out specific programs or projects in at least three of the categories (as specified in section 771(d)(3)) contained in the plan submitted by such school under such section for the preceding year.

"(2) If such failure is with respect to—

"(A) all of the categories contained in such plan, the reduction under this subsection shall be equal to 30 per centum of the amount of such grant (as determined under subsection (a));

"(B) all but two of the categories contained in such plan, the reduction under this subsection shall be equal to 10 per centum of the amount of such grant (as determined under subsection (a)); and

"(C) all but one of the categories contained in such plan, the reduction under this subsection shall be equal to 20 per centum of the amount of such grant (as determined under subsection (a)).

"(3) The Secretary may waive the reduction provided by the preceding provisions of this subsection in the case of any school if he determines that the imposition of such reduction would work a dire financial hardship on such school; except that the Secretary shall not waive such reduction in the case of any school for any year if, during the preceding five-year period, such school has received a waiver under this paragraph.

"(4) The Secretary may make site visits to any school, or require such other reasonable assurances from a school, receiving a grant under this section to determine if such school is satisfactorily carrying out the specific programs or projects (as specified in sections 771(c)(3)(D)) contained in the plan submitted by such school in connection with its application for a grant under this section.

"(d) There are authorized to be appropriated to the Secretary for grants under (a) of this section—

"(1) for the fiscal year ending June 30, 1972, for—

"(A) schools of medicine, $262,000,000;
"(B) schools of osteopathy, $14,000,000;
"(C) schools of dentistry, $106,000,000;
"(D) schools of optometry, $5,000,000;
"(E) schools of pharmacy, $20,500,000;
"(F) schools of podiatry, $2,000,000; and
"(G) schools of veterinary medicine, $16,500,000.

"(2) for the fiscal year ending June 30, 1973, for—

"(A) schools of medicine, $268,500,000;
"(B) schools of osteopathy, $15,500,000;
"(C) schools of dentistry, $110,500,000;
"(D) schools of optometry, $5,000,000;
"(E) schools of pharmacy, $21,000,000;
"(F) schools of podiatry, $2,000,000; and
"(G) schools of veterinary medicine, $17,000,000.

"(3) for the fiscal year ending June 30, 1974, for—

"(A) schools of medicine, $284,000,000;
"(B) schools of osteopathy, $17,000,000;
"(C) schools of dentistry, $115,000,000;
"(D) schools of optometry, $5,500,000;
"(E) schools of pharmacy, $21,000,000;
"(F) schools of podiatry, $2,000,000; and
"(G) schools of veterinary medicine, $18,000,000.

"(4) for the fiscal year ending June 30, 1975, for—

"(A) schools of medicine, $300,000,000;
"(B) schools of osteopathy, $18,500,000;
"(C) schools of dentistry, $120,000,000;
"(D) schools of optometry, $5,500,000;
"(E) schools of pharmacy, $21,500,000;
"(F) schools of podiatry, $2,500,000; and
"(G) schools of veterinary medicine, $18,500,000.

"(5) for the fiscal year ending June 30, 1976, for—

"(A) schools of medicine, $319,000,000;
"(B) schools of osteopathy, $20,500,000;
"(C) schools of dentistry, $125,000,000;
"(D) schools of optometry, $5,500,000;
"(E) schools of pharmacy, $22,000,000;
"(F) schools of podiatry, $2,500,000; and
"(G) schools of veterinary medicine, $19,000,000.

"(e)(1) Upon application, filed with the Secretary in such form and containing such information as he shall by regulation prescribe, including a finding that the proposed school will be affiliated with an accredited hospital, by any public or nonprofit school of basic medical science which desires to become a school of medicine, the Secretary shall make a grant to such school to assist it in becoming a school of medicine.

"(2) The amount of the grant to which any school of basic medical science is entitled under this subsection shall be equal to the product of $50,000 multiplied by the number of third-year students which will be enrolled in such school (as determined by the Secretary) in the year in which such grant is made.

"(3) No school shall be entitled to a grant under this subsection if it has previously received a grant under this subsection.

"(4) The provisions of section 771 shall not be applicable to applications for grants under this subsection.

"(5) Nothing in this subsection shall be construed to preclude any school which receives a grant hereunder in any fiscal year from receiving any grant to which it is otherwise entitled under other provisions of this section.

"(f)(1) Each new school of medicine, osteopathy, or dentistry with an approved application under this subsection shall, in addition to any other grant to which it is or may be entitled under this section, be entitled to a grant of $300,000 for each year that it is a new school.

"(2) For purposes of paragraph (1), any school of medicine, osteopathy, or dentistry shall be deemed to be a new school for any year if such year is—

"(A) the year preceding the year in which such school first has students enrolled therein; or

"(B) a year after the year referred to in clause (A) but before whichever of the following first occurs: (i) the year in which such school first has a graduating class or (ii) the year in which such school would, if it were a four-year school, have a graduating class.

"(3) No grant may be made under this section unless an application therefore has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(4) There are authorized to be appropriated to carry out this subsection $10,000,000 for the fiscal year ending June 30, 1972, and a like amount for each of the next four fiscal years. Sums appropriated under this subsection shall remain available until expended.

"APPLICATIONS FOR INSTITUTIONAL GRANTS

"SEC. 771. (a) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which a grant is sought) by which applications for grants under section 770 for any fiscal year must be filed.

"(b) To be eligible for a grant under section 770, the applicant must (1) be a public or other nonprofit school, (2) be a school of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, or veterinary medicine, and (3) be accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (3) shall be deemed to be satisfied if, (A) in the case of a school which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under section 770 eligible for accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application, or (B) in the case of any other school, the Commissioner finds after consultation with the Secretary that there is reasonable ground to expect that, with the aid of a grant or grants under this part, having regard for the purposes of the grant sought, such school will meet such accreditation standards within a reasonable time.

"(c) The Secretary shall not approve or disapprove any application for a grant under section 770 except after consultation with the National Advisory Council on Health Professions Educational Assistance.

"(d) A grant under section 770 may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (b) of this section;

"(2) provides for such fiscal control and accounting procedures, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under section 770;

"(3) contains a plan, approved by the Secretary, to carry out or to establish and carry out, by the end of the school year with respect to which such application relates, specific programs or projects in at least three of the following categories (including, in the case of a school of pharmacy, category (G)):

"(A) to effect significant improvements in the curriculums of such school (including shortening of the length of the time required to complete training programs provided by such schools);

"(B) to establish cooperative interdisciplinary training among schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, nursing, public health, and allied health, including training for the use of the team approach to the provision of health services;

"(C) to train for new roles, types, or levels of health personnel, including programs for the training of physicians' assistants, dentists' assistants, and other health professions' assistants, and nurses practitioners, in cooperation with appropriate academic institutions and hospitals;

"(D) to make innovative modifications of existing programs of education in the health professions, including the teaching of the organization, provision, financing, or evaluation, of health care;

"(E) to assist in significantly increasing the supply of adequately trained personnel in the health professions needed to meet the health needs of the Nation;

"(F) to establish, at schools of medicine, osteopathy, or dentistry, increased emphasis on, and training in, the science of clinical pharmacology, diagnosis, treatment, and prevention of drug and alcohol use and abuse, the assessment of the efficiency of various therapeutic regimens, and, in the case of schools of medicine and osteopathy, the science of nutrition:

"(G) to provide, at schools of pharmacy, for increased emphasis on, and training in, clinical pharmacy, drug use and abuse, and where appropriate, clinical pharmacology;

"(H) to increase admissions to, and enrollment and retention in, such schools of qualified individuals who, due to socioeconomic factors, are financially or educationally disadvantaged; and

"(I) to train and educate primary care health professionals with particular emphasis (in the case of schools of medicine, osteopathy, and dentistry) upon the establishment of new, or expansion of existing, programs for training in family medicine;

"(4) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend for the support of its teaching programs, for the fiscal year with respect to which the application is filed, an amount from State, local, or other non-Federal sources that is not less, in the aggregate, than the amount expended from such sources for such programs for the preceding fiscal year, and that any grant paid under section 770 will be used to supplement and, to the extent practicable, to increase the level of non-Federal funds that would otherwise be made available for such programs, and will not supplant such non-Federal funds; and

(5) contains such additional information as the Secretary may require to make the determination required of him and such assurances as he may find necessary.

"(e) For the purposes of parts E and F, the term 'fulltime students' (whether such term is used by itself or in connection with a particular class year) means students pursuing a full-time course of study leading to a degree of doctor of medicine, doctor of osteopathy, bachelor of science in pharmacy, or doctor of pharmacy or an equivalent degree, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, doctor of dentistry or an equivalent degree, or doctor of podiatry or an equivalent degree.

"(f) None of the funds appropriated under this Act may be used for the purposes described in section 770 save only the funds authorized and appropriated under section 770."

SPECIAL PROJECT GRANTS AND MANPOWER INITIATIVE AWARDS

SEC. 122. (a) Section 772 of the Public Health Service Act is amended to read as follows:

"SPECIAL PROJECT GRANTS

"SEC. 722. (a) There are authorized to be appropriated $150,000,000 for the fiscal year ending June 30, 1972, $165,000,000 for the fiscal year ending June 30, 1973, $180,000,000 for the fiscal year ending June 30, 1974, $195,000,000 for the fiscal year ending June 30, 1975, and $210,000,000 for the fiscal year ending June 30, 1976, for project grants to improve the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system. The Secretary is authorized to make grants to public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, and to make contracts with public or private schools, agencies, organizations, and institutions, and combinations thereof, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section) to—

"(1) plan, develop, and establish new programs or modifications of existing programs of education in health professions;

"(2) provide for significant expansions in enrollments and graduates at existing schools in such health professions;

"(3) increase the supply of well-qualified faculty members in such health professions schools;

"(4) plan, develop, or establish projects to effect significant curriculum improvement and expand research in fields related to education in such health professions;

"(5) develop training programs for, and to train, new levels or types of health professions personnel; or

"(6) encourage the establishment and maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by area or by specialty group;

"(7) utilize health personnel more efficiently, through the use of computer technology and otherwise;

"(8) initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers, administrators, specialists, and paraprofessionals (particularly physician's and dentist's assistants and pediatric nurse practitioners);

"(9) encourage new or more effective approaches to the organization and delivery of health services through use of the team approach to delivery of health services and the utilization of computer technology to process biomedical information in the provision of health services; and

"(10) establish and operate programs at schools of medicine or osteopathy and where applicable at other health profession schools, providing increased emphasis on, and training in, the prevention, diagnosis, treatment, and rehabilitation of alcoholism and drug dependence, and the assessment of the efficacy of various therapeutic regimens for alcoholism and drug dependence."

Grants and contracts under this section may also be made for the discovery, collection, development, or confirmation of information for, the planning, development, demonstration, establishment, or maintenance of, or the alteration or renovation of existing facilities for, any of such programs or projects.

(b) Subsection (d) of section 773 of the Public Health Service Act is amended to read as follows:

"(d) A grant under this section may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (b) of this section, in the case of a health professions school;

"(2) contains such additional information as the Secretary may require to make the determination required for him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(3) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to an applicant under this part."

PART D—SCHOLARSHIP GRANTS

SEC. 130. Section 780 of the Public Health Service Act (42 U.S.C. 295g) is amended to read as follows:

"SEC. 780. (a) The Secretary shall make grants as provided in this part to each public or other nonprofit school for medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, or veterinary medicine which is accredited as provided in section 703(1), for scholarships to be awarded annually by such school to students thereof.

"(b) The amount of the grant under subsection (a) to each such school shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school in each of the fiscal years that end on June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, plus $3,000 multiplied by the number of economically or educationally disadvantaged full-time students of such school in each of the fiscal years that end on June 30, 1974, June 30, 1975, and June 30, 1976. For the fiscal year ending June 30, 1977, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending prior to July 1, 1976.

"(c) Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need and students from low-income or economically disadvantaged families (as determined under regulations of the Secretary), and who need such financial assistance to pursue a course of study at the school for such year. Any such scholarship awarded for a school year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses at the school making the award, but not to exceed $3,500 for any year, as such school may determine the student needs for such year on the basis of his requirements and financial resources.

"(d) In the fiscal year ending June 30, 1977, and the two succeeding fiscal years no scholarships under subsection (a) may be awarded to individuals who did not receive such support from such appropriations for the fiscal year ending June 30, 1976.

"(e) Grants under subsection (a) shall be made in accordance with regulations prescribed by the Secretary after consultation with the National Advisory Council on Health Professions Educational Assistance.

"(f) Grants under subsection (a) may be paid in advance or by way of reimbursement, and at such intervals as the Secretary may find necessary; and with appropriate adjustments on account of overpayments or underpayments previously made."

PART E—RELIEF FOR HEALTH PROFESSIONS SCHOOLS WHICH ARE IN FINANCIAL DISTRESS

SEC. 140. Part B of title VII of the Public Health Service Act is amended to read as follows:

"PART B—SPECIALIZED ASSISTANCE FOR HEALTH PROFESSIONS EDUCATION

"GRANTS TO ASSIST SCHOOLS TO MEET ACCREDITATION REQUIREMENTS

"SEC. 720. (a) There are hereby authorized to be appropriated to the Secretary to carry out this section $50,000,000 for the fiscal year ending June 30, 1972, $40,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

"(b) Grants may be made, from appropriations under this section for any fiscal year, to assist any school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, or veterinary medicine which is in serious financial straits to meet its costs of operation or which has special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

TITLE II—MISCELLANEOUS PROVISIONS

GRANTS FOR SUPPORT OF GRADUATE TRAINING PROGRAMS FOR PHYSICIANS AND DENTISTS

SEC. 201. Part B of title VII of the Public Health Service Act (as amended by section 140 of this Act) is further amended by adding at the end thereof the following new sections:

"GRANTS FOR SUPPORT OF POSTGRADUATE TRAINING PROGRAMS FOR PHYSICIANS AND DENTISTS

"SEC. 721. (a)(1) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, for the Secretary to make grants to—

"(A) public or private nonprofit schools of medicine, osteopathy, or dentistry, which are accredited as provided in section 70c(1), and

"(B) public or private nonprofit hospitals, not affiliated with an accredited school of medicine, osteopathy, or dentistry, which conduct graduate training programs approved by the Secretary as provided in subsection (b),

for the support of the educational costs of graduate training programs in the practice of medicine, osteopathy or dentistry,

"(2) The Secretary shall make an annual grant under subsection (a) to each such school or hospital equal to the product of the number of physicians or dentists in full-time graduate training programs in clinical facilities, including area health education centers, with which such school has a written agreement of affiliation, or in nonaffiliated hospitals which conduct such training programs approved by the Secretary in accordance with criteria prescribed under subsection (b)(3)(E), multiplied by—

"(A) $3,000 in the case of physicians and dentists who are enrolled in approved graduate training programs in the area of primary health care or any other shortage area designated by the Secretary pursuant to subsection (b)(2)(B);

"(B) $1,500 in the case of physicians and dentists who are enrolled in all other graduate training programs.

"(3) In determining the amount of the grant under paragraph (2) the Secretary shall count only—

"(A) the number of first-year physicians and dentists in full-time graduate training programs for the fiscal year ending June 30, 1973;

"(B) the number of first- and second-year physicians and dentists in full-time graduate training programs for the fiscal year ending June 30, 1974; and

"(C) the number of first-, second-, and third-year physicians and dentists in full-time graduate training programs for the fiscal year ending June 30, 1975, and June 30, 1976.

No physician or dentists shall be counted for more than three years as enrolled in a graduate training program for the purpose of calculating grants under this subsection.

"(b)(1) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which a grant is sought) by which applicants for grants under subsection (a) for any fiscal year must be filed.

"(2) A grant under subsection (a) may be made only if the application therefor—

"(A) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (a)(1);

"(B) contains a specific program or programs which such applicant has undertaken to encourage physicians and dentists to enroll in graduate training programs in the area of primary health care or in other shortage areas to be designated pursuant to paragraph (3);

"(C) contains or is supported by assurances that such applicant will increase the number of graduate training positions open to physicians and dentists in the area of primary health care, or in other shortage areas to be designated pursuant to paragraph (3), under guidelines to be established by the Secretary pursuant to such paragraph;

"(D) provides for such fiscal control and accounting procedures, and access to the records of the applicants, as the Secretary may require to assure proper disbursement of and accounting for any such grants;

"(E) contains a statement, in such detail as the Secretary may determine necessary, describing the manner in which any grant made pursuant to subsection (a) will be applied to meet the educational costs of the graduate training program, including any payments proposed to be made by the applicant from the proceeds of the grant to any clinical facility which participates in such training program under a written agreement of affiliation with the applicant and which shares in the payment of the educational costs of such program; and

"(F) contains such additional information as the Secretary may require to make the determinations required of him and such assurances as he may find necessary.

"(3) The Secretary—

"(A) shall not approve or disapprove any application for a grant under subsection (a) except after consultation with the National Advisory Council on Education for Health Professions;

"(B) shall define, in consultation with such Council, those health care fields included within the term 'primary health care' and shall designate any other health areas in which there is a shortage of qualified physicians and dentists; and

"(C) shall, on an annual basis, establish guidelines specifying the absolute or percentage increases in the numbers of physicians or dentists receiving full-time graduate training which any applicant receiving a grant under subsection (a) shall be

required to meet as a condition of such a grant.

"(D) shall define those items of cost included within the term 'educational costs', but which shall not include costs relating primarily to patient care;

"(E) shall, by regulation, prescribe criteria for the approval of graduate training programs conducted by public or private nonprofit hospitals not affiliated with an accredited school of medicine, osteopathy, or dentistry."

FAMILY MEDICINE

SEC. 202. Part B of title VII of the Public Health Service Act (as amended by the preceding provision of this Act) is further amended by adding after section 721 the following new section:

"GRANTS TO SCHOOLS OF MEDICINE, SCHOOLS OF OSTEOPATHY, OR HOSPITALS FOR EDUCATION, TRAINING, TRAINEESHIPS, AND FELLOWSHIPS IN FAMILY MEDICINE

"SEC. 722. There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, $40,000,000 for the fiscal year ending June 30, 1973, and $55,000,000 for the fiscal year ending June 30, 1974, $70,000,000 for the fiscal year ending June 30, 1975, and $85,000,000 for the fiscal year ending June 30, 1976, for grants by the Secretary to any public or private nonprofit hospital or school of medicine or school of osteopathy—

"(1) to plan, develop, and operate a professional educational or training program (including continuing education and approved residents programs in family practice) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(2) to provide financial assistance (in the form of traineeships and fellowships) to medical students, interns, residents, practicing physicians, or other medical personnel, who are in need thereof, who are participants in a program of such school of medicine, osteopathy, or hospital which provides professional training in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(3) to plan, develop, and operate, or participate in, other training programs in the field of family medicine."

COMPUTER TECHNOLOGY

SEC. 203. Part B of title VII of the Public Health Service Act (as amended by the preceding provision of this Act) is further amended by adding after section 722 the following new section:

"GRANTS FOR COMPUTER TECHNOLOGY HEALTH CARE DEMONSTRATION PROGRAMS

"SEC. 723. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each of the next four fiscal years, $25,000,000 for grants by the Secretary to public or nonprofit private schools, agencies, organizations and institutions, and combinations thereof, to—

"(1) plan and develop free-standing or university-based computer laboratories which would establish computer-based systems, including compatible languages, standard terminologies, communication networks, and decisionmaking strategies, to enable the utilization of modern computer technologies by physicians and other health personnel for the processing of biomedical information in the provision of health services; and

"(2) research through computer technology the functions performed by physicians to determine which functions could be approximately transferred and performed by other properly trained personnel."

FULL UTILIZATION OF EDUCATIONAL TALENT

SEC. 204. Part B of title VII of the Public Health Service Act (as amended by the preceding provisions of this Act) is further amended by adding after section 723 the following new section:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE HEALTH PROFESSIONS

"SEC. 724. (a) To assist in meeting the need for additional professional personnel in the health professions, the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts (without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)) for the purpose of—

"(1) identifying individuals with a potential for education or training in the health professions (including veterans of the Armed Forces of the United States with training or experience in the health field) who due to socioeconomic factors are financially or educationally disadvantaged, and encouraging and assisting them (A) to enroll in a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, or public health which is accredited as provided in section 703(1); or (B) if they are not qualified to enroll in such a school, to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school;

"(2) publicizing existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

"(3) establishing such programs as the Secretary determines will enhance and facilitate the enrollment, pursuit, and completion of study by individuals referred to in clause (1) in schools referred to in clause (1)(A).

"(b) For the purpose of carrying out the provisions of this part, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $7,000,000 for the fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; $10,000,000 for the fiscal year ending June 30, 1975; and $10,000,000 for the fiscal year ending June 30, 1976."

STUDY OF COSTS OF EDUCATING STUDENTS OF THE VARIOUS HEALTH PROFESSIONS

SEC. 205. (a)(1)(A) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as "Secretary") shall arrange for the conduct of a study to determine the national average annual per student cost of schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, and nursing in providing education programs which lead, respectively, to a degree of doctor of medicine, a degree of doctor of osteopathy, a degree of doctor of dentistry (or an equivalent degree), a degree of doctor of optometry (or an equivalent degree), a degree of bachelor of science in pharmacy (or an equivalent degree), a degree of doctor of podiatry (or an equivalent degree), a degree of doctor of veterinary medicine (or an equivalent degree), a certificate of degree or other appropriate evidence of completion of a course of training for physicians or dentists' assistants, or a certificate of degree certifying completion of nurse training.

(B) Such study shall include suggested national uniform standards for determining such annual per-student costs by health professions schools in the future.

(C)(i) The Secretary shall, at the earliest practicable date after he has had an opportunity to review the suggested national uniform standards referred to in subparagraph (B), prescribe national uniform standards for determining average per student costs of the provision by health professions schools of the health professions training (as referred to in subparagraph (A)).

(ii) After the Secretary has prescribed the national uniform standards required by clause (i), he shall require, as a condition of approval of any application of any health professions school for any grant under the Public Health Service Act, that such school supply cost-of-education data determined in accordance with such national uniform standards.

(2) Such study shall be completed and a report thereon submitted not later than January 1, 1973, to the Secretary, the Committee on Labor and Public Welfare of the Senate, and the Committee on Commerce of the House of Representatives.

(3) The data employed for the conduct of such study shall be the most recent data available at the time such study is being conducted.

(b)(1) The Secretary shall request the National Academy of Sciences to conduct such study under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with any other appropriate nonprofit private group or association under which such group or association will conduct such study and prepare and submit the reports thereon as provided in subsection (a)(2).

(c) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the conduct of the study authorized by this section.

PHYSICIAN SHORTAGE AREA SCHOLARSHIP PROGRAM

SEC. 206. Title VII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART H—PHYSICIAN SHORTAGE AREA SCHOLARSHIP PROGRAM

"SCHOLARSHIP GRANTS

"SEC. 799D. (a) In order to promote the more adequate provision of medical care for persons who—

"(A) reside in a physician shortage area (as determined pursuant to section 799G);

"(B) are migratory agricultural workers or members of the families of such workers;

the Secretary is authorized, in accordance with the provisions of this part, to make scholarship grants to individuals who are medical students and who agree, after completion of their professional training, to engage in the practice of primary care (i) in a physician shortage area, or (ii) at such place or places, such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care in such practice, a substantial portion will consist of persons referred to in clause (B).

"(b)(1) Scholarship grants under this part shall be made with respect to academic years.

"(2) The amount of any medical student scholarship grant under this part to any individual for any full academic year shall not exceed $5,000.

"(3) The Secretary shall, in awarding medical student scholarship grants under this part, accord priority to applicants as follows—

"(A) first, to any applicant who (i) is from a low-income family, (ii) resides in a physician shortage area, and (iii) agrees that, upon completion of his professional training, he will return to such area and will engage in such area in the practice of primary care;

"(B) second, to any applicant who meets

all the criteria set forth in subparagraph (A) except that prescribed in clause (i);

"(C) third, to any applicant who meets the criterion set forth in clause (i); and

"(D) fourth, to any other applicant.

"(c)(1) Any medical student scholarship grant awarded to any individual under this part shall be awarded upon the condition that such individual will, upon completion of his professional training, engage in the practice of primary care medicine—

"(A) in the case of any individual who, in applying for a medical student scholarship grant under this part, met the criteria set forth in subparagraph (A) or (B) of subsection (b)(3), in the physician shortage area in which he agreed (pursuant to such subparagraph) to engage in such practice; and

"(B) in the case of any individual who did not agree (pursuant to such subparagraph (A) or (B)) to engage in such practice in any particular physician shortage area or has been waived (pursuant to paragraph (4)) to engage in such practice in any particular physician shortage area—

"(i) in any physician shortage area, or

"(ii) at such place or places, in such facility or facilities, and in such manner, as may be necessary to assure that, of the patients receiving medical care provided by such individual, a substantial portion will consist of persons who are migratory agricultural workers or are members of the families of such workers;

for a twelve-month period for each full academic year with respect to which he receives such a scholarship grant. For purposes of the preceding sentence, any individual, who has received a medical student scholarship grant under this part for four full academic years, shall be deemed to have received such a grant for only three full academic years if such individual serves all of his internship or residency in a public or private hospital, which is located in a physician shortage area, or a substantial portion of the patients of which consists of persons who are migratory agricultural workers (or are members of the families of such workers) and, if, while so serving, such individual receives training or professional experience designed to prepare him to engage in the practice of primary care.

"(2) The condition imposed by paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's professional training, as the Secretary shall by regulations prescribe.

"(3) If any individual to whom the condition referred to in paragraph (1) is applicable fails, within the period prescribed by paragraph (2), to comply with such condition for the full number of months with respect to which such condition is applicable, the United States shall be entitled to recover from such individual—

"(A) an amount which bears the same ratio to the aggregate of (i) the amounts of the medical student scholarship grant or grants (as the case may be) made to such individual under this part plus (ii) the amount of interest which would be payable on such amounts if such amounts had been loans bearing an interest fixed by the Secretary of the Treasury, after taking into consideration private consumer rates of interest for consumer credit prevailing at the time the scholarships were awarded, and the interest thereon had been compounded annually, as

"(B)(i) the number obtained by subtracting from the number of months to which such condition is applicable a number equal to one-half of the number of months with respect to which compliance by such individual with such condition was made, bears to (ii) the number of months with respect to which such condition is applicable. Any amount to which the United States is entitled to recover under this provision shall be paid to the United States with interest on the unpaid balance at the rate used to determine the amount of such entitlement under the preceding sentence within five years of the date of the determination of such entitlement.

"(4)(A) Any obligation of any individual to comply with the condition applicable to him under the preceding provisions of this subsection shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulations provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"ADMINISTRATION; CONTRACTUAL ARRANGEMENTS

"SEC. 799E. The Secretary may, in the administration of this part, enter into agreements with schools of medicine, hospitals, or other appropriate public or nonprofit private agencies under which such schools, hospitals, or other agencies will, as agents of the Secretary, perform such administrative functions as the Secretary may specify. Any such agreement with any school, hospital, or other agency may provide for payment by the Secretary of amounts equal to the expenses actually and necessarily incurred by such school, hospital, or other agency in carrying out such agreement.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 799F. For the purpose of making medical student scholarship grants under this part, there is authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, $3,500,000 for the fiscal year ending June 30, 1974, $4,000,000 for the fiscal year ending June 30, 1975, and $4,500,000 for the fiscal year ending June 30, 1976 and for each succeeding fiscal year, such sums as may be necessary to continue to make such grants to students who (prior to July 1, 1976) have received such a grant and who are eligible for such a grant under this part during such succeeding fiscal year.

"DEFINITION OF PHYSICIAN SHORTAGE AREA

"SEC. 799G. (a) The term 'physician shortage area' when used in this part refers to an area designated by the Secretary as a medically underserved area pursuant to section 741(f)."

NATIONAL HEALTH MANPOWER CLEARINGHOUSE

SEC. 207. (a) There is established in the Department of Health, Education, and Welfare a National Health Manpower Shortage Clearinghouse. It shall be the function of the Clearinghouse to provide information to, and maintain listings of, (1) communities and areas with health professional needs, and (2) prospective health workers interested in such opportunities.

(b) Information and listing service performed by the Clearinghouse shall be provided free of charge to all interested health professionals and to all communities and groups within medically underserved areas designated as such by the Secretary pursuant to section 741(f).

(c) There are hereby authorized to be appropriated such sums as are necessary to establish, operate, and maintain the Clearinghouse created by subsection (a).

STUDY OF FEDERAL HEALTH FACILITIES CONSTRUCTION COSTS

SEC. 208. The Comptroller General shall conduct a study of health facilities construction costs. Such study shall include consideration of the feasibility of reducing the cost of constructing federally supported health facilities, particularly with respect to innovative techniques, new materials, and the possible waiver of unnecessarily costly Federal standards. The study shall be completed, and a report shall be submitted to the Congress, within one year after the date of enactment of this Act.

ASSIGNMENT OF PUBLIC HEALTH SERVICE PHYSICIANS TO CERTAIN COUNTIES

SEC. 209. (a) The Secretary shall use his best efforts to provide, to each county certified by him to be without the services of a physician physically residing within such county, at least one physician in the Public Health Service, except for counties so sparsely populated as not to require such a physician. Such physicians shall be assigned so that each such county shall have a residing physician within one year from the date of enactment of this Act.

(b) Within one year from the date of enactment of this Act the Secretary shall report to the Congress with respect to his implementation of this section.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 210. (a)(1) Section 390 of the Public Health Service Act (42 U.S.C. 280b) is amended by striking out clause (1) of subsection (b) thereof; by redesignating clauses (2), (3), (4), (5), (6), and (7) as clauses (1, (2), (3), (4), (5), and (6), respectively; and by striking out "facilities" in the clause herein redesignated as clause (5) and inserting in lieu thereof "resources and services".

(2) Section 391 of such Act (42 U.S.C. 280z–1) is amended—

(a) by inserting "and" at the end of clause (2) thereof;

(B) by striking out clause (3) thereof; and

(C) by redesignating clause (4) thereof as clause (3).

(3) Section 392(b) of such Act is amended to read as follows:

"(b) The Board shall advise and assist the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this part."

(4) Title II of such Act is further amended by striking out section 393 and redesignating section 394, 395, 396, 397, 398, 399, and 399a, as sections 393, 394, 395, 396, 397, 398, and 399, respectively.

(5) Subsection (a) of the section of such Act herein redesignated as section 393 (42 U.S.C. 280b–4) is amended by striking out "390(b)(2)" in subsection (a) and inserting in lieu thereof "390(b)(1)".

(6) The section of such Act herein redesignated as section 394 (42 U.S.C. 280b–5) is amended by striking out "390(b)(3)" and inserting in lieu thereof "390(b)(2)" in subsection (a) and by striking out "390(b)(4)" and inserting in lieu thereof "390(b)(3)" in subsection (b).

(7) Subsection (a) of the section of such Act herein redesignated as section 395 (42 U.S.C. 280b–6) is amended by striking out "390(b)(5)" and inserting in lieu thereof "390(b)(4)".

(8) The section of such Act herein redesignated as section 396 (42 U.S.C. 280b–8) is amended—

(A) in subsection (a) thereof, by striking out "390(b)(6)", and inserting in lieu thereof "390(b)(5)"; and

(B) in subsection (b) thereof, by—

(i) striking out clause (6);

(ii) striking out "; and" at the end of clause

(5) and inserting in lieu thereof a period; and

(iii) inserting "and" immediately after the semicolon at the end of clause (4); and

(C) in subsection (d) thereof, by striking out the first sentence.

(9) Subsection (a) of the section of such Act herein redesignated as section 397 (42 U.S.C. 280b–9) is amended by striking out "390(b)(7)" and inserting in lieu thereof "390(b)(6)".

(10) Section 773(e)(2) of title VII of the Public Health Service Act is hereby repealed.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I understand there is a time limitation on the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Will the Chair state the time limitation?

The PRESIDING OFFICER. There are 2 hours and 15 minutes on the bill, 1 hour and 15 minutes to the Senator from Massachusetts and 1 hour to the Senator from Colorado (Mr. DOMINICK).

Who yields time?

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order. The galleries are not in order.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats or retire from the Chamber.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that a total of eight staff members of the Subcommittee on Health, representing the majority and the minority be permitted on the floor during the discussion of the two pieces of legislation that we are about to consider.

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

Mr. KENNEDY. Mr. President, we have a mounting health care crisis in this country. The signs of this crisis are evident to all of us in the skyrocketing costs of health care, the difficulty in getting health care, and the uneven quality of the health care we do get. The crisis affects all of us. Although, as is frequently the case, it causes the greatest and most obvious suffering among the poor, every American is hurt by rising health insurance premiums, rising doctor and hospital bills, difficulty in finding the right specialist for the right problem at the right time, and long waiting lines. More and more Americans are personally familiar with cases of financial disaster or personal tragedy growing out of the inadequacies of our health care system.

What is wrong in our health care system? There are many different answers to that question, and there are just as many proposals for improving the system.

As you know, Mr. President, I am personally convinced that basic changes must be made in the financing of health care—and I have introduced the health security program—S. 3— in an attempt to effect far reaching changes in how we finance health care.

However, there is one element of the health care crisis on which all parties are agreed. We badly need more doctors, more dentists, more nurses, and more of almost every type of health professionals.

The Carnegie Commission on Higher Education in its authoritative report, Higher Education and the Nation's Health, emphasized the Nation's need for more health professionals—as well as for new modes of educating these personnel, and new patterns of health service delivery that improve the distribution of personnel throughout the country. Other authorities have testified before our subcommittee to the same needs. (Appendix I to this statement describes our manpower status.)

Mr. President, we are in a position to act with considerable consensus on this key area of the crisis—and we are obliged to act. For a number of years, this body has been authorizing Federal funds to enable Americans to purchase health care. Medicare and medicaid are two of our most successful efforts in this regard. During this period, however, we have failed to take adequate measures to increase the capacity of the health care system. We have increased the demand for health care services while doing nothing to increase the supply. This imbalance has most certainly contributed to the rapid inflation in costs and the long waiting lines. Most authorities agree that this imbalance is a major contributor to the problems.

The Senate must act to change this imbalance—and it must act in the one area of health care resources where we are all agreed there is a clear and critical need—the area of Health Professions Education Assistance.

It is important also that we act decisively enough that our authorization is turned into action. While everyone agrees, including the administration, that resources for health services must be increased, when it comes to the crunch of tight budgets and tough implementation decisions, the machinery slows down. The administration's proposed health budget for fiscal year 1972 increases by 8 percent the Federal outlays for buying services through medicare, medicaid, and other programs. By comparison, Federal outlays in fiscal year 1972 for development of health resources will increase barely 7 percent. I might add that the 8-percent increase in medicare and medicaid amounts to $4.2 billion, while the 7-percent increase in funds for resource development amounts to only $38 million. Actually, the increase of $4.2 billion in outlays for services is conservative, because it presumes cost reducing changes in the medicare and medicaid programs which have not yet been implemented. One of these changes the administration calls a "cost sharing feature" whereby the beneficiary pays a larger share of his hospitalization.

We cannot afford to further aggrevate the health crisis in this country by further increasing the demand, while delaying again a major investment in resources to provide care. Nor should we institute measures such as "cost sharing" which basically save money by discouraging the sick from getting care. The health crisis is real and pressing both in economic terms, and in terms of human suffering. I do not believe we can delay any longer in responding to this crisis.

The Health Professions Education Assistance Amendments of 1971, Senate bill S. 934, provides major new resources for producing more and better health manpower, and for extending the capacity and outreach of existing health manpower. These resources are provided to medical schools and other health professions schools.

Unfortunately, Mr. President, at exactly the time when our Nation needs aggressive expansion and innovative programs from these schools—many are on the verge of financial disaster. Most have serious financial difficulties that force them into a defensive financial posture and discourage them from responding to the national need. In recent years, funds authorized for innovative educational programs and for relief of financial distress have been all but depleted by financial distress awards alone. Some 60 schools of medicine and osteopathy and 22 schools of dentistry have received substantial Federal assistance because of their severe financial straits.

Educational programs in the health professions have become more complex and costly due to more sophisticated medical practices and higher costs for equipment and supplies, as well as wages and salaries. The percentage of the cost of education covered by tuition has steadily declined. It is increasingly clear that the gap between what the student can reasonably pay and the cost of educating him cannot be filled with erratic contributions from the private sector or "disaster grants" from the Federal Government. Most institutions are experiencing a relative decline in endowments and other non-tuition income. This situation has brought many great medical educational institutions to the point of bankruptcy.

It is my conviction that the current financial crisis among health professions educational institutions precludes effective action on their part in response to our national needs. These institutions can respond to these needs only if they are assured of a predictable amount of Federal funds sufficient to stabilize their finances, and to insure that education remains within financial reach of the student without forcing the school to the point of financial disaster.

The extraordinary national need for health services, and the extraordinary costs of education in the health professions justifies extraordinary action by the Federal Government to underwrite the costs of health professions educational institutions. If, as a nation, we are serious about effectively grappling with the massive health care crisis that besets us, then we must be willing to pay the price of assuring enough of the right kinds of health manpower to do the job.

The bill before the Senate is deliberately fashioned to set forth an explicit and coherent set of public policies with regard to the support of the education of health manpower. With this bill and its companion, S. 1747, which deals with nursing education, we will set in motion a series of events, which over time will assure this country a preeminence in health delivery analogous to this Nation's unexcelled leadership in research. Actions by Congress on behalf of the American people have resulted in relentless pressure upon the frontiers of the unknown in the biomedical sciences. Without question that pressure needs to be

maintained, even increased. However, for a country with this potential to not have sufficient numbers and kinds of health service personnel is unconscionable. The bill will result in major progress in closing the gap between what we know in medicine and what we do in medicine.

By balancing public policy on research with policy on education for health services, moreover, we will better balance the efforts of our medical, dental, and other schools. The Carnegie Commission reported that the time is ripe for such a rebalancing, and that this new balance in the orientation of health professional schools will add to our capability to respond to the Nation's urgent needs for health care. (Appendix II is an excerpt from the Commission's report describing his rebalancing in medical school orientation.)

The bill before us provides basic underlying support for health professions schools, and builds on top of that base, incentives and funding for critical expansion, innovation, and change as recommended by the Carnegie Commission.

Let me review some of the major elements of the bill.

I. INSTITUTIONAL ASSISTANCE AWARDS

The underlying support is provided through a program of institutional assistance awards.

The bill entitles each educational institution to an award intended to cover approximately one-third of the average per student educational costs incurred nationally by such institutions if the institution makes a reasonable effort to respond to the national need by increasing enrollments, reducing the time period required for the completion of study, and by improving and expanding educational programs.

The committee construes this award as an entitlement consistent with eligibility requirements set forth in the bill. Only as an entitlement can such an award provide the requisite stability to educational institutions who are responsive to national needs.

This one-third entitlement, consists of capitation payments for: First, all enrollees; second, all enrollees who were in expanded entering classes; and third, all enrollees who complete a shortened curriculum.

The committee fully recognizes that the schools derive their resources to carry out their responsibilities from a variety of sources including State and local funds, private sources, philanthropy, tuition, and fees for services, as well as Federal grants. Expenditures of the schools and the costs attributable to the education of students vary among the different schools within a discipline and among the disciplines.

In providing formulas for assisting the schools of the health professions, the committee has taken cognizance of the variations and differences among the disciplines. It recognizes also, that the information about expenditures and costs to the schools for education of students in the health professions is rudimentary; and that expenditures for education reported by one school may not be comparable to those reported by another. The committee feels, however, that the education of increased numbers of able practitioners of the health professions is urgent, and that the Nation cannot await further refinements of cost data before committing the Federal Government to a significantly increased role in maintaining the health professional schools. The bill, therefore, provides this mechanism of institutional support for the schools of the health professions that recognizes an increased Federal responsibility for the support of these institutions. The bill also assures that these institutions may not supplant non-Federal funds with Federal funds. The committee intends to assure that these institutions maintain a wide variety of sources of financial support.

Each element of the institutional capitation award is explained in more detail in appendix III to this statement.

Let me offer here a brief example of an institutional award for an average medical school of 400 enrollees. Assuming the institution in fiscal year 1972 had for the first time increased the size of its entering class from 95 to 100, and graduated 50 of its third-year students at the end of that third year and 50 at the end of the customary fourth year, the institution would receive a fiscal year 1972 institutional assistance award of:

Basic enrollment	$1,600,000
Increased enrollment bonus	200,000
Early graduation bonus	300,000
Total award	2,100,000

With the substantial institutional support provided in this legislation for schools of the health professions, the committee intends that these schools make every effort to develop programs responsive to national need in various areas. Realizing that the schools will vary in their competencies and readiness, the bill does not mandate identical requirements for all institutions but provides alternatives among which the schools can choose in order to satisfy the requirements of the plan.

The bill requires that a school can receive a grant for institutional support only if its application contains a plan, approved by the Secretary, to continue to carry out, or establish and carry out satisfactorily by the end of the school year to which the application relates, specific programs or projects in at least three of several areas described in the bill as options. Failure to carry out the plan results in a 10 to 30 percent cut in the succeeding years award.

II. SPECIAL PROJECT GRANTS AND MANPOWER INITIATIVE AWARDS

The committee intends that the basic institutional assistance awards be used to stabilize the finances of education institutions. These awards are not adequate alone for undertaking new initiatives.

To encourage such initiatives in curriculum reform, enrollment expansion, retraining, and other important areas, the bill continues a special projects grant authority. The bill extends the types of projects that may be covered, incorporating certain of the projects proposed by the administratiton as manpower initiative awards.

In the past, funds set aside for these purposes have been largely drained off as "financial distress" grants. These purposes are too important for the funds to be diverted to basic institutional assistance. Ultimately, the institutional assistance awards authorized by this bill should relieve the need for such "financial distress" grants. However, to insure that such grants do not divert special project funds in the initial years of institutional assistance, the committee has eliminated the authority to make financial distress grants from funds authorized for special projects and manpower initiative awards. A separate authorization with decreasing authorization levels has been established for financial distress grants.

What we actually are doing is reducing over a period of 5 years the funds that will be available to medical schools for financial distress. Hopefully, the institutional awards and special grants programs in the bill will be able to put the medical schools on a sound financial footing, and the financial distress grants will not be necessary in the future. So we actually have reduced the amount of money that will be authorized for financial distress in future years.

III. CONSTRUCTION GRANTS AND GUARANTEED LOANS

One of the primary goals of this legislation is to accelerate output in critically needed health disciplines. Adequate space and well-equipped facilities are indispensable to producing the greater numbers of well-trained health professionals that our expanding population requires, and that our national health crisis demands.

The bill, section 101, provides for a single, consolidated construction assistance authority which would replace several separate authorities in existing law for construction of health professions teaching facilities, medical library facilities, and health research facilities. This consolidation was part of the administration's proposal. It will allow more efficient and better coordinated support of construction of a facility as a whole. Schools planning to build facilities to serve a variety of functions will not be forced to deal with several authorities with several different review procedures and priorities. This is particularly important for those institutions that are building health science complexes involving a number of health manpower disciplines and related medical library and research facilities.

Consolidation of authorities would encourage schools to move toward construction of multipurpose facilities serving a number of interrelated disciplines with related education, research, and library facilities.

The new authority would also include "outpatient facilities," among the affiliated clinical facilities in which teaching space could be constructed. The outpatient facility of tomorrow may bear little resemblance to that of today. Teaching space in connection with such facilities must be provided to emphasize prevention, diagnosis, and treatment on an ambulatory basis in out-of-hospital settings which may be more efficient, less

costly, and more directed to maintenance of health.

The bill provides both a grant and a loan guarantee/interest subsidy program in support of construction. The grant authorization allows grants up to 75 percent of the costs of construction, except in unusual circumstances when up to 85 percent Federal participation is authorized.

In order that these grant funds be utilized to initiate as many backlogged projects as possible, the committee has authorized in section 707 that the Federal Government shall spread the support of large construction projects over several successive fiscal years, once having made a Federal commitment to support a project.

Section 707 requires no increased expenditures—it simply provides a more efficient mechanism for using each year's appropriations, and it permits earlier initiation of construction of more teaching facilities that we must have to educate tomorrow's doctors, dentists, and other health personnel.

To further assist in funding construction projects, the bill would also add new authority for the Federal guaranteeing of loans made by non-Federal lenders to private nonprofit institutions with approved construction projects. New authority would also be provided for interest subsidies. These provisions are included at the suggestion of the administration. However, loan guarantee and interest subsidies have yet to prove their effectiveness for stimulating construction of these nonincome producing facilities. Testimony raised serious questions concerning the possibility of obtaining commercial loans for such facilities and, more importantly, the hardship that the loan program would work on the institutions involved. For these reasons, the committee considers it essential to continue a major grant program for construction.

Loan guarantees and interest subsidies should be made available over the next 5 years, however, to extend the reach of Federal assistance beyond grants where loans can be negotiated, and to test the feasibility of this mechanism.

Under no circumstances is the committee prepared at present to supplant or restrict the grant program with a loan guarantee program. To this end, section 709 of the bill limits the amount of guaranteed loans to an amount equal to grants—such limitation to be removed only if all appropriated grant funds are obligated.

IV. STUDENT LOANS AND SCHOLARSHIPS

The rising expense of health professions education in recent years has placed an increasingly heavy financial burden on the students and their families. Many highly motivated and qualified students have not been able to afford such training. The more economically disadvantaged the student, the less feasible his opportunity to enter the higher education process unless aid is provided. For too long, the doors of medical schools have been open to only the children of the affluent. Such a situation is intolerable. The longer the educational process, the more imperative some form of aid becomes. Few families in minority groups can provide the financial help essential to meet the high cost of and preparation for education in the health professions.

It is in the national interest to assure expanding enrollments in health professional schools and to assure that all economic levels are represented in such schools. To these ends the bill offers a variety of student assistance ranging from scholarships, through direct loans, to loan guarantees. The school and student are in a position to select the form and amount of assistance best suited to the student's needs.

To encourage students with financial difficulty and students from low-income families to begin or continue their education, they are given priority for scholarship funds and are offered forgiveness and cancellation of direct or guaranteed loans in the event they are forced to leave school.

Frequently, students with low-income backgrounds are from the physician-shortage areas in rural or urban America. The committee is convinced that physician recruitment for rural and other shortage areas would be greatly enhanced if more young people who come from rural or urban physician-shortage areas, were encouraged to enter the medical profession. According to an AMA survey published in 1970, 45 percent of the physicians were practicing in or around the town in which they were raised.

To insure that students who are financially or educationally disadvantaged understand the opportunities open to them in the health professions by virtue of these and other provisions, the bill offers grants and contracts for publicizing these areas and identifying, counseling, and supporting students for entrance into and pursuit of health professional degrees.

To the same end, all students, regardless of economic background, are offered loan forgiveness if they practice in an underserved area. Once a physician establishes a practice, he is not likely to move. The same AMA survey showed that 63 percent of physicians had not moved from their original practice or location. Encouraging physicians to begin their practices in shortage areas could make real impact on improving the distribution of health care.

Among today's college students there appears to be a great desire and interest to serve mankind. These measures would capitalize on this idealism, and encourage young men and women to enter medical school. They, in return for the expense to the Nation of their education, would serve in physician shortage areas to make quality medical care available to all of our citizens.

V. GRANTS FOR SUPPORT OF POSTGRADUATE TRAINING PROGRAMS FOR PHYSICIANS AND DENTISTS

The costs of educating graduate students of medicine and dentistry have long been assumed by schools, hospitals, and by those whom they treat, the patient.

The committee, like the Carnegie Commission, feels that a portion of the costs of these programs should be borne nationally, rather than by the people who use the hospital—or the benefactors of the medical school.

To this end, the bill adds new authority for annual grants to schools of medicine, dentistry, or osteopathy, and to those public or nonprofit, private hospitals not affiliated with a school of medicine, osteopathy, or dentistry that conduct graduate training programs approved by the Secretary of Health, Education, and Welfare. The grants support educational costs of graduate training programs in medicine and dentistry.

Schools or hospitals with approved applications would be entitled to receive $3,000 for each full-time intern or resident in primary health care, or any other shortage area designated by the Secretary, and $1,500 for each physician or dentist in any other graduate training program.

The intent of this provision is to encourage specialization in fields in which shortages exist. A 3-year limitation on the assistance is designed to encourage reduction in the duration of residency training programs.

Other provisions of this bill sustain undergraduate health professions students. What we intend to do with this particular provision is to provide a program of support for the education of interns and residents. It is a natural extension of our efforts. This provision was added in the committee, and I think it is a valuable program.

VI. FAMILY MEDICINE

The bill includes new special authority for grants for development and maintenance of special training programs in family medicine, including continuing education of practicing physicians and approved residencies in family practice.

Senators are aware that last year, the Senate passed family practice legislation, which was vetoed by the President. Some of the features that were objectionable to the President have been eliminated.

There is a tremendous need to encourage young people to enter family practice; we have addressed ourselves to that particular problem in this legislation.

Primary care provided by physicians to individuals and families is of the utmost importance in maintaining the health of persons and in detecting and dealing with illness and disease when they occur. The availability of primary and continuing care has declined for many families. Families find it increasingly difficult to find a continuing relationship with a physician who can help them maintain their health, treat most of the family's illnesses and make appropriate referrals. The decrease in this mode of practice means for a growing number of rural and urban communities, that medical care is at best difficult to secure and at worst, unavailable.

Particular stimulus at this time is needed to encourage medical schools and hospitals to provide training programs in primary health care—family medicine. This bill is designed to provide that stimulus.

VII. COMPUTER TECHNOLOGY

The bill establishes a program of grants to develop computer technology for application in the health services area.

The committee was impressed by testimony it received of the potential of computer technology for the improvement of health services. Computer technology has the potential for increasing the quantity and improving the quality and efficiency of medical and other health care services, and for making possible improved distribution of services of high quality through communications networks and computerized medical information and diagnostic aids.

It is particularly desirable in these times, when the expectations and demands for health services have so far outstripped the capabilities of scarce resources to deliver them, that the many potential uses of computer technology be explored, tested, and more widely applied.

VIII. STUDY OF COST OF EDUCATING STUDENTS OF THE VARIOUS HEALTH PROFESSIONS

The heart of this bill is the concept of placing health professional schools on a stable financial footing. In calculating the capitation levels, the committee intended to supply approximately one-third of the costs of educating students. The committee members, to a man, were alarmed to find how primitive and inaccurate HEW's figures are in the area of educational costs. We were forced to arrive at rough estimates based on several different sources of data.

Mr. President, we have HEW estimates of the costs of educating students in the various health professions. The costs of medical education vary extensively from one medical school to another, from approximately $117,000 to about $5,000 or $6,000. The Carnegie Commission estimates medical school costs vary anywhere from $15,000 to $25,000. We see comparable variation in the estimates of the costs of denistry, and other health professions. Because of this enormous diversity, the committee feels it imperative that we get the latest and best cost data possible. We hope this new study directed by the bill will provide Members of Congress with the information needed for responsible judgments in the future.

If the Federal Government is to assume the basic supportive role in health education envisioned by this bill, we must obtain better figures for our future use. To this end, the committee has directed HEW to undertake a special study by an independent agency to determine by January 1, 1973, the average per-student cost of education in the various health professions, and to describe uniform standards for defining and reporting such costs in the future.

The committee feels that the National Academy of Sciences and within it the newly created Institute of Medicine has the breadth of scientific, medical, and health services expertise, plus the respected independent status required, to objectively and systematically undertake such a study. The bill, therefore, directs the Secretary to request the NAS to undertake the study. If the NAS cannot undertake such a study, the Secretary may arrange for the study to be done by another appropriate nonprofit, private group or association. The committee urges the NAS to undertake this important effort.

Mr. President, this is an expensive bill. An appendix to this statement gives the costs of the bill's various programs in some detail.

The costs are relative, however. The extent of the health crisis not only justifies but demands this extensive action. I call upon this body to pass this landmark legislation.

I have only briefly mentioned in this statement some sections of the bill that deserve further comment—others I have not dealt with at all. I am confident the committee members who sponsored these provisions will elaborate on them in more detail.

The PRESIDING OFFICER. Without objection, the appendixes will be printed in the RECORD, as follows:

APPENDIX I—STATUS OF HEALTH MANPOWER

Rising personal expectations and shifting social forces have heightened the need for health manpower. The shortage of all types of health manpower is especially acute for millions of Americans living in rural and inner-city areas.

On the average, there is now one physician for every 630 persons in America. In over one-third of the Nation's counties, there is only one physician for each 1,800 people. In more than 130 counties, which represent more than 8 percent of the Nation's land area, there are no private physicians at all; and the number of such counties is growing.

In our inner cities there is a similar problem. In some parts of New York, for example, there is one private physician for every 200 residents, but in other areas the ratio is one to 12,000. Chicago's inner-city neighborhoods have 1,700 fewer physicians today than they did a decade ago.

The scarcity is aggravated by the growth of the Nation's population, an increase of approximately 27 million during the 1970's. A disproportionate amount of the population increase will consist of senior citizens and young children, two groups that are heavy users of health services.

Higher incomes enable Americans to demand more and better health services. By 1975, according to one estimate, higher incomes will have increased the demand for physicians' services by one-eighth and for dental services by one-fourth.

In view of the rising demand for services, how adequate is the supply of health manpower? There are many varying opinions as to the precise magnitude of the shortage, but there is a National consensus that there is a severe shortage of health manpower that cannot be solved merely by redistributing existing resources. Each category of health professionals has its peculiar problems.

The ratio of practicing physicians per 100,000 U.S. residents has risen over the past two decades, from 141 in 1950 to 155 in 1970. There were about 325,000 practicing physicians in the country last year, compared to 219,900 in 1950.

A marked increase in the number of practicing physicians has occurred since 1964, when there were 280,500 practicing physicians (142 per 100,000 residents). Today about one physician in six is a foreign graduate, and the proportion is rising. One of every four newly licensed physicians is a foreign graduate. One of every three interns and residents in U.S. hospitals in 1968–69 was a foreign graduate. This Nation should not be an importer of medical manpower. Indeed, the reverse situation should obtain.

The shortage of physicians in the United States is currently estimated at 50,000.

A recent trend in medical education is the rise of the specialist and the decline of the general practitioner. Until recent years, most physicians were general practitioners or "family doctors," who traditionally provided basic health care for Americans. In 1931 there were about 101 general practitioners per 100,000 residents. The figure dropped to 79 in 1949, 38 in 1963, and 28 in 1970. As retiring general practitioners are replaced by newly graduated specialists, the ratio will drop even lower.

With mounting demands for comprehensive care, there is a pressing need to insure that a sufficient supply of highly trained primary-care physicians be available to meet the health care needs of the population.

The ratio of practicing dentists per 100,000 U.S. residents has fallen below the level of two decades ago. There were 50 practicing dentists per 100,000 residents in 1969 (latest figure) compared to 51 in 1950. More than 101,000 dentists were practicing in this country in 1969, most of them general practitioners.

Like physicians, dentists are distributed unevenly throughout the country. Metropolitan areas have several times as many dentists proportionately as counties with small central cities.

Foreign dental graduates, unlike foreign medical graduates, do not constitute a ready manpower resource for this country.

Efforts are being made to increase the number and productivity of dentists. Productivity is being increased by the training and use of such allied workers as dental hygienists, chairside assistants, and laboratory technicians. It is unlikely, however, that auxiliaries can be employed in numbers sufficient to reduce dental manpower shortages by the end of this decade.

There were about 125,000 pharmacists practicing in this country in 1969. By 1978, it is estimated, pharmacists will fill about three billion prescriptions a year. Pharmacists are increasingly concerned with developing drug profiles of individuals. They have been encouraged to use their establishments as health information centers.

There were about 18,100 practicing optometrists in 1969, most of them in private practice. The scope of optometric services has expanded, and the demand for such services is rising rapidly. Enrollments in schools of optometry have doubled in the past decade.

Most of the 25,000 veterinarians active in 1969 were in private practice, but about 35 percent were engaged in teaching, research, and regulatory activities. Veterinarians have responsibilities in public health. The primary objectives of the public health veterinarian are to prevent human illness derived from animals and to protect the health of animals.

There were about 7,700 practicing podiatrists in 1969. Most were in private practice in large cities. Enrollments in schools of podiatry have increased by over 100 percent since 1965.

The supply of health manpower has increased in recent years, but the need for their services has climbed even more sharply. Between 1960 and 1970, employment in the health occupations increased from 2 million (3 percent of the labor force) to about 3.2 million (4 percent of the labor force). If trends continue, about 4.4 million persons will be employed in the health professions by 1980. Persons counted in the health occupations include physicians, dentists, nurses, allied professional and technical workers, and aides.

The Committee is convinced that the prospect is for a more severe shortage of health manpower unless Congress acts now. The bill would increase the number of practitioners, improve their effectiveness, and encourage them to practice in underserved areas by stabilizing and supporting the institutions which educate the Nation's health manpower. The Nation's health needs, already considered critical by many, will become even more acute unless the Federal effort to in-

crease manpower resources is strengthened substantially.

5 YEAR PROJECTION OF ENROLLMENT IN HEALTH PROFESSIONS SCHOOLS

Professions	1971–72	1972–73	1973–74	1974–75	1975–76
Medicine [1]	42,800	43,930	46,548	49,122	52,286
Osteopathy	2,291	2,514	2,779	3,053	3,342
Dental	17,209	17,978	18,745	19,534	20,325
Optometry	3,093	3,209	3,366	3,542	3,542
Podiatry	1,230	1,335	1,497	1,605	1,605
Veterinary	5,180	5,339	5,709	5,891	6,087
Pharmacy	18,643	19,016	19,396	19,784	20,180

[1] Except for 1971–72, determined by adding 1,889 to original combined totals for medicine and osteopathy and subtracting osteopathy.

APPENDIX II—EXCERPTS FROM HIGHER EDUCATION AND THE NATION'S HEALTH

(The Carnegie Commission on Higher Education)

The Flexner model based on Johns Hopkins, Harvard, and, before them, German medical education, called for emphasis on biological research. Science was to be at the base of medical education. The Flexner model has been the sole fully accepted model in the United States since 1910. Some schools have fulfilled its promise brilliantly; others have been pale imitations; but all have tried to follow it. It has led to great strides forward in the quality of research and the quality of individual medical practitioners. The Flexner, or *research* model, however, looked inward to science in the medical school itself. It is a self-contained approach. Consequently, it has two weaknesses in modern times: (1) it largely ignores health care delivery outside the medical school and its own hospital, and (2) it sets science in the medical school apart from science on the general campus with resulting duplication of effort. This second weakness is now being highlighted by the extenson of medical concerns beyond science into economics, sociology, engineering, and many other fields. Medical schools have had their own departments of biochemistry, but to add their own departments of economics and sociology and engineering would accentuate the problem of duplication of faculty and equipment. Also, the better economists would rather be in a department of economics on a general campus than separated from their colleagues in a department of medical economics: members of other disciplines would have similar preferences. The self-contained Flexner model thus leads to expensive duplication and can lead to some loss in quality.

Two new models are arising: (1) the *health care delivery* model, where the medical school, in addition to training, does research in health care delivery, advises local hospitals and health authorities, works with community colleges and comprehensive colleges on the training of allied health personnel, carries on continuing education for health personnel, and generally orients itself to external service; and (2) the *integrated science* model, where most or all of the basic science (and social science) instruction is carried on within the main campus (or other general campuses) and not duplicated in the medical school, which provides mainly clinical instruction. In this model (as in England), the medical school may be, essentially, a teaching hospital; but this is not necessary—it may, rather, carry on all its "Flexner" functions except the traditional first one or two years of science education.

Mixtures are of course possible and are occurring among these "pure" types. The research and health care delivery models may be combined, as is being done at Harvard and Johns Hopkins; the research and integrated science models may be combined, as is being proposed at Michigan and for the new Harvard-MIT endeavor; and the health care delivery and integrated science models may be combined, as at the new medical schools of the University of Illinois. All three, of course, could also be combined.

We believe that the new interests in health care delivery and in the integration of science and other disciplinary efforts are wise. The simple Flexner research model is no longer adequate as the sole model. A few schools, and many parts of schools, will, and should, stay with the Flexner model, but we believe that the nation will be better served as many schools move in different directions. A diversity of models and mixtures of models is now desirable. Not only can the developing and new schools experiment; but as existing schools expand, they can direct their expansion in new directions so that there can be diversity *within* schools—for example, the next group of 40 additional students admitted might be asked to take their science on the main campus of the parent university. The "cluster-college" approach of changing and diversifying—rather than just duplicating on a larger scale—when expanding a general campus can be undertaken also in a health science center.

Pacesetter schools, such as those noted above, are moving toward health care delivery, or the integration of science, or both. We support these directions of movement. The nation has a sufficiency of the pure research model type of school. New developments should be toward greater integration with social needs, or toward greater integration with the general campus, or both.

APPENDIX III—DETAILED EXPLANATION OF S. 934: INSTITUTIONAL ASSISTANCE AWARD CAPITATIONS

BASIC ENROLLMENT CAPITATIONS

Under the bill each eligible school which submits an approved application for an institutional grant would be entitled to receive $50,000, plus an amount for each full-time enrolled student (or equivalent thereof) in the respective discipline, as follows:

Schools of medicine, osteopathy, and dentistry: $4,000.
Schools of optometry: $1,000.
Schools of pharmacy: $600.
Schools of podiatry: $900.
Schools of veterinary medicine: $2,000.

BONUS CAPITATION FOR ENROLLMENT INCREASE

As a means of encouraging schools of the respective health professions to expand their enrollments and to provide additional resources to the eligible schools for such enrollment increases, the bill would provide funds for "bonus" students enrolled in the schools. The awards will be made for each year in which the "bonus" students are enrolled in their course of study. Schools of the respective disciplines would be entitled to receive the following amounts for each "bonus" student.

Schools of medicine, osteopathy, and dentistry: $2,000.
Schools of optometry: $400.
Schools of pharmacy: $300.
Schools of podiatry: $400.
Schools of veterinary medicine: $1,000.

A "bonus" student is defined as a student enrolled in any of the eligible schools if, for the year in which the student is or was a first-year student in the school, (a) the first-year enrollment for that school exceeded its first-year enrollment for the preceding school year by not less than 5% or not less than 5 students, whichever is greater, or (b) for the second preceding year by not less than 10% or not less than 10 students, whichever is greater, or (c) for the third preceding year by not less than 15% or not less than 15 students, whichever is greater. The bonus capitation has been designed as a continuing incentive for the schools to systematically increase their enrollments.

To avoid placing insurmountable blocks in the way of health professional schools unable to increase their enrollment incrementally each year, and to avoid imposing special hardships on those schools which have already undergone exceptional growth in class size in recent years (specifically beginning in school year 1968–69—the grandfather situation), health professions schools are given the option of spreading increases over a period of three years rather than being required to increase at a set percentage or number each year.

Thus, a school could have a substantial increase in one year preceded or followed by a year in which the increase is smaller without losing its eligibility for a bonus for increased enrollment. However, requirements for eligibility would be met only if the medical school achieved over each three year period an increase in its first year students of 15% or 15, whichever is greater.

The Committee wishes to make clear its general intent that in the future schools would increase enrollments from year to year or at least would not reduce enrollments in any particular future year.

INCENTIVE CAPITATION TO SCHOOLS OF MEDICINE, OSTEOPATHY, AND DENTISTRY FOR SHORTENING CURRICULUM

In order to encourage schools to graduate physicians, osteopaths, and dentists as rapidly as possible, a special incentive has been provided for schools of medicine, osteopathy, and dentistry which have programs in which students can complete their course of study in three years, rather than the traditional four years or longer.

For each student graduating under a three-year program, a school would be entitled to receive $6,000—an amount equivalent to a $4,000 payment for a fourth year, plus a $2,000 bonus. A number of schools of medicine have inaugurated experimental programs to shorten the period of study for some of the students enrolled. Other schools of medicine, as well as those of osteopathy and dentistry, are currently considering shortening the period of education of their students. The proposed provision will assure that for these programs, federal resources would be provided, comparable to those provided for the longer period of training, plus a $2,000 bonus intended as an additional incentive.

PHYSICIAN ASSISTANTS CAPITATION

The bill provides funds to schools of medicine, osteopathy, and dentistry for the training by those schools of physicians' assistants, dentist's assistants, or other health professions assistants so that the training of such assistants could be provided in the same educational milieu in which physicians and dentists receive their education. A school would be entitled to receive $1,350 for each full-time student (or the equivalent thereof) who is enrolled in a program offered by a school of medicine, osteopathy, or dentistry to train such assistants.

Since the Committee recognizes these programs are still in the developmental stage, no attempt was made to define legislatively the scope of duties of a physicians' or dentists' assistant nor the duration of his training. Their intention is to cover both the short term training (one year or less) such as in the Medex program at the University of Washington, and the longer term (two year) such as at Duke or the four year program, such as at Alderson Broaddus. The Committee notes with interest and approval the definition of physicians' assistants divided into three categories in the report of the Board on Medicine of the National Academy of Sciences. These are the Type A Assistant, distinguished by his ability to integrate and interpret findings on the basis of general medical knowledge and to exercise a degree of independent judgment, the Type B Assistant, highly specialized in one clinical procedure, and the Type C Assistant, who is generally proficient in medical procedures but without

the ability to use independent judgment to the degree of the Type A Assistant. Over 50 programs are being developed throughout the nation producing support personnel in these three categories. The costs vary depending on the degree of training, and the previous experience of the student, but in general, costs are in the range of the training of other health professionals.

APPENDIX IV

COST OF THE LEGISLATION—COMMITTEE ESTIMATES

[In millions of dollars]

	1971	1973	1974	1975	1976	Total
Construction grants	200.0	225.0	250.0	275.0	300.0	1,250.0
Guarantees	8.0	16.0	24.0	32.0	40.0	120.0
Student loans	60.0	65.0	70.0	75.0	80.0	350.0
Institutional support	426.0	439.5	462.5	486.5	513.5	2,328.0
Conversion of 2-year schools	[1] 22.5					22.5
New school awards	10.0	10.0	10.0	10.0	10.0	50.0
Special project and manpower initiative awards	150.0	165.0	180.0	195.0	210.0	900.0
Scholarships	[1] 40.0	[1] 41.0	[1] 45.0	[1] 46.0	[1] 48.0	220.0
Financial distress	50.0	40.0	30.0	20.0	10.0	150.0
Post graduate education		15.0	30.0	45.0	50.0	140.0
Family medicine	25.0	40.0	55.0	70.0	85.0	275.0
Computer technology	25.0	25.0	25.0	25.0	25.0	125.0
Shortage area scholarships	2.5	3.0	3.5	4.0	4.5	17.5
Total	1,019.0	1,084.5	1,185.0	1,283.5	1,376.0	5,948.0

[1] Estimates based on best available information on numbers of schools and entering class sizes.

Note: No estimates of the costs of the bill were submitted by Federal agencies.

Mr. KENNEDY. Mr. President, that is a brief summary of the principal features of the legislation and, at this time, I am prepared to yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, our Nation faces a deepening health care crisis. We must have larger numbers of the right kind of health manpower personnel, located in the right places, and utilized in the right way, to give health services to the people who need them. To put the Federal Government in the forefront of efforts to meet these needs for health personnel requires legislation that provides flexibility and innovation and I urge my colleagues to support the Health Professions Educational Assistance Amendments of 1971, S. 934.

I would call to the attention of my more than 20 colleagues who cosponsored S. 1183, which I introduced on behalf of the administration to implement the President's recommendations relating to health manpower training, that S. 934 incorporates many of the provisions in S. 1183.

Mr. President, I ask unanimous consent that the text of S. 1183, together with the list of sponsors be printed in the record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, in essence, these provisions are:

Consolidate, extend, and increase the scope of grants for construction of health research, education, and library facilities; and establish an additional program of loan guarantees and interest subsidies for such construction. A consolidated construction assistance authority would provide flexible legislative authority for the construction of health manpower facilities without regard to categorical restraints and offer grantees the opportunity to design and construct facilities that can serve a variety of functions and disciplines. Consolidation of authorities would encourage schools to move toward construction of multipurpose facilities serving a number of interrelated disciplines and related research and library facilities and allow greater efficiency in administration. There are authorized for these purposes: $200 million in fiscal year 1972 and annual $25 million increments for next 4 years.

I am very enthusiastic about the new loan guarantee and interest subsidies program would extend the reach of Federal assistance beyond grants, where loans can be negotiated. I would emphasize that it is the purpose of this guaranteed loan and interest subsidy provision to supplement the existing grant program, not to supplant it. In the face of more than $600 million of approved but unfunded grant applications, I believe we can no longer rely solely upon the grant mechanism to meet our schools' needs. We must take this innovative step of guaranteed loans and interest subsidies to overcome the substantial unmet needs; $8 million maximum authorized to pay interest subsidies in fiscal year 1972, with annual $8 million increments for 4 additional years.

Mr. President, it is a matter of the greatest interest to me that we can combine the utility of the public and private sectors in an intelligent way so that they will be of very great use and it will relieve the strain on the grant section of the bill.

Extend and increase the maximum level of student scholarships which is estimated to cost $40 million in fiscal year 1972—and rising to $48 million in fiscal year 1976—add a program of loan guarantees and have all student assistance programs include incentives for practice in medically underserved areas. It is particularly important at this time to have liberal forgiveness authority to encourage distribution by specialty, as well as geographic area. This is of particular importance to the improvement and distribution of health care.

Incentive capitation grant authority—in addition to other institutional support programs based on enrollment—which would pay $6,000 for each student of a school of medicine, osteopathy, and dentistry for graduating under a 3-year program, rather than the traditional 4 years or longer. A number of schools of medicine have inaugurated experimental programs to shorten the period of study for some of the students enrolled. Other schools of medicine, as well as those of osteopathy and dentistry, are currently considering shortening the period of education of their students. The proposed provision will assure that for these innovative programs, Federal resources would be provided comparable to those provided for the longer period of training plus a $2,000 bonus intended as an additional incentive. The total institutional support authorization, based on capitation, is $426 million for fiscal year 1972 and rises to $516.5 million in fiscal year 1976.

Extend and broaden project grant authority to authorize health manpower initiative awards directed toward solution of critical health manpower problems; and several other programs aimed at bringing manpower to medically underserved areas. This program offers an enormous opportunity for improving the numbers and distribution of health personnel and for relating health manpower more directly to changing patterns of health care. The authority is flexible so that efforts thereunder can be responsive to health manpower needs as they arise. These efforts can encourage experiments and breakthroughs which show particular promise of contributing to the solution of health manpower problems, including those in given geographic areas and those relating to new approaches to health care and health manpower training; $150 million for fiscal year 1972 is authorized with annual $15 million increments for 4 additional years.

The rising expense of health professions education in recent years has placed an increasingly heavy financial burden on the students and their families. Many highly motivated and qualified students have not been able to afford such training. To those ends the bill offers a variety of student assistance ranging from scholarships, through direct loans, to loan guarantees. The school and student together are in the best position to select the form and amount of assistance best suited to the student's need. All students, regardless of economic background, are offered loan forgiveness if they practice in an underserved area. Once a physician establishes a practice, he is not likely to move. A survey showed that 63 percent of physicians had not moved from the original practice or location. Encouraging physicians to begin their practices in shortage areas could make real impact on improving the distribution of health care.

Encourage students with financial difficulty and from low-income families to begin or continue their education by giv-

ing a priority for scholarship funds and offer forgiveness and cancellation of direct or guaranteed loans in the event they are forced to leave school.

INSTITUTIONAL CAPITATION SUPPORT

The bill we are considering today is designed to establish an explicit Federal role concerning the support of health manpower. Thus, it provides to each educational institution an award intended to cover approximately one-third of the average per student educational costs incurred nationally by such institutions, if the institution meets eligibility requirements set forth in the bill. We do not go as far as we would like to, but we do cover one-third of the cost.

Although the individual institutional support award is deemed an "entitlement," this was done to set forth national funding priorities and stimulate the institutions to seek to persuade the Congress to provide sufficient levels of appropriations to meet such entitlements. However, the legislation is not intended to confer any legally enforceable right upon any school. The bill specifically provides—section 770(a)—as follows:

The Secretary's determination of the amount of such grant shall be final and conclusive and, notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other law, shall not be subject to judicial review in any court of the United States.

FINANCIAL DISASTER RELIEF

The financial burdens of health-professions schools have become so great that a number of existing schools today are considering closing their doors. It was for that reason that I introduced a bill in the 91st Congress to provide $100,000,000 in disaster relief to medical and dental schools, which passed the Senate but was modified in conference.

Although the substantially increased capitation grant program provided by this bill should alleviate the financial distress in schools of the health professions, a number of these schools may need temporary financial assistance before their fiscal problems can be solved. Therefore, the bill establishes a special separate authority for grants to assist schools in financial distress, but the authorization level of $50 million in fiscal year 1972 decreases with each year as the institutional assistance awards stabilize the finances of these institutions, to a level of $10 million in fiscal year 1976.

As I proposed in my bill in the 91st Congress, the grants would be made on special terms and conditions, including requirements that the school agree to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, and require the school to carry out appropriate operational and financial reforms on the basis of information obtained.

COMPUTER TECHNOLOGY

It is particularly desirable in these times, when the expectations and demands for health services have so far outstripped the capabilities of scarce resources to deliver them, that the many potential uses of computer technology be explored, tested, and more widely applied. I commend to the attention of my colleagues the bill's provision adding a program of grants to plan and develop freestanding or university-based computer laboratories to enable the utilization of modern computer technologies by physicians and other health personnel in the provision of health services. Twenty-five million dollars is authorized for each year of the bill.

Computer technology has the potential for increasing the quantity and improving the quality and efficiency of medical and other health care services, and for making possible improved distribution of services of high quality through communication networks and computerized medical information and diagnostic aids, as well as research the functions performed by physicians to determine which functions could more appropriately be performed by other personnel.

Although the computers' introduction into the health industry is very recent, enormous strides have already occurred and computer technology can provide the strategy for effective health care delivery. A computer-assisted doctor is freed to concern himself with care more uniquely human, such as managing the emotional aspects of illness, applying bedside skills, and exercising judgment in the nonquantifiable areas of clinical cure. He no longer will need to store vast amounts of technical information in his mind, but rather he can rely on the computer as an intellectual adjunct to provide him with instantaneous information. Frequent dialog with the computer will allow him the opportunity to receive the most probable diagnosis and extract the suggested course of treatment.

Mr. President, I believe the Health Professions Educational Assistance Amendments of 1971 would make possible an expanded Federal health manpower training program designed to produce the manpower resources essential to achieving national health care objectives.

I urge my colleagues to support the enactment of this legislation and provide the health manpower required to meet national needs for health and medical care.

EXHIBIT 1

S. 1183

A bill to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, 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 "Health Manpower Assistance Act of 1971".

INSTITUTIONAL GRANTS

SEC. 2. (a) The heading of part E of title VII of the Public Health Service Act is amended to read as follows:

"PART E.—INSTITUTIONAL GRANTS TO IMPROVE THE PRODUCTIVITY AND QUALITY OF HEALTH EDUCATION"

(b) Subsection (a) of section 770 of such Act (42 U.S.C. 295f) is amended to read as follows:

"(a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the two succeeding fiscal years, for special project grants to schools of medicine, dentistry, and osteopathy under subsection (a) of section 772, for special project grants to schools of pharmacy, optometry, podiatry, or veterinary medicine under subsection (b) of such section, and for financial distress special project grants to health professions schools under subsection (c) of such section, and for manpower educational initiative awards under section 773. For the fiscal year ending June 30, 1975, and the succeeding fiscal year, there are authorized to be appropriated such sums as may be necessary to make grants and carry out contracts for continuation of projects, programs, or activities for which a grant has been made or a contract entered into under section 773, for a fiscal year ending prior to July 1, 1974."

CAPITATION GRANTS

SEC. 3 (a) The heading of section 771 of such Act (42 U.S.C. 295f–1) is amended by striking out "INSTITUTIONAL GRANTS" and inserting in lieu thereof "CAPITATION GRANTS".

(b) Subsection (a) of such section is amended to read as follows:

"(a)(1) Except as provided in paragraphs (3)(b) and (4), any school of medicine, dentistry, or osteopathy with an application approved under section 774 shall be entitled, for any fiscal year ending prior to July 1, 1974, to an amount equal to $6,000 multiplied by the number of students of such school who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b)(1)) from such school in such year.

"(2) Any such school with such an application for a fiscal year ending prior to July 1, 1974, which will not graduate any students in such year shall be entitled, for such fiscal year, to an amount equal to—

"(A) $2,000 multiplied by the number of full-time, first- and second-year students pursuing a course of study leading to a degree in three years, or

(B) $1,500 multiplied by the number of full-time first-, second-, and third-year students pursuing a course of study leading to a degree in four years or longer, or

"(C) $1,500 multiplied by the number of full-time first- and second-year students pursuing a two-year course of study or its equivalent,

who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b)(1) of this section) in a subsequent year from a school of medicine, dentistry, or osteopathy.

"(3)(A) Any school of medicine, dentistry, or osteopathy with such an application for a fiscal year ending prior to July 1, 1974, shall also be entitled, for such fiscal year, to an amount equal to—

"(i) $2,000 in the case of a school with a course of study leading to a degree in three years, or

"(ii) $1,500 in the case of a school with a course of study leading to a degree in four years or more,

multiplied by the number of students who are enrolled in any year class preceding the class which will graduate in such year; who are in excess of the number of students in the year class which will graduate in such year; and who will graduate from such school (as determined by the Secretary in accordance with the provisions of subsection (b)(1)).

"(B) In no event shall any school be entitled under this subsection to an amount which exceeds $6,000 for any student during his entire course of study in such school (and the school, if any, from which he transferred).

"(4) The amount which any school shall be entitled to be paid under paragraph (1) for any year may be reduced for any student who will graduate in such year if a portion of

his medical, dental, or osteopathic training was acquired at another school. The amount of such reduction shall be determined by the Secretary on the basis of the relative period of training received by such student in each school and such other factors as he deems appropriate."

(c) Such section is further amended by striking out subsection (b) and redesignating subsections (c) and (d) thereof as subsections (b) and (c), respectively.

(d) Paragraph (2) of the subsection of such section herein redesignated as subsection (b) is amended by striking out everything after "doctor of dentistry," and inserting in lieu thereof "or an equivalent degree, or doctor of osteopathy (and for purposes of part F, such term also means students pursuing a full-time course of study leading to a degree of bachelor of science in pharmacy or doctor of pharmacy, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or doctor of podiatry or an equivalent degree."

(e) The subsection of such section herein redesignated as subsection (c) is amended to read as follows:

"(c) Any new school of medicine, dentistry, or osteopathy with an approved application under section 774 shall be entitled, for the fiscal year preceding the fiscal year in which it will admit its first class, to an amount equal to $2,000 multiplied by the number of full-time students who the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school in the fiscal year after the fiscal year for which the grant is made."

SPECIAL PROJECT GRANTS

SEC. 4. Section 772 of such Act (42 U.S.C. 295f–2) is amended to read as follows:

"SEC. 772. (a) Grants may be made, from sums available therefor from appropriations under section 770, to assist schools of medicine, dentistry, and osteopathy, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to conduct research in the various fields related to education in such health professions, to develop training for, and to train, new levels or types of health service personnel, including physician's and dentist's assistants, to plan experimental teaching programs or facilities, to increase educational opportunities for disadvantaged students, to train students and other groups to use a team approach to the delivery of health services; projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation; and projects to provide traineeships (including costs of training and fees, stipends, and allowances for the students, including travel and subsistence expenses) for full-time students to secure part of their education under a preceptor in family practice, pediatrics, internal medicine, or other health fields designated by the Secretary.

"(b) Grants may be made from sums available therefor from appropriations under section 770, to assist schools of pharmacy, optometry, podiatry, and veterinary medicine, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to develop training for, and to train, new levels or types of health service personnel, to plan experimental teaching programs or facilities, to expand educational opportunities for disadvantaged students, and to promote preventive medicine; and projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or by specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation. In determining eligibility of any such school to receive a grant under this subsection and in determining the amount of such grant, the Secretary shall consider the particular needs of such school, the nature and scope of the Nation's health personnel needs, and the relative capability of alternative programs for helping to fill those needs.

"(c) Grants may also be made, from sums available therefor from appropriations under section 770 for any fiscal year, to assist any school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, or veterinary medicine which is in serious financial straits to meet its costs of operation or which has special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to implement any operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

HEALTH MANPOWER EDUCATIONAL INITIATIVE AWARDS

SEC. 5. Part E of title VII of such Act is amended by redesignating sections 773 and 774 as sections 774 and 775, respectively, and by inserting after section 772 the following new section:

"HEALTH MANPOWER EDUCATION INITIATIVE AWARDS

"SEC. 773. (a) In order to improve the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system, the Secretary is authorized to make grants to public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, and to make contracts with public or private schools, agencies, organizations, and institutions, and combinations thereof, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section)—

"(1) to encourage the establishment and maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by area or by specialty group;

"(2) to utilize health personnel more efficiently through use of health maintenance organizations and otherwise;

"(3) to initiate new types and patterns, or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers, administrators, specialists, and paraprofessionals (particularly physician's and dentist's assistants and pediatric nurse practitioners), and including establishment of area health education centers and other new organizational units for this purpose;

"(4) to encourage new or more effective approaches to the organization and delivery of health services through use of the team approach to delivery of health services, use of health maintenance organizations, and otherwise; and

"(5) to otherwise help solve the Nation's health personnel or delivery of health services problems.

Grants and contracts under this section may also be made for the discovery, collection, development, or confirmation of information for, the planning, development, demonstration, establishment, or maintenance of, or the alteration or renovation of existing facilities for, any of such programs or projects.

"(b) The Secretary is authorized, during the period beginning January 1, 1972, and ending with the close of June 30, 1974, to make grants to, or to enter into contracts with, any school of medicine or osteopathy, which is accredited as provided in section 701(a)(3)(A) or section 774(b)(2), to assist such school in developing or operating a health maintenance organization, or in utilizing the facilities and personnel of a health maintenance organization, in providing training for its students and for other health personnel. The amount of any grant or contract made pursuant to this subsection may not exceed the additional cost which the Secretary determines to be reasonably necessary to enable the school to utilize the facilities and personnel of a health maintenance organization (whether or not developed or operated by the school) to provide training.

APPLICATIONS FOR GRANTS

SEC. 6. (a) Subsection (a) of the section of such Act herein redesignated as section 744 (42 U.S.C. 295f–3) is amended by striking out "Surgeon General" after "The" and inserting in lieu thereof "Secretary"; and by striking out "771 or 772" after "section" and inserting in lieu thereof "771, 772, or 773".

(b) Subsection (b) of such section is amended by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

(c) Such section is further amended by striking out subsection (c) thereof; redesignating subsection (d) as subsection (c); and by striking out subsection (e) thereof.

(d) The subsection herein redesignated as subsection (c) of such section is amended to read:

"(c) A grant under this part may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (b) of this section, in the case of a health professions school;

"(2) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of medicine, dentistry, or osteopathy, as the case may be, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the fiscal year immediately preceding the fiscal year for which such grant is sought, in the case of an application for a grant under section 771, except that this clause shall not apply in the case of Howard University;

"(3) contains such additional information as the Secretary may require to make the determination required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(4) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to an applicant under this part."

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SEC. 7. Effective July 1, 1971, the section of such Act herein redesignated as section 775 (42 U.S.C. 295f–4) is repealed.

HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

SEC. 8. Part A of title VII of the Public Health Service Act is amended to read as follows:

"PART A—HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

"CONSTRUCTION ASSISTANCE

"SEC. 701. (a)(1) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary for grants under paragraph (3) to assist in the construction of teaching facilities (including interim facilities), facilities for advanced or continuing education, medical library facilities, or facilities for the conduct of research in the sciences related to health. Sums appropriated for construction grants for a fiscal year shall remain available for obligation until expended.

"(2)(A) For the purposes of this part, 'construction' with respect to any project means the construction of new buildings, and the acquisition, expansion, remodeling, renovation, rehabilitation, and alteration of existing buildings; equipping new and existing buildings (whether or not expanded, remodeled, renovated, rehabilitated, or altered) including, in the case of medical libraries, provision of automatic data processing equipment but not books, pamphlets, or related material; and the 'cost of construction' includes architect's fees in connection with any construction but shall not include the cost of the acquisition of land (except in the case of acquisition of an existing building), nor the cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship;

"(B) For the purposes of this part, 'teaching facilities' means areas dedicated for use by students, faculty, administrative, or maintenance personnel for clinical purposes, research activities, libraries, classrooms, offices, auditoriums, dining areas, student activities, or other related purposes necessary for, and appropriate to, the conduct of comprehensive programs of education, but shall not include off-site improvements or living quarters;

"(C) For the purposes of this part and part E, 'nonprofit' as applied to any agency, organization, or institution, or combination thereof, means an agency, organization, or institution, or combination thereof, which is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and a 'combination' of agencies, organizations, or institutions means a consortium or other cooperative arrangement between or among such agencies, organizations, or institutions;

"(D) For the purposes of this part, 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto;

"(E) For the purposes of this part, 'affiliated hospital' means a hospital as defined in section 645, which is not owned by, but is affiliated (to the extent and in the manner determined in accordance with regulations) with, any school, agency, organization, or institution, or combination thereof, which meets the eligibility conditions for assistance under this subsection;

"(F) For the purposes of this part, part E, and part F, 'school of medicine', 'school of dentistry', 'school of osteopathy', 'school of pharmacy', 'school of optometry', 'school of podiatry', 'school of veterinary medicine', and 'school of public health' mean a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatry, a degree of doctor of veterinary medicine or an equivalent degree, and a graduate degree in public health, and including advanced training related to such training provided by any such school;

"(G) For the purposes of this part and part B, 'school of nursing' means a collegiate, associate degree, or diploma school of nursing, as defined in subsections (c), (d), and (e), respectively, of section 843, or a graduate school of nursing;

"(H) For the purposes of this part, 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than 10 years) basis while facilities of a more permanent nature are being planned and constructed; and

"(I) For the purposes of this part, 'medical library' means a library related to the sciences related to health.

"(3) The Secretary is authorized to make grants in amounts not to exceed 67 per centum of the cost of construction of projects for public or nonprofit private—

"(A) schools of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, or combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide a program of education leading to the first professional degree in such discipline;

"(B) graduate, collegiate, associate degree, or diploma schools of nursing;

"(C) agencies, organizations, and institutions, and combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide one or more programs of education in an allied health field specified by regulations of the Secretary;

"(D) agencies, organizations, and institutions, and combinations thereof, which the Secretary determines need teaching facilities for the support of any health personnel educational program;

"(E) agencies, organizations, and institutions, and combinations thereof, which are determined by the Secretary to be competent to engage in the type of health research for which a facility is to be constructed; and

"(F) affiliated hospitals with applications which are approved by the schools, agencies, organizations, or institutions with which such hospitals are affiliated and which otherwise comply with the requirements of this section.

"(4) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects which have been approved under this section for the construction of such facilities as are specified in paragraph (1), the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may guarantee in accordance with this section, to non-Federal lenders making loans to such schools, agencies, organizations, and institutions, and combinations thereof, for such projects, payment when due of the principal of and interest on loans for construction of the projects. The Secretary is also authorized to make commitments, on behalf of the United States, to make such guarantees prior to the making of such loans. No such loan guarantee may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to any amount which, when added to any grant under this or any other law of the United States, exceeds 90 per centum of the cost of construction of the project; nor may any such guarantee apply to more than 90 per centum of the loss of principal of and interest on the loan.

"(5) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects for the construction of facilities specified in paragraph (1), the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may pay, to the holder of any loan guaranteed under paragraph (4) for and on behalf of such school, agency, organization, or institution, or combination thereof, amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan guaranteed under this section shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b)(1) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which assistance under this section is sought) by which an application therefor must be filed, except that no such application may be approved unless it is submitted to the Secretary prior to July 1, 1974. Assistance applied for under this section may be provided only if the application therefor is approved by the Secretary upon his determination that—

"(A) the applicant is among the schools, agencies, organizations, or institutions, or combinations thereof, which are eligible for the assistance applied for;

"(B) the application contains or is supported by reasonable assurances that (i) for not less than 20 years after completion of construction (or such shorter period as the Secretary may specify in the case of an interim facility), the facility will be used for the purposes for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship, (ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (iii) sufficient funds will be available, when construction is completed, for effective use of the facility for the time specified in clause (i) for the purpose for which it is being constructed;

"(C) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment;

"(D) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

"(E) in the case of an application for assistance under this section in the construction of a facility intended, at least in part, for the provision of health services, an opportunity has been provided for comment on the project by (i) the State comprehensive health planning agency (designated by the State as required by section 314(a)(2)(A), and (ii) the public or nonprofit private

agency or organization responsible for the plan or plans referred to in section 314(b) and covering the area in which such project is to be located or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions;

"(F) contains adequate assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information as the Secretary may reasonably require;

"(G) in the case of an application for a loan guarantee or interest subsidy payment, the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

"(H) in the case of an application for a loan guarantee, the loan would not be available on reasonable terms and conditions without the guarantee under this section.

"(2) Within such aggregate monetary limit as the Secretary may prescribe, applications which (solely by reason of the inability of the applicants to give the assurance required by clause (B)(ii) of paragraph (1) of this subsection) fail to meet the requirements for approval set forth in this subsection may be approved upon condition that the applicants give the assurance required by such clause (B)(ii) within a reasonable time and upon such other reasonable terms and conditions as are prescribed by the Secretary.

"(c)(1) Upon approval of any application for a grant under this section, the Secretary may reserve from any appropriation therefor the amount of such grant as determined pursuant to paragraph (3) of subsection (a); and the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this subsection may be amended by him either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility. Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(2) In determining the amount of any grant under this section there shall be excluded from the cost of construction an amount equal to the sum of (A) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by the grant under this section, and (B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(3) If, within twenty years (or the shorter period specified by the Secretary pursuant to section 701(b)(1), in the case of construction of interim facilities) after completion of any construction for which a grant has been paid under this subsection—

"(A) the applicant or other owner of the facility shall cease to be an eligible school, agency, organization, or institution, or combination thereof, under subsection (a), or

"(B) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), or

"(C) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(4)(A) The United States shall be entitled to recover from the applicant for a loan guarantee under paragraph (4) of subsection (a) the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(B) To the extent permitted by paragraph (5), any terms and conditions applicable to a loan guarantee under this section may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(5) Any loan guarantee made by the Secretary pursuant to this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(6) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriations Acts.

"(7) There is hereby established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this section and (ii) for payment of interest authorized by subsection (a)(5). There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund. There shall be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets. If at any time the sums in the fund are insufficient (i) to enable the Secretary to discharge his responsibilities under guarantees issued by him under this section or (ii) to make payments of interest authorized by subsection (a)(5), he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligation of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which the securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(8) The Secretary is authorized to provide technical assistance (A) to applicants under this section and other public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, in designing and planning the construction of any facility for which financial assistance may be provided under this section, and (B) to State of interstate planning agencies established to plan programs for relieving shortages of training capacity for health personnel."

NURSE TRAINING GRANTS AND CONTRACTS

SEC. 9. (a) Subsection (a) of section 805 of the Public Health Service Act (42 U.S.C. 296–296g) is amended by striking out "808" after "section" and inserting in lieu thereof "803"; by striking out "for the fiscal year ending June 30, 1970, and the next fiscal year" and inserting in lieu thereof "for the fiscal year ending June 30, 1972, and the next two fiscal years"; by inserting "or to develop training for, or to train, new levels or types of nursing or related health personnel," after "fields of nursing education," and by inserting "or to promote the full utilization of nursing skills" after "adequately trained nursing personnel".

(b) Subsection (b) of such section is amended to read:

"(b) The Secretary is authorized to enter into contracts with any public or private agency, organization, or institution, or combination thereof, for any of the purposes specified in subsection (a)."

(c) Such section is further amended by inserting after subsection (b) the following new subsection:

"(c) Any grants under subsection (a) to assist schools of nursing which are in serious financial straits to meet their costs of operation, or to assist schools of nursing which have special need for financial assistance to meet accreditation requirements, may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to implement operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

(d)(1) Part A of title VIII of such Act is further amended by striking out sections 801, 802, 803, 804, and 806 of such Act and redesignating sections 805, 807, and 808 as sections 801, 802, and 803, respectively.

(2) The section of such Act herein redesignated as section 802 (42 U.S.C. 296f) is amended by striking out "805 or 806" and inserting in lieu thereof "801" in subsections (a) and (c) thereof; by striking out "805" in clause (1) of subsection (c) and inserting in lieu thereof "801"; and by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(3) The section of such Act herein redesignated as section 803 (42 U.S.C. 296g) is amended by striking out "(a)" after "803."; by striking out subsection (b) thereof; by inserting "and such sums as may be

necessary for the fiscal year ending June 30, 1972, and for each of the next two fiscal years," after "1971"; and by striking out "under section 805 and institutional grants under section 806" and inserting in lieu thereof "under section 801".

(e) Section 841 of such Act is repealed.

(f) Section 843 of such Act (42 U.S.C. 298b) is amended by inserting "and for the purposes of title VII," after "(c)", "(d)", and "(e)".

(g) Section 860(d) of such Act is amended by striking out "after consultation with the National Advisory Council on Nurse Training".

(h) Section 868 of such Act (42 U.S.C. 298c–7) is amended by striking out "enter into contracts, not to exceed $100,000 per year, with" and inserting in lieu thereof "make grants to, or enter into contracts with," in subsection (a) thereof; by striking out "organizations" and inserting in lieu thereof "agencies, organizations," in such subsection; and by striking out all in clause (1) thereof before "training in the field of nursing," and inserting in lieu thereof "identifying potential nursing candidates and encouraging them to undertake training, retraining, or education which is a prerequisite for, or part of, educational".

(i)(1) Subsection (a) of section 821 of such Act is amended to read:

"(a) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary to cover the cost of traineeships for the training of professional nurses to teach in the various fields of nurse training (including practical nurse training), to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties determined by the Secretary to require advanced training."

(2) Subsections (b) and (c) of such section are amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary" wherever it appears therein.

FEDERALLY INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 10. (a) Subsection (b) of section 423 of the Higher Education Act of 1965 (limiting the issuance of Federal loan insurance certificates in States where the Commissioner of Education determines that all eligible educational institutions have access to non-Federal loan insurance programs) is amended by striking out the period at the end of such subsection and inserting ", or" in lieu thereof, and by adding thereafter the following:

"(3) for insurance of a loan made to a health professions student, without regard to any determination made pursuant to subsection (a)."

(b)(1) Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The term 'health professions student' means a student pursuing a full-time course of study, at an institution of higher education, leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of podiatry, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or a degree or diploma in nursing or an equivalent degree."

(2)(A) Such section is further amended by inserting at the end of subsection (b) thereof the following: "The term 'institution of higher education' means, also, a public or nonprofit private school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometry, veterinary medicine or nursing which is located in a State and is accredited as provided in section 701(a)(3)(A), section 774(b)(2), or section 843(f) of the Public Health Service Act, or subsection (f) of this section."

(B) Subsection (b) is further amended in the second sentence thereof by striking out "any public or other nonprofit collegiate or associate degree school of nursing and".

(3)(A) Subsection (d) of section 435 is amended to read as follows:

"(d) The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing."

(B) Subsection (e) of section 435 is amended to read as follows:

"(e)(1) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college, or university is accredited.

"(2) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(3) The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited."

INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 11. (a) Subsection (a) of section 425 of the Higher Education Act of 1965 (limiting the size of individual federally insured loans) is amended by inserting "(other than a health professions student)" after "student" where it appears in the first and second sentences of such subsection; by inserting "(1)" after "(a)"; and by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a health professions student in any academic year or its equivalent (as determined under regulations of the Commissioner) which may be covered by Federal loan insurance under this part may not exceed $5,000 (or, in the case of a nursing student $2,500). Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a health professions student."

(b) Clause (A) of section 428(b)(1) of such Act is amended (1) by inserting after "loans to any individual student" the following: "(other than a health professions student), and not less than $1,000 nor more than $5,000 in loans to any individual health professions student (except that such loan may not exceed $2,500 to any nursing student),"; (2) by inserting after "insured loans made to any student" the following: "(other than a health professions student)"; and (3) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a health professions student".

EXTENSION OF REPAYMENT PERIOD FOR HEALTH PROFESSIONS STUDENTS

SEC. 12. (a) Clause (B) of section 427(2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a health professions students, may not exceed twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a health professions student, may not exceed twenty-five years)".

(b)(1) Clause (B) of section 428(b)(1) is amended by inserting after "at least six academic years of study" the following: "(and at least four additional academic years of study by any such student as a health professions student)".

(2) Clause (D) of such section is amended by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)".

DEFERRAL OF REPAYMENT DURING PERIODS OF ADVANCED HEALTH TRAINING

SEC. 13 (a) Clause (C) of section 427(a)(2) is amended by striking out "or" before "(iv)", and by inserting after "1964," the following: "or (v) not in excess of five years, with respect to loans made to health professions students, of advanced professional training in health, including internships and residences,".

(b) Paragraph (1) of section 428(b) is amended (1) by striking out "and" at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides, with respect to loans to health professions students, that periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period, not in excess of five years, of advanced professional training in health, including internships and residences."

(c) Paragraph (A) of section 428(a)(2) is amended by inserting "(b)(1)(L) or subsection" after "described in subsection".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

SEC. 14. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

"SEC. 438. (a) If any person who, after June 30, 1971, received a loan or loans as a health professions student insured under this part (1) engages in the practice of general, family, internal, or pediatric medicine, or nursing or, if the Secretary by regulation shall so provide, in the practice of any other aspect of medicine, osteopathy, or dentistry or in the practice of pharmacy, podiatry, optometry, or veterinary medicine, and (2) does so in an area designated by the Secretary as a medically underserved area, then $5,000 (or 25 per centum in the case of a nurse) of the total of such loan or loans to any such person, plus accrued interest thereon, which is unpaid as of the date that such practice begins shall be paid thereafter by the Commissioner for each completed year of such practice. The Secretary shall make the designations of areas under the preceding sentence only after providing an opportunity for comment thereon to (A) the appropriate State comprehensive health planning agency or agencies (designated by the State or States

as required by section 314(a)(2)(A) of the Public Health Service Act), and (B) the local area health planning agency responsible for the plan or plans referred to in section 314(b) of such Act for the area involved or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions.

"(b) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment paid as provided in this section, upon the declaration of such borrower, at such times and in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described by subsection (a), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by this section for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection."

(b) Clause (2) of section 421(b) is amended by inserting "and section 438" after "section 437".

(c)(1) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof "portion of the principal or interest on the note which is payable by the Commissioner"; and (B) by inserting before the comma at the end of the clause "or section 438".

(2) Clause (B) of section 428(b)(2) is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 15. (a) Part B of title IV of the Higher Education Act of 1965, as amended by the foregoing provisions of this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a health professions student to enable him to study medicine, osteopathy, dentistry, or nursing, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies leading to his first professional degree;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, or nursing, within two years following the date upon which he terminated such studies."

(b) Clause (2) of section 421(b), as Act, is further amended by striking out "and amended by the foregoing provisions of this section 438" as that phrase appears in such clause (as so amended) and inserting in lieu thereof ", section 438, and section 439".

(c) Clause (E) of section 427(a)(2) and clause (B) of section 428(b)(2), as amended by the foregoing provisions of this Act, are further amended by striking out "or section 438" as that phrase appears in each such clause (as so amended) and inserting in lieu thereof ", section 438, or section 439".

HEALTH PROFESSIONS AND NURSING SCHOLARSHIP AMENDMENTS

Discretionary Scholarship Grants to Schools of Optometry, Podiatry, Pharmacy, and Veterinary Medicine in Lieu of Present Entitlement

SEC. 16. (a) (1) Subsection (a) of section 780 of the Public Health Service Act is amended to read as follows:

"(a) The Secretary shall make grants as provided in this part to each public or other nonprofit school of medicine, osteopathy, and dentistry which is accredited as provided in section 701(a)(3)(A) or section 774(b)(2), for scholarships to be awarded annually by such school to students thereof. The Secretary may also make grants provided in this part to any public or other nonprofit school of optometry, podiatry, pharmacy, or veterinary medicine, so accredited, for such scholarships, upon his determination that such grant will help fill a national need for practitioners of optometry, podiatry, pharmacy, or veterinary medicine."

(2) Subsection (d) of such section is amended by adding at the end thereof the following: "Such regulations shall prescribe the priorities to be followed in making grants authorized by subsection (a) to schools of optometry, podiatry, pharmacy, and veterinary medicine; and may include provisions for the apportionment of scholarships from such grant, including the limitation of scholarships to one or more classes (by year) of the grantee.".

Amount of Health Professions Scholarship Grant and Scholarship Award

(b)(1) Subsection (b) of such section is amended by striking out "The amount of the grant under subsection (a) to each such school shall be equal to $2,000" and inserting in lieu thereof: "The amount of the grant under the first sentence of subsection (a) to each such school shall be equal to, and the amount of the grant under the second sentence of subsection (a) to each such school shall not exceed, $3,000".

(2) Subsection (c)(2) of such section is amended by striking out "$2,500" and inserting "$3,000" in lieu thereof.

Scholarship Grant Determined by Number of Disadvantaged Students Enrolled at Eligible Institutions; Eligibility of Disadvantaged Students for Scholarship Award; Extension of Program

(c)(1) Subsection (b) of such section is further amended by striking out "and" before "(4)" and by inserting before the period at the end of the first sentence thereof the following: "; and (5) for the fiscal year ending June 30, 1972, and each of the next two fiscal years, by the number of full-time students of such school who are from low-income or disadvantaged families as determined under regulations of the Secretary".

(2) Subsection (b) is amended by adding after the second sentence thereof the following: "For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending after June 30, 1971, but prior to July 1, 1974.".

(3)(A) Clause (D) of subsection (c)(1) of such section is amended by striking out "next two fiscal years" and inserting "next five fiscal years" in lieu thereof.

(B) Clause (E) of subsection (c)(1) is amended by striking out "July 1, 1971" and "June 30, 1972" and respectively inserting in lieu thereof "July 1, 1974" and "June 30, 1975".

(4) The first sentence of subsection (c)(2) of such section is amended to read as follows: "Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need who are from low-income or disadvantaged families as determined under regulations of the Secretary, and who need such financial assistance to pursue a course of study at the school for such year, except that scholarships from such grants may be awarded to any student of exceptional need to enable him to pursue such course of study if he has received such a scholarship for a school year ending prior to July 1, 1971."

Repeal of Transfer to Student Loan Funds

(d) Section 781 is repealed.

Extension of Nursing Scholarship Program

(e)(1) Subsection (b) of section 860 is amended in the first sentence by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(2) The second sentence of such subsection is amended by striking out "1972" and "1971" and inserting, respectively, "1975" and "1974" in lieu thereof.

(3)(A) Clause (A) of subsection (c)(1) is amended by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(B) Clause (B) of such subsection is amended by striking out "1971" and "1972" and inserting, respectively, "1974" and "1975" in lieu thereof.

ADVANCE FUNDING OF PROGRAMS

SEC. 17. There is added after section 869 of the Public Health Service Act the following new section:

"ADVANCE OBLIGATIONAL AUTHORITY

"SEC. 870. To the end of affording adequate notice of available Federal financial assistance under title VII and this title, the Secretary may award, after January 1 of any fiscal year, grants, loans, or other payments under title VII, section 306 or 309, or this title for the first quarter of the next fiscal year, in amounts that shall not exceed amounts awarded for the fiscal year in which such award is made. Amounts so awarded shall be charged to the appropriation for that purpose for the fiscal year for which made."

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 18. (a)(1) Section 390 of the Public Health Service Act (42 U.S.C. 280b) is amended by striking out clause (1) of subsection (b) thereof; by redesignating clauses (2), (3), (4), (5), (6), and (7) as clauses (1), (2), (3), (4), (5), and (6), respectively; and by striking out "facilities" in the clause herein redesignated as clause (5) and inserting in lieu thereof "resources and services".

(2) Section 391 of such Act (42 U.S.C. 280b–1) is amended by inserting ", which shall, in addition to its functions prescribed under section 378, serve as the National Medical Libraries Assistance Advisory Board" after "Act" in clause (2) thereof; and by striking out clause (3) thereof and redesignating clause (4) as clause (3).

(3) Title III of such Act is further amended by striking out sections 392 and 393 and redesignating sections 394, 395, 396, 397, 398, 399, and 399a as sections 392, 393, 394, 395, 396, 397, and 398, respectively.

(4) Subsection (a) of the section of such Act herein redesignated as section 392 (42 U.S.C. 280b–4) is amended by striking out "390(b)(2)" in subsection (a) and inserting in lieu thereof "390(b)(1)".

(5) The section of such Act herein redesignated as section 393 (42 U.S.C. 280b–5) is amended by striking out "390(b)(3)" and

inserting in lieu thereof "390(b)(2)" in subsection (a) and by striking out "390(b)(4)" and inserting in lieu thereof "390(b)(3)" in subsection (a).

(6) Subsection (a) of the section of such Act herein redesignated as section 394 (42 U.S.C. 280b–6) is amended by striking out "390(b)(5)" and inserting in lieu thereof "390(b)(4)".

(7) The section of such Act herein redesignated as section 395 (42 U.S.C. 280b–7) is amended by striking out "390(b)(6)" and inserting in lieu thereof "390(b)(5)" in subsection (a); by striking out clause (5) in subsection (b); by striking out "and" at the end of clause (4) of such subsection and inserting "and" at the end of clause (3); and by striking out subsection (d) and redesignating subsection (e) as subsection (d).

(8) Subsection (a) of the section of such Act herein redesignated as section 396 (42 U.S.C. 280b–8) is amended by striking out "390(b)(7)" and inserting in lieu thereof "390(b)(6)".

(b)(1) The heading of part B of title VII of the Public Health Service Act is amended to read:

"PART B—TRAINING IN THE ALLIED HEALTH PROFESSIONS"

(2) Part G of title VII of such Act is amended by striking out "PART G—TRAINING IN THE ALLIED HEALTH PROFESSIONS"; by striking out section 791 and clause (4) of section 795 and redesignating clause (5) of such section as clause (4); and by redesignating sections 792–799A, and all references thereto, as sections 721–729, respectively.

(c)(1) Subsection (a) of section 740 of such Act (42 U.S.C.) is amended by striking out "721(b)(1)(B)" and inserting in lieu thereof "701(a)(3)(A)".

(2) Subsection (a) of section 744 of such Act (42 U.S.C.) is amended by striking out "721(b)(1)(B)" and inserting in lieu thereof "701(a)(3)(A)".

EFFECTIVE DATE

SEC. 19. (a) The amendments made by sections 2 through 6, and sections 8 and 9 of this Act shall apply with respect to appropriations for fiscal years ending after June 30, 1971.

(b) Sections 10 through 16 of this Act shall become effective on July 1, 1971.

Mr. TOWER. Mr. President, I call up my amendment.

Mr. DOMINICK. Mr. President, who has time?

The PRESIDING OFFICER. The Senator from Texas has the right to offer an amendment from the floor.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum and I ask that the time be charged to my side.

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 237

Mr. TOWER. Mr. President, I call up my amendment No. 237, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

S. 934

On page 86, between lines 17 and 18, insert the following:

"TAX INCENTIVES TO ENCOURAGE PHYSICIANS TO PRACTICE MEDICINE IN PHYSICIAN SHORTAGE AREAS

"SEC. 211. Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by—

"(1) redesignating section 124 as section 125; and

"(2) inserting after section 123 the following new section:

"SEC. 124. PHYSICIANS ESTABLISHING PRACTICE IN PHYSICIAN SHORTAGE AREAS.

"'(a) IN GENERAL.—In the case of a physician who engages in a medical practice in a physician shortage area, gross income does not include, at the election of the taxpayer, adjusted gross medical income from such medical practice in such area to the extent of—

"'(A) $20,000 during the first taxable year of such practice;

"'(B) $15,000 during the second taxable year of such practice;

"'(C) $10,000 during the third taxable year of such practice;

"'(D) $7,500 during the fourth taxable year of such practice; and

"'(E) $5,000 during the fifth taxable year of such practice.

"'(b) LIMITATIONS.—

"'(1) TWO-YEAR PRACTICE REQUIREMENT.—The provisions of subsection (a) shall apply to a physician with respect to a medical practice in a physician shortage area only if he continuously engages in such practice for at least 2 years, commencing with the day on which he first engages in such practice. The preceding sentence shall not apply—

"'(A) to a physician who dies during such 2-year period, or

"'(B) with respect to any period of disability during such 2-year period.

"'(2) PROVISIONS TO APPLY ONLY ONCE.—The provisions of subsection (a) shall apply to engaging in a practice of medicine in a physician shortage area only once for any physician.

"'(c) ELECTION.—

"'(1) IN GENERAL.—An election to have the provisions of subsection (a) apply shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations. Such election may not be revoked except with the consent of the Secretary or his delegate and subject to such terms and conditions as the Secretary or his delegate prescribes.

"'(2) DESIGNATION OF FIRST TAXABLE YEAR.—At the time of making an election under paragraph (1), a physician shall designate his first taxable year of a medical practice in a physician shortage area, for purposes of applying the provisions of subsection (a), as—

"'(A) the taxable year in which he first engages in a medical practice in such area, or

"'(B) the succeeding taxable year.

"'(d) DEFINITIONS.—For purposes of this section—

"'(1) the term "adjusted gross medical income" means gross income from the practice of medicine less any deductions arising out of such practice; and

"'(2) the term "physician shortage area" means any area within a State certified to the Secretary by the Secretary of Health, Education, and Welfare as an area in which there are an insufficient number of physicians practicing medicine to meet the need for medical care of the population of such area.

"'(e) CERTIFICATIONS BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE.—

"'(1) IN GENERAL.—The Secretary of Health, Education, and Welfare shall on or before November 1 of each year (beginning with 1971) certify the physician shortage areas (if any) in each State for the following calendar year.

"'(2) CERTIFICATIONS PURSUANT TO STATE AGENCY RECOMMENDATIONS.—In making certifications of physician shortage areas for purposes of this section, the Secretary of Health, Education, and Welfare shall accept the determination as to the number and location of physician shortage areas in a State recommended to him by—

"'(A) the State planning agency for such State (as designated pursuant to section 314(a)(2)(A) of the Public Health Service Act); or

"'(B) if in such State there is no such agency, or if such agency fails to make a recommended determination within a reasonable time prescribed by him, by such other agency of such State as he finds to be qualified to make such a recommended determination and as the Governor of such State shall have designated to make such a recommended determination;

but only if the agency, in making such recommended determination, has sought the advice and assistance of the State medical societies for such State; and

"'(C) the Secretary of Health, Education, and Welfare is satisfied with the adequacy of the criteria employed by the agency as the basis upon which such recommended determination was made.

"'(3) OTHER CERTIFICATIONS.—If, in the case of any State, the Secretary of Health, Education, and Welfare does not receive (within such reasonable time as he shall prescribe) a recommended determination with respect to such State which meets the requirements of paragraph (1), he shall (after seeking the advice and assistance of the State medical societies for such State) certify the number and location of the physician shortage areas (if any) of such State on the basis of the most current and appropriate data available to him.

"'(4) EFFECTIVE PERIOD OF CERTIFICATION.—A certification by the Secretary of Health, Education, and Welfare under paragraph (1) of physician shortage areas in a State shall remain in effect for the calendar year for which it is made. With respect to a physician who engages in a medical practice in an area so certified during his taxable year beginning in such calendar year and who makes an election under subsection (c) to have the provisions of subsection (a) apply, such certification (A) shall remain in effect for succeeding calendar years, and (B) shall be treated as having been in effect for prior calendar years for purposes of determining the number of taxable years of his medical practice in such area.

"'(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.'

"(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 124 and inserting in lieu thereof the following:

"'Sec. 124. Physicians establishing practice in physician shortage areas.

"'Sec. 125. Cross references to other Acts.'

"(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1971."

On page 86, line 19, strike "SEC. 211", and insert in lieu thereof "SEC. 212".

Mr. TOWER. Mr. President, this amendment is identical to S. 576, which I introduced on February 3 of this year. Thirteen Senators have joined me in co-

sponsoring this bill. While the bill pertains strictly to matters of health manpower which are normally considered by the Senator Labor and Public Welfare Committee, it was referred to the Senate Finance Committee because of its relationship to our existing system of tax law. Primarily because of the committee's heavy schedule, hearings were not held on S. 576. I have also been informed that hearings are not expected to be held on the bill in the near future.

Mr. President, the pending bill attempts to address itself to what many have called the Nation's "health care crisis," I feel that in general this bill brings vast improvement to our health care system.

I have introduced the pending amendment to strengthen the bill's provisions as they relate to the physician shortage problem. The Committee on Labor and Public Welfare has certainly recognized the problems of many localities in our Nation which have inadequate supply of medical manpower. The bill provides for a revised loan forgiveness formula which can give up to $5,000 assistance to physicians for every year spent in a physician shortage area. Another provision of the bill allocates funds for special project grant authority to establish training programs for medical personnel to improve the health care system in shortage areas.

I am also extremely pleased that the committee has included as an amendment to S. 934 the physician shortage area scholarship program which my distinguished colleague from Maryland, Senator BEALL, had introduced in a modified form earlier this year. I was an original cosponsor of this proposal, and I strongly believe it will contribute positively toward solving the physician maldistribution problem.

Mr. President, my amendment is intended to complement these fine provisions. I believe it is necessary for the simple reason that the physician maldistribution problem is the greatest single medical manpower problem we face. A white paper entitled "Towards a Comprehensive Health Policy for the 1970's," issued in May 1971, by the Department of Health, Education, and Welfare made a strong reference to the physician maldistribution situation:

As in the measures of health status, the aggregate measures of health care resources hide more than they reveal.

There are, for example, large geographic variations in the ratio of physicians to population. There are 82 active physicians per 100,000 people in Mississippi, but 228 in New York. A study of 1,500 cities and towns in the upper midwest in 1965 found 1,000 without any physicians and 200 others had only one. Large metropolitan areas average 185 physicians per 100,000 people, while the average is only 76 in non-metropolitan areas. Cities, particularly the ghettos, fare far worse than the suburbs in the ratio of physicians to population. In nine out of ten Appalachian states, there are substantially fewer physicians in relation to population in the less wealthy (and generally rural) counties than there are in the wealthier counties. And the same disparity between the wealthy and poor counties, urban and rural, occurs elsewhere in the Nation.

Another part of the health care crisis then results from the large disparities in the geographic location of resources. Too many people simply lack convenient access to the services of physicians; too many communities are unable to attract physicians to practice there. Without physicians, or with relatively few physicians, hospital facilities are unused or are under-used.

Mr. President, the bill we are now considering intends to close the physician manpower gap that most reliable sources place at 50,000. While we are doing this we should be making every possible effort to improve the maldistribution problem.

I am confident that this legislation will meet its objective of completely erasing the 50,000-man shortage. However, there is a distinct possibility that even should this be accomplished, little improvement will be forthcoming in reshaping the maldistribution problem. In other words, the same areas of the Nation that now lack the kind of medical expertise needed to provide adequate health care will still lack that kind of personnel. It is a little known fact that we as a Nation are producing physicians at a rate faster than our population growth. The HEW white paper clearly documented this fact:

The supply of physicians has also been increasing faster than the growth in population. Between 1950 and 1966, the supply of physicians increased by 34 percent (against 29 percent growth in population), and between 1966 and 1970, the supply of active physicians grew at twice the population rate, yielding a change in ratios of physicians to population from 141 per 100,000 in 1967 to 155 per 100,000 last year.

So we are making consistent progress in meeting our numerical needs. Yet there still exists 134 counties in the United States without a practicing physician. I am distressed that 24 of these 134 counties are in my State of Texas. These counties, according to 1970 census figures, have a total population of 56,753. I ask unanimous consent to have printed in the RECORD at this point a listing of those counties in Texas which do not have a practicing physician.

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

COUNTIES IN TEXAS WITHOUT DOCTORS AND POPULATIONS OF COUNTIES ACCORDING TO 1970 CENSUS

Borden	888
Briscoe	2,794
Carson	6,358
Glasscock	1,155
Hartley	2,782
Hudspeth	2,392
Irion	1,070
Jeff Davis	1,527
Kenedy	678
Kent	1,434
King	464
Kinney	2,006
Lipscomb	3,486
Loving	164
McMullen	1,095
Martin	4,774
Oldham	2,258
Rains	3,752
Real	2,013
Roberts	967
San Jacinto	6,702
Sherman	3,657
Stonewall	2,397
Terrell	1,940
Total	56,753

Mr. TOWER. Medical officials in my State are extremely pessimistic about recruiting physicians for these counties despite the fact that improvement is being made in the physician-population ratio and that the number of medical schools is being doubled. Yet, they are in agreement that their effort should continue and that the Government should encourage physicians to practice in shortage areas by offering meaningful incentives.

Briefly, my amendment proposed that the first $20,000 of a physician's adjusted gross income from medical sources be tax-exempt for the first taxable year of practice in an established physician shortage area. This tax incentive would continue for 5 years on a downward sliding scale. The bill requires that a doctor practice in the physician shortage area for at least 2 years. Designation of physician shortage areas would be made by the Secretary of Health, Education, and Welfare with the advice of appropriate State agencies.

As I stated earlier, I support the changes the bill makes for making the loan forgiveness provisions more lucrative. Yet, I remain unconvinced that loan forgiveness alone will solve this problem. Since 1965, when the loan forgiveness was introduced, only nine physicians have applied for it. By supplementing my amendment to the bill's increased loan forgiveness provision, there will be a much better chance that adequate health care can be made available to those Americans who have so long lacked any access to such services enjoyed by the great majority of our citizens.

I cannot promise this body that financial rewards will provide enough incentives to redirect our health care resources to the many localities which are in such dire need of them. However, I do believe that we have an obligation as legislators to make the attempt to meet this objective. If not one single physician takes advantage of this amendment, the Federal Treasury will not lose one single cent. The tax incentive concept creates financial incentives for physicians to practice in an area where they can do the most good. However, it in no way dictates where a physician should establish his practice.

Furthermore, my proposal would use existing governmental mechanisms. It will not require the establishment of yet another bureaucracy to carry out yet another program.

It is apparent to all of us that rural areas and metropolitan core areas make up the great majority of physician shortage areas. It is also understandable that these areas would be the ones most in need even if the shortage did not exist.

Conditions in these areas both explain why the services are so greatly needed and also why they are the least lucrative for physicians to establish practice. In-

comes of Americans populating these areas are generally below the national average. Social conditions are such that the average physician would not actively seek to establish his practice there. The citizens of rural America suffer twice the amount of chronic illnesses as their urban counterparts.

Despite the fact that the nationwide physician-population ratio is improving, the number of physicians serving rural areas has declined six times faster than the population has decreased in those areas.

Rising health care costs have resulted in a greater demand on the part of the American people for better health care services. I, for one, believe that this Nation has the best health care delivery system in the world. Yet, a minority of our citizens have been left out of this system through no fault of their own.

I hope that the manager of this bill, the distinguished chairman of the Senate Health Subcommittee, Mr. KENNEDY and other members of that subcommittee share my thoughts on this matter. I hope that they agree with my contention that this is a priority problem in our health care system and that while the Federal Government appropriates billions of dollars for institutional support to medical schools, it should also do everything possible to encourage graduates of those schools to practice in areas where they are most urgently needed. By failing to do this we will certainly not get the full return on these large Government expenditures.

I ask unanimous consent that I may enter into the RECORD at this point a statement by the Senator from South Carolina (Mr. THURMOND) in support of my amendment. He was unable to be present.

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

STATEMENT BY SENATOR THURMOND

Mr. President, recently there has been an increasing interest in health care in this country. One obvious inadequacy in this area is the medical manpower gap in certain geographical areas of our nation.

Over the past several decades the population shifts in this country have given rise to an urban rather than a rural society. People have been leaving farms and moving into metropolitan areas.

Mr. President, along with this change in America's living pattern there has become an alarming decrease in the proportion of physicians to people in rural areas. Young doctors finish their internship in hospitals in urban areas and remain there. There are few incentives to lure physicians into rural areas even though these areas are the most hard-pressed in terms of available medical manpower.

Mr. President, for these reasons I support the amendment by the distinguished Senator from Texas. This amendment would provide tax incentives for physicians who begin practicing in medical manpower shortage areas. By providing a declining exemption of taxable income for the first five years of practice young physicians will have a reasonable enticement to practice in these medical shortage areas.

This tax incentive is applied only for the first five years of practice and would have no application thereafter. It would therefore work only as an incentive to begin a practice in a shortage area. After the five year period, the incentive to remain in these areas would come from sources other than tax relief. I believe that after a physician begins a practice in a rural area there will be adequate incentives for him to remain. The present problem is not that physicians are leaving these medical manpower shortage areas, but rather that young physicians are not going to these areas to begin a practice. This amendment would go a long way in alleviating this problem and I urge that it be adopted.

NARROWING THE MEDICAL MANPOWER GAP

Mr. DOLE. Mr. President, as a cosponsor of S. 579, now amendment No. 237 to the Health Manpower bill S. 934, I urge the Senate to pass this legislation to narrow the gap between the medical manpower needs of our country and the resources at our disposal to meet them.

The maldistribution of our physician resources is probably the greatest single medical manpower problem we face. The disparity in the geographic distribution of health manpower is acutely evident in both the ratios found between rural and urban areas and between the inner-city and the suburbs. In the Borough of the Bronx in New York City, the physician-to-patient ratio is 1 to 700. But in the areas served by an OEO neighborhood medical care demonstration project, the ratio is 1 to 10,000.

Although about 30 percent of the U.S. population is still rural, only about 12 percent of physicians, 18 percent of nurses, 14 percent of pharmacists, 8 percent of pediatricians, and less than 4 percent of psychiatrists live and work in rural areas.

There are 134 counties in the United States without a single practicing physician. Two of these counties, Elk and Stanton, are in Kansas. Since the number of physicians serving rural areas has declined six times faster than the population has decreased in those areas, Kansas has been greatly affected.

Many metropolitan core areas are facing doctor shortages far in excess of the rest of the country. The evidence of these shortages is everywhere. We see it in crushing workloads, rising incomes for health professionals, a quadrupling of the hospital emergency room caseload in the past 15 years, and in our increasing dependence on foreign-trained manpower. Graduates of foreign medical schools now constitute one of every three interns and residents; one of every four newly developing countries: thus, on top of our own difficulties, we create "brain drain" problems for countries with medical service shortages even more grave than our own.

Since the American population will increase by some 17 percent in the next decade, the demand for health services will continue to increase. Greater mobility and influx into central cities will add to the pressure. The profile of population distribution and that of existing health-care facilities will, increasingly, diverge, and with that divergence there will be underutilization along with overdemand. In some cases, it will be the wrong kind of demand: For example, patient insistence on treatment in an acute care facility, even though out-patient clinic care would be appropriate. There will also be duplication of services along with severe shortages.

It is not enough merely to train additional doctors; we must encourage trained personnel to practice their skills in the service setting and geographic areas where they are needed most and where they can make the greatest contribution to the health care of the Nation. This amendment provides incentives to physicians to practice in areas of the country where doctors are in the shortest supply. Those in rural and inner city areas all across the country would thereby receive the medical attention which they deserve and the gap between supply and demand of medical manpower would be erased.

The enactment of this amendment would provide a balance of our medical resources in an inter-related manner which would help in reducing or eliminating the serious health manpower shortage and maldistribution problem now faced by the entire Nation. I am pleased to cosponsor this proposed legislation and urge the Senate to approve it.

Mr. GURNEY. Mr. President, will the Senator yield me some time?

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. GURNEY. Mr. President, I would like to voice my wholehearted support for amendment 237 submitted by my distinguished colleague, the Senator from Texas (Mr. TOWER) to S. 934, the health Professions Educational Assistance Act of 1971.

Certainly we all realize the tremendous need this country has for physicians. The public health service estimates that manpower needs exceed the supply of physicians by some 48,000 doctors. The difference between available doctors and the number actually needed is even greater in certain geographical areas: specifically, inner cities and rural areas where per capita income is lowest. This amendment is designed to ease the doctor shortage in these areas where the delivery of basic health care services has become a critical need.

I strongly believe this amendment offers the best method for solving the problem. Through the incentive principle, it would encourage physicians to take up practice in areas of the country where physicians are in the shortest supply. It proposes that the first $20,000 of physician's adjusted income from medical sources be exempt from Federal income tax for the first taxable year of practice in a physician shortage area, as designated by the Department of Health, Education, and Welfare, with the advice of the appropriate State agencies. The tax incentive would continue on a downward sliding scale for 5 years. The amendment requires that a doctor practice in the area for a minimum of 2 years. The amendment, while setting forth the areas most in need of physicians, and offering a considerable incentive for physicians to practice in

these areas, in no way dictates where a physician may establish his practice.

The proposal uses existing governmental mechanisms: It requires no further bureaucracy and no building funds. It can work with other programs in both the private and public sector, and can only benefit the health manpower provisions set forth in S. 934.

Senator TOWER's amendment would make the practice of medicine in these extreme shortage areas a financially attractive investment, both for the young physician and for the Nation as a whole. Most important, it will help ease the terrific burden of those for whom adequate health care is now only a dream.

The efforts of the Health Subcommittee to bring about a more efficient distribution of the Nation's physician manpower are to be commended. I feel the addition of Senator TOWER's amendment would strengthen this effort, and I urge it be adopted.

I yield back the remainder of my time.

Mr. TOWER. Mr. President, I thank my distinguished friend from Florida for his remarks.

I am aware that this is a revenue measure and therefore it is out of order to offer it to a substantive legislative measure such as this. I did, however, want to call the attention of the Senate to the plight of maldistribution and this measure as a very constructive way to resolve it.

I yield back my time and withdraw my amendment.

The PRESIDING OFFICER. The Senator withdraws his amendment.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Connecticut (Mr. RIBICOFF).

Mr. RIBICOFF. Mr. President, the health manpower legislation now being considered by the Senate is a crucial first step toward providing a health delivery system capable of providing comprehensive health services for all Americans. Prior to the establishment of any national health insurance program, we must develop a program which will revitalize and expand our array of medical services, facilities, and personnel.

S. 934, the Health Professions Educational Assistance Amendments of 1971, would provide an extension of existing legislative authority to aid our medical, dental, osteopathic, podiatry, pharmaceutical, optometric, and veterinary schools.

As medical education costs have risen, tuition and fees are increasingly insufficient to meet educational costs. Last year a substantial number of medical schools were on the brink of financial ruin and survived only because of emergency Federal assistance.

S. 934 would provide our medical training institutions with funds to operate and incentives to expand medical school enrollments.

This legislation would do more, however, than merely extend the Health Professional Educational Assistance Act. The bill, following the recommendations of the Carnegie Commission on Higher Education and the Association of American Medical Colleges, includes an innovative "first dollar" funding approach which has been suggested by President Nixon as well as by the distinguished Senator from Massachusetts (Mr. KENNEDY).

Under this new approach medical schools would receive increased financial assistance for each additional student graduated in excess of the previous year's graduating class size. Such a plan, if adequately funded, would encourage medical schools to expand enrollment and shorten the time it takes to receive a medical education. Most experts agree that a medical school education could and should be restricted to make it a 3-year rather than a 4-year program without any loss in quality of education.

The legislation also provides urgently needed authorization for construction grant assistance for the health professions, broadened student scholarship and loan programs and institutional and project grant support for the health professional schools.

In my own State of Connecticut, this legislation will be invaluable, both to Yale, one of the finest medical schools in the country, and to the new and promising University of Connecticut Medical School, which will grant its first M.D. and D.M.D. degrees in June of 1972.

The new University of Connecticut Medical School, with adequate financing, will be enabled to initiate many of its proposed innovative concepts to restructure medical education and the delivery of health care services, including pioneer programs in general practice medicine, crisis and poverty medicine, and delivery of health services through existing medical facilities.

The Federal Government has already demonstrated its confidence in the University of Connecticut's projects and plans by providing more than $30 million in construction grants for the University Health Center, almost 95 percent of what the project was eligible for. The university has also taken over responsibility for running the McCook Hospital for the city of Hartford. The university has already spent close to $1 million for renovation of this facility and is planning to spend at least $300,000 more. The success of this renovation program for McCook is partially indicated by the university's selection by the U.S. Public Health Service as one of 95 laboratories across the country that set the standards for thousands of other medical laboratories in the United States.

We are all aware that there is no such thing as a bargain-basement medical education, yet medical schools across the Nation are being forced to cut back on substantive programs and services because of budgetary restraints, and survive from crisis to crisis through emergency relief.

S. 934 should alleviate this crisis existence and pave the way for an orderly expansion of the medial profession to meet the growing health care needs of this Nation.

This vital legislation also reognizes and deals with the severe geographic and specialty maldistribution of physicians. While it is generally believed that there is an overall shortage of some 50,000 doctors, the real problem is specialty and geographic imbalance.

In both rural and inner-city areas the ratio of physicians to population is declining. New doctors are not replacing those who retire from practice in these areas.

In over one-third of the Nation's counties there is only one physician for every 1,800 people, and at least 130 counties have no physicians at all. S. 934 attempts to alleviate this geographic maldistribution of physicians by providing an incentive to practice in "physician-shortage areas." Scholarships of up to $5,000 would be made available to medical students who agree to engage in primary care medical practice in a physician-shortage area, or any type of practice, a substantial portion of which services migratory agricultural workers. One year of service would be required for each year of scholarship aid.

In addition to the severe geographic imbalance of physicians there is an increasing trend away from primary general practice medicine toward specialization. Of the 270,737 physicians engaged in direct patient care, only 57,845 physicians or 21.4 percent were engaged in general practice at the end of 1969.

Between 1963 and 1969 every State in the Union except Nevada had a decrease in general practitioners. I ask unanimous consent that the following charts demonstrating this trend be inserted in the RECORD at the conclusion of my remarks.

In Connecticut, for example, the number of general practice physicians declined 27.4 percent from 933 to 677. In 1967 in Connecticut, 37 of the 169 towns had no general practice physician. The 1969 Connecticut Governor's study committee on the family doctor shortage pointed out that the median age of the family doctor in Connecticut was approximately 58 years, while the median age of all physicians was only 47 years.

S. 934 would provide special grant authority to initiate medical school training programs in family medicine, including continuing education. This will be of special value to the new Unversity of Connecticut Medical School which is now developing a family practice specialty program.

If we do not encourage family practice medicine as a component of our health care system, we will continue to move closer to a hospital emergency room health care system which reacts only to crisis. America should not be limited to health care which provides only a "pound of cure" and ignores the "ounce of prevention."

I ask unanimous consent to include in the RECORD a series of tables and statistics.

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

STATISTICS PINPOINT NEED FOR MORE FAMILY PHYSICIANS IN CONNECTICUT

1967 DISTRIBUTION AND AGE CHART OF CONNECTICUT PHYSICIANS [1]

	State	Hartford County	New Haven County	Fairfield County	New London County	Litchfield County	Middlesex County	Windham County	Tolland County
Ratio of all physicians in private practice to the total number of people in Connecticut:									
Number of M.D.'s	1	1	1	1	1	1	1	1	1
Number of people	860	787	833	760	1,214	1,034	1,055	1,316	2,867
Number of towns and total population with no physicians:									
Number of towns	37	2	2	0	9	6	3	8	7
Total population	87,210	4,300	7,200	0	19,200	10,780	8,500	14,490	22,704
Number of towns and total population with 1 physician per town:									
Number of towns	10	2	0	1	0	4	2	0	1
Total population	26,430	5,000	0	4,400	0	8,230	6,800	0	2,000
Number of towns and total population with 2 physicians per town:									
Number of towns	10	2	1	0	1	1	1	3	1
Total population	67,100	23,000	9,690	0	5,500	1,900	6,400	13,100	7,600
Number of towns and total population with 3 physicians per town:									
Number of towns	15	1	0	3	5	5	1	0	0
Total population	90,520	5,500	0	16,220	46,400	18,300	4,100	0	0
Medium age of all Connecticut Academy of General Practice members [2]	51	55	51	49	48	52	56	51	40
Anticipated decline in the number of academy members in the next 15 years based on the experience and records of the past 5 years (percent)	37	61	38	29	32	43	46	50	25

[1] Compiled from State Health Department, AMA and CAGP records.

[2] Medium age of all physicians in Connecticut according to AMA records is between 40 and 44.

DISTRIBUTION OF NON-FEDERAL GENERAL PRACTITIONERS, BY STATE, 1963, 1967, AND 1969

State	1963	1967	1969	Percent change between 1963 and 1969
Alabama	942	868	742	−21.2
Alaska	66	64	61	−7.6
Arizona	502	509	501	−.2
Arkansas	748	667	574	−23.3
California	8,124	7,819	7,023	−13.6
Canal Zone	9	8	4	−55.6
Colorado	704	675	608	−13.6
Connecticut	933	859	677	−27.4
Delaware	161	148	131	−18.6
District of Columbia	352	295	220	−37.5
Florida	1,505	1,590	1,432	−4.9
Georgia	1,148	1,046	889	−22.6
Hawaii	221	217	197	−10.9
Idaho	293	278	251	−14.3
Illinois	4,270	3,903	3,142	−26.4
Indiana	1,898	1,791	1,654	−12.9
Iowa	1,160	1,071	905	−22.0
Kansas	850	781	658	−22.6
Kentucky	1,035	965	889	−14.1
Louisiana	1,012	948	856	−15.4
Maine	359	333	268	−25.3
Maryland	1,018	972	802	−21.2
Massachusetts	2,218	1,977	1,460	−34.2
Michigan	2,382	2,227	1,831	−23.1
Minnesota	1,412	1,326	1,212	−14.2
Mississippi	775	691	595	−23.2
Missouri	1,252	1,126	904	−27.8
Montana	282	261	234	−17.0
Nebraska	621	593	517	−16.7
Nevada	116	128	134	+15.5
New Hampshire	281	269	234	−16.7
New Jersey	2,448	2,241	1,775	−27.5
New Mexico	228	213	202	−11.4
New York	7,993	6,950	5,168	−35.3
North Carolina	1,321	1,222	1,112	−15.8
North Dakota	216	214	190	−12.0
Ohio	3,642	3,374	2,786	−23.5
Oklahoma	852	783	649	−23.8
Oregon	743	674	625	−15.9
Pennsylvania	4,622	4,263	3,437	−25.6
Puerto Rico	544	579	533	−2.0
Rhode Island	302	283	204	−32.5
South Carolina	749	724	662	−11.8
South Dakota	258	243	212	−17.5
Tennessee	1,128	1,000	874	−22.2
Texas	3,403	3,266	2,919	−14.6
Utah	313	292	260	−16.9
Vermont	186	162	137	−26.3
Virginia	1,312	1,250	1,117	−14.9
Virgin Islands	10	14	8	−20.0
Washington	1,184	1,178	1,082	−8.6
West Virginia	599	520	447	−25.4
Wisconsin	1,541	1,412	1,207	−21.7
Wyoming	153	157	121	−20.9
Pacific Islands	9	11	9	0
Total	70,405	65,430	55,341	−21.4

Mr. EAGLETON. Mr. President, I am pleased to join in supporting S. 934, the Health Professions Educational Assistance Amendments of 1971. In my judgment, this bill will be viewed in retrospect as a landmark Federal commitment to the health care of all Americans.

Improvement of the Nation's health care system has become a dominant objective of this Congress. There has been an unprecedented focus of interest on proposed Federal legislation that would work fundamental changes in the existing structure through which health services are delivered.

It is far too early to predict what will emerge from this legislative ferment, but it almost certainly portends some substantial alterations in our health care system. We have all heard the conclusions of very responsible and very respectable medical authorities that America is experiencing a crisis in health care. By definition, a crisis is a turning point—things are either going to improve or they will deteriorate. It is a point at which change is inevitable.

It is equally certain that the most ingenious plan, the most elaborate mechanism, the most refined blueprint will be of little value without an adequate supply of trained health manpower to implement it. There will be no significant improvement—indeed, deterioration is the more likely prospect—if we fail to increase the numbers, and rectify the maldistribution, of health personnel in the United States.

This lack of manpower is felt in all of the health professions. The shortage of doctors and dentists is not the greatest in absolute numbers—it is estimated that we need something in the neighborhood of 150,000 more nurses as compared to about 50,000 doctors and 20,000 dentists—but it is the shortage most acutely felt, because of the central role that physicians and dentists play in meeting health needs.

It is clear that a substantial and growing number of the Nation's medical and dental schools are in desperate financial straits. Many of them are engaged in a year-to-year battle to avoid being pushed into bankruptcy.

A number of schools, particularly the private schools, have literally begun to feed off themselves. Some have begun to exploit their endowments in order to meet on-going operating costs. Others have been forced to seek short-term loans at high interest rates in order to remain solvent. Clearly, these actions represent a slow sacrifice of the integrity of the institution. They can be sustained for only a brief period of time before the onset of deep financial crisis.

The success achieved under the present Health Professions Educational Assistance Act—despite its limited scope and even more limited appropriations, as compared with authorizations—demonstrates the significant contributions which the Federal Government can make in preserving existing schools and expanding the Nation's capacity for training in the health professions.

It has had a major impact on the education of physicians. In 1963, at the time of the passage of the HPEA Act, there were 87 U.S. medical schools with 8,772 entering students annually, a total enrollment of 32,001 M.D. candidates, and 7,335 total graduates. In 1970–71, 8 years later, the Nation has 102 medical schools admitting students—an increase of 15, with 12 more schools in development—first-year classes totaling 11,660—an increase of 2,588—a total M.D. student body of 40,333—an increase of 8,332—and a graduating class estimated to be 8,996—an increase of 1,661.

The other health professions covered by the HPEA program—dentistry, optometry, pharmacy, podiatry, veterinary medicine, and public health—have also received financial assistance and have increased their training capacity and output.

The expiration of the Health Professions Education Assistance Act has offered us the opportunity to improve and expand on this program to meet future needs. I believe that the bill we are considering today is well designed to accomplish that end.

It expands and improves the construction grants programs for new and expanded teaching facilities for the health professions.

It greatly improves the student assistance programs and increases the maxi-

mum levels of such assistance. Students who agree to practice in medically unserved areas following graduation may have their loans forgiven. I am very pleased that the committee has recommended, in accordance with my suggestion, that the rate of forgiveness be 50 percent a year of the outstanding principal or $5,000, whichever is greater.

Most importantly, the bill establishes a program of predictable support for payment of operating costs of health professions schools at an adequate level of authorized funding.

There are a number of other aspects of this bill, Mr. President, which are worthy of comment but in the interest of brevity I will address myself to two principal provisions which were included as a result of amendments offered by the distinguished junior Senator from Maine (Mr. MUSKIE) and myself.

The first, now contained in section 707 of the bill, is designed to deal with the enormous backlog of approved but unfunded construction projects for teaching facilities for the health professions. There are 56 schools—16 of them entirely new schools—with approved but unfunded construction projects that would create 2,464 additional first-year places for students of the health professions.

Under present law, the Secretary of Health, Education, and Welfare is required to obligate the entire amount of a construction grant out of funds appropriated for the year in which the grant is awarded—even though the funds are normally paid out over a period of years, depending upon the pace of construction. Under section 707 of S. 934, the Secretary would continue to make an award for the full Federal share of an approved project, but only a portion—at least one-third—of the total amount of the grant would be obligated in the year in which the grant is awarded. The balance of the grant would be obligated out of funds appropriated for ensuing years.

Hence, construction could be begun at an earlier date, hastening the completion of vitally needed facilities without any increased expenditures by either the Federal Government or the project sponsor. Indeed, costs would be reduced since inflation now adds to the cost of construction projects at an average rate of about 1 percent per month.

The other major amendment offered by Senator MUSKIE and me is contained in section 201 of the bill, which authorizes grants for graduate education of physicians and dentists. These educational costs are now usually paid indirectly by patients at teaching institutions, even though they are in addition to normal patient care expenses. Other sections of S. 934 provide institutional support to medical, dental, and other schools of health professions to help pay for undergraduate training. In the case of most physicians and some dentists, a period of graduate training as interns and residents is equally as essential as undergraduate training before they qualify to practice. The committee has followed the recommendation of the Carnegie Commission in adopting our amendment to provide assistance to teaching institutions to help meet the additional costs involved in providing such training.

Mr. President, many members of the Committee on Labor and Public Welfare worked long and hard on this bill and its excellence is a result of their efforts. I do want to single out especially the chairman of the Health Subcommittee, Mr. KENNEDY, whose thoughtful concern for the health needs of all Americans and whose dedicated energy played a major part in the development of this legislation. Similarly, the distinguished committee chairman, Mr. WILLIAMS, and the ranking members of the Health Subcommittee and the full committee, Mr. DOMINICK and Mr. JAVITS, respectively, made major contributions to the bill.

I am pleased to have had an opportunity to be a part of this endeavor, Mr. President, and I strongly commend the bill to the Senate and urge its adoption.

Mr. WILLIAMS. Mr. President, we are all acutely aware of the shortages of all types of health manpower in the United States.

In 1970, it is estimated that the shortage of physicians was almost 50,000. During that same year we needed 18,000 more dentists, 8,700 more optometrists, 13,000 more podiatrists, and 10,000 veterinarians.

Not only do we have a critical deficiency in numbers of health personnel but we are faced with growing problems of maldistribution. In more than one-third of the counties of the United States there is only one doctor for each 1,800 persons. Hundreds of counties have no physician at all. And the number of health professionals in the inner-cities has been on the decline during the last decade.

Physician to population ratios also serve to illustrate the net shortage of health manpower and the uneven distribution of existing manpower. In 1965, according to the World Health Organization, the United States had 148 doctors for every 100,000 persons. Yet, eight nations of the world had better physician/population ratios, including Israel, the Soviet Union, Italy, Germany, and Argentina.

What are the reasons for this growing problem?

The increase in the Nation's population has certainly aggravated the scarcity. Higher incomes enable us to demand more and better services. Medicare and medicaid programs have spurred increased calls upon existing medical personnel. And there are many other causes which could be cited as contributing to the need for more health manpower.

Over the past 8 years the Federal Government has recognized a clear obligation to provide assistance to meet these needs. In 1963, the Health Professions Educational Assistance Act was enacted into law to provide the assistance necessary to the education of health professionals in medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, and veterinary medicine. From an authorization of $30.1 million in fiscal year 1964 the HPEA has grown to an authorization of $435 million and appropriations of $296.5 million for fiscal year 1971 in the form of grants for the construction of teaching facilities, grants for institutional and special projects to improve and expand teaching programs, and loans and scholarships for students in financial need in the health professions.

Since this program was begun we have witnessed its significant impact in helping to meet our demand for health personnel. During that time the number of graduating physicians has increased by more than 23 percent. Graduates from dental schools has risen by 18 percent. Sixteen new schools of medicine and osteopathy opened in the 1960's as compared with six in the 1950's and only two in the 1940's. And this is only a partial list of the many accomplishments under this legislation.

Earlier this year, Senator KENNEDY and I introduced legislation to substantially expand and improve the Health Professions Educational Assistance Act which expired on June 30 of this year. After 3 days of hearings and extensive work on the part of the Labor and Public Welfare Committee the bill is before the Senate today. This legislation is designed to establish a coherent and comprehensive Federal role with regard to the education of health manpower in the United States. The committee has set a goal of increasing the supply of health professions personnel, developing new kinds of health personnel, encouraging new modes of practice to broaden the capacity of existing types of health manpower, and improving the distribution of health professionals while at the same time assuring the preservation and financial stabilization of one of our precious national resources—the schools of the health professions.

The bill—

Consolidates, extends, and increases the scope of grants for construction of health research, education, and library facilities; and establishes an additional program of loan guarantees and interest subsidies for such construction;

Extends and increases the maximum level of direct student loans, and student scholarships, and adds a program of loan guarantees. All student assistance includes incentives for practice in medically underserved areas;

Establishes awards based on enrollment to which health professions educational institutions are entitled. The award is intended to stabilize the institutions financial status while offering incentives for increased enrollments and shortened curriculums:

Adds "new start" grants for schools of medicine, dentistry, and osteopath, and grants for the conversion of existing 2-year medical schools to offer courses of study leading to the M.D. degree;

Extends and broadens project grant authority to authorize health manpower initiative awards directed toward solution of critical health manpower problems;

Establishes a separate authority for grants to schools in financial distress;

Establishes awards based on enrollment for postgraduate medical and dental education;

Adds a new program of grants to hospitals and other health or educational entities for training in family medicine;

Adds a new program of grants to capitalize on the potential of computer tech-

nology for extending health manpower capability;

Adds several programs aimed at bringing manpower to medically underserved areas; and

Directs studies of the costs of educational institutions and hospital construction.

There are numerous important new provisions contained in this bill. Each one of these strengthens existing programs or provides innovative approaches to improve the quality of health manpower education. But perhaps the most vital section of this legislation deals with grants to the educational institutions themselves.

In recent years 60 schools of medicine and 22 schools of dentistry have received substantial support on the basis of financial distress. The programs offered by all the health professions schools have become more complex and more costly due to more sophisticated medical practices and higher costs of equipment and supplies. Overall almost 50 percent of medical schools' expenditures are supported by Federal research grants and yet in recent years these awards have declined or have been growing at a pace slower than the rate of inflation. Most institutions are experiencing a relative decline in endowments and other nontuition income. And this situation has brought a great many schools to the point of bankruptcy.

At the same time that the financial crisis has been growing, so too has the need for increased numbers and kinds of health services personnel. Thus the health professions schools will only be able to respond to the demand if they are assured a predictable level of Federal financial support. This assistance must be adequate to permit the schools to stabilize their financial situations while assuring that education remains within the students' ability to pay for their education.

No health program in the United States can ignore the fact that we must have the manpower necesasry to make the system work. With the crisis in health care which we face we must be willing to pay the price to get the job done.

To meet the need this bill entitles each institution to an award of approximately one-third the average costs per student incurred nationally by the institutions. Concommitantly, the schools should be willing to make a reasonable effort to respond to the crisis by increasing enrollments, reducing the time necessary to complete a course of study, and taking other steps to increase the supply of health services personnel and by improving, expanding, and modernizing educational programs. This is both a responsible and necessary approach to a critical problem.

There are other important sections of this bill which also bear on the question of institutional support and incentives for establishing creative educational programs. There is a separate authorization in the legislation which is designed to provide assistance to those schools which are finding it increasingly difficult to meet their costs of operation. This authority is premised on the expectation that the institutional support formula will eventually put health professional schools on sound financial ground, but until such time they must be bailed out while their fiscal problems are being solved. In addition, we have provided for special project and manpower initiative awards which will furnish the opportunity for improving the distribution of health personnel and develop new kinds of manpower needed for changing patterns of health care. Significantly, this program will for the first time be available solely for encouraging productive changes we all seek in health education rather than using the funds for schools in financial distress, as in the past.

Two other programs in this bill are worthy of specific mention. The first is an institutional support payment to schools which undertake programs to train physician's assistants, dentist's assistants, and other professions assistants in the same educational mileu in which physicians and dentists receive their education. Over 50 of these programs are being developed throughout the United States and I think that providing a support program for this kind of training is in the highest interests of developing a more efficient and effective health system.

The second program implements a Carnegie Commission recommendation that the Federal Government assume a portion of the costs of postgraduate medical and dental education. The costs of educating these graduate students—our interns and residents—have too long been assumed by schools and hospitals and even by the patients themselves. It is my view that because this is an integral part of the education of doctors and dentists the costs should in part be borne by the Federal Government rather than solely by the patients in our hospitals or the contributors to the schools.

Mr. President, it has taken a great deal of energy and imagination to fashion this landmark bill. And every member of the Labor and Public Welfare Committee spent many hours giving thoughtful consideration to the new directions embodied in the Health Professions Educational Assistance Amendments of 1971. I have the highest praise for the work of Senator KENNEDY, chairman of the Health Subcommittee, whose insight and diligence resulted in the expeditious disposition of the legislation. The passage of this bill will be a great tribute to his pioneering efforts in bringing quality health care to every citizen in America. Senator CRANSTON'S fine work must also be complimented for it was his creativity which helped the committee resolve how to best handle the difficult problem of providing a responsible institutional aid formula. And, of course, Senator JAVITS and Senator DOMINICK deserve our thanks for their splendid contributions in the committee's consideration of this measure.

There is general agreement that we face a crisis in health care in the United States. When the Chinese write the word "crisis" they do so in two characters—one meaning danger, the other, opportunity.

Certainly we are in danger of not being able to fulfill the health manpower needs of the Nation. But, with the enactment of this bill today, we will have the opportunity to assure that America's system of health care is the best in the world.

Mr. McINTYRE. Mr. President, I shall vote with enthusiasm for S. 934, the Health Professions Educational Assistance Amendments of 1971." I am confident that passage of this legislation will result in a significant expansion of our health manpower.

As you know, Mr. President, I have developed a deep interest in the current health care crisis. On April 5, I introduced my National Health Care Act of 1971 which is directed at improving both the financing and delivery of health care. I believe comprehensive legislation of this kind is necessary if we are to guarantee quality health care to all Americans. As all of you are aware, a number of alternative proposals have been offered on national health insurance—by the administration, Senator KENNEDY, and others. I welcome the current debate on the merits of various approaches and I feel confident that some form of national health insurance will emerge in the near future.

The legislation before us bears an important relationship to national health insurance. It is clear that any national health insurance plan will have the effect of greatly increasing the demand for health services as more and more people are given access to comprehensive health care. In view of the current shortages of health manpower, I do not believe the system will be capable of meeting this new demand. Unless we take steps now to fill in the gaps in health manpower, our health resources will be strained to the breaking point. The unfortunate experience we encountered after medicare was enacted will be repeated, only on a much larger scale. The expectations of insurance beneficiaries will not be met and an unprecedented escalation in medical costs will occur.

To prevent this eventuality, I recommended in my National Health Care Act an expenditure of over a billion dollars in the first 2 years to "beef up" our health resources However, I certainly support beginning this "beefing up" process immediately so that when national health insurance is enacted, the health care system will be ready and able to welcome its new clients. S. 934 makes an important contribution toward this effort.

I am especially pleased to see that this legislation incorporates my recommendations for encouraging medical personnel to practice in rural or medically deprived areas.

In March of this year, I introduced the Community Health Act which authorized the Federal Government to repay in full the educational debt of any physician who agreed to practice for 3 years in an area designated by the Secretary of HEW as having a physician shortage. S. 934 approximates this legislation by providing a 50-percent loan forgiveness to a physician who agrees to practice in a shortage area for 1 year and a full loan forgiveness if he practices in a deprived area for 2 years. S. 934 contains a number

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of other features which promise to relieve the critical problem in rural or ghetto areas.

Mr. President, while we may honestly debate whether or not there is a physician shortage in this country, we cannot dispute the fact that there is severe maldistribution. Large geographic variations exist in the ratio of physicians to population.

There are 82 active physicians per 100,000 people in Mississippi, but 228 in New York. A study of 1,500 cities and towns in the upper Midwest in 1965 found 1,000 without any physician, and 200 others had only one. Large metropolitan areas average 185 physicians per 100,000 people, while the aveage is only 76 in nonmetropolitan areas. Cities, particularly the ghettos, fare far worse than the suburbs in the ratio of physicians to population. In nine out of 10 Appalachian States, there are substantially fewer physicians in relation to population in the less wealthy—and generally rural—counties than there are in the wealthier counties. And the same disparity between wealthy and poor counties, urban and rural, occurs elsewhere in the Nation.

I feel I can speak with authority on the problem because my own State of New Hampshire is severely affected. In 1959, there was one doctor for every 720 people in New Hampshire; in 1960, there was one for every 755 people, and today there is only one doctor for every 826 people. Even with this poor ratio, the doctors we do have are not well distributed throughout the State. The New Hampshire Medical Society reported not long ago that member doctors now are located in only 97 of the State's 235 communities. And I quote the society to the effect that this means there are 138 communities with no resident doctor, as contrasted with 1922 when there were 90 such communities.

I ask unanimous consent to have printed in the RECORD a table illustrating the discrepancies among States so far as the number of physicians relative to population is concerned.

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

RATIO OF PHYSICIANS TO POPULATION, INTERSTATE COMPARISONS

PHYSICIANS PER 100,000 POPULATION

New York	219
Massachusetts	199
Connecticut	178
Colorado	177
California	173
Vermont	170
Maryland	169
Rhode Island	155
Pennsylvania	154
Minnesota	143
Missouri	142
Michigan	141
Washington	141
New Jersey	139
Oregon	139
Ohio	136
Delaware	135
Hawaii	135
Illinois	133
Florida	132
Arizona	129
Utah	129
New Hampshire	126
Wisconsin	119
Maine	116
Nebraska	114
Iowa	113
Kansas	113
Texas	113
Virginia	113
Oklahoma	111
Tennessee	111
Louisiana	109
Nevada	103
North Carolina	100
Georgia	99
Indiana	99
Montana	99
West Virginia	98
New Mexico	97
Kentucky	96
Wyoming	96
Idaho	91
North Dakota	91
Arkansas	81
South Dakota	81
Alabama	79
South Carolina	77
Mississippi	73
Alaska	71

The contrast is most striking when we compare New York with a ratio of 219 physicians per 100,000 people with Alaska where the ratio is 71 doctors for every 100,000 people.

I want to emphasize that while this chart does reflect the differences among States, it does not indicate the disparities existing within States. In 1969, for example, there were 134 counties in this country with no active physician. In poor parts of New York City, the ratio of physician to population is as bad and occasionally worse than in rural Mississippi.

Chilling statistics exist to document the effects of these doctor shortages. There is a slum neighborhood in Boston where infant mortality exceeds the level of the Biblical plague inflicted on ancient Egypt, when every 10th newborn child died. The infant death rate of 111.1 per 1,000 live births, or one out of every nine, in this section is five times greater than the national average, more than four times the average for the city of Boston as a whole and more than 15 times the average for a nearby affluent suburban community which has only 7.2 infant deaths for every 1,000 births.

The prematurity rate, a major consequence of inadequate prenatal care and a leading cause of death shortly after birth, is 75 percent higher for the south end of Boston than for the city as a whole. The death rate from tuberculosis, which with proper treatment is now generally curable is more than seven times as high.

I recognize that a physician shortage is only one aspect of the health problem facing poorer areas. Even where good health care is available, the poor are often closed out of the system either because they cannot pay, or, equally significant, because of cultural and psychological fears.

I believe these barriers must be broken down. My own National Healthcare Act would remove the greatest obstacle—the financial one—and would make quality health insurance available to the poor at no cost and to the near poor at a cost they can afford.

But I also believe that relieving the physician shortage in medically deprived areas should be a first order of business. Helping people pay for more care does little good unless more care is available. S. 934 makes important provision toward insuring the availability of this care. Therefore, I urge all of my colleagues to join with me in approving this bill.

Mr. BEALL. Mr. President, I am pleased to cosponsor and support S. 934, the Health Professions Educational Assistance Amendments of 1971.

National attention has rightly focused on the health care crisis in the country. While there is much that is right about our medical system, there is also much that is wrong. Almost 2 years ago, President Nixon warned that the American health care system faced a "massive crisis." In his health message submitted in February of this year, the President reiterated that warning and added that the "crisis has deepened."

The crisis can be seen in the spiraling medical costs, the manpower shortages and their maldistribution, the uneven distribution of medical services among various sectors of our society, and the gap between available medical knowledge and its delivery to the patient. Providing quality health care to our citizens wherever they live and at a price they can afford is a challenge facing the health care system, Congress, and the Nation.

I believe that we will be solving the financing part of the health care crisis either in this Congress or certainly in the next Congress, at the latest. The result will be that greater demand will be made on our medical services. That is why we need to take action now to assure adequate manpower and facilities to meet the increased demands. This will be true no matter what decision we reach with respect to the method of financing health care. While medicare has been a blessing to many senior citizens, it nevertheless demonstrates the need to increase the supply of medical manpower when we add significantly to the demand side. A decision on the financing of health care will obviously do that. It is incumbent upon Congress to take those steps necessary to make certain that we do not repeat the mistakes we made when we enacted the medicare program.

MANPOWER SHORTAGES

Mr. President, there exists in this country today a great gap between the medical manpower needed and the manpower available. For example, it is estimated that today the Nation is short 50,000 medical doctors. Shortages also exist in other health professions areas. The aim of this measure is to provide the Nation with an adequate supply of doctors, dentists, osteopaths, pharmacists, optometrists, podiatrists, and veterinarians.

Nurses also are a vital part of the health team and we have handled the nurse manpower situation in another bill, S. 1747, "Nurses Training Amendments of 1971," which I also cosponsored, and which will be considered by the Senate also.

The health professional is the key to improving health care in this country. Without them, no system will work properly. That is why the bill is so important and why it is being considered first.

BILL'S PROVISIONS

The comprehensive bill before the Senate today authorizes matching grants and loan guarantees for the construction of medical facilities; provides substantially increased institutional support to the health profession schools, authorizes incentives for the shortening education programs and for increased enrollment; creates a program to encourage family medicine; encourages greater utilization of computer technology; authorizes special project grants for programs to improve manpower distribution, brings about curriculum reform, encourages greater utilization of paramedical personnel, and for new approaches in health care organization and delivery; and extends and improves the health profession student loan and scholarship programs, including the incorporation of a bill, S. 790, "the physician shortage area scholarship program" which I introduced in the Senate earlier this year.

Since the other provisions of this bill will be discussed in detail by the bill's manager, and my other colleagues on the committee, I want to discuss this provision at some length.

BEALL AMENDMENT INCLUDED

S. 790 was introduced by me on February 17 of this year and was cosponsored by Senator DOMINICK and approximately one-quarter of the Senate membership. As incorporated into S. 934, the physician shortage area scholarship program is substantially the same as the original bill with the major exception being the deletion of the fellowship program. I ask unanimous consent that at the conclusion of my remarks the text of the physician shortage area scholarship program be printed in full in the RECORD.

Under this program, 3,500 scholarships, up to $5,000 each, are authorized over a 5-year period to young men and women who agree to serve in physician shortage areas. Five hundred such scholarships will be available in the first year, increasing to 900 by the fifth year. This area may be in rural Appalachia, in a urban poverty area, or among migrant farmworkers. For each year of the scholarship, 1 year of service in a shortage area is required. A student, participating in the scholarship program, who subsequently does all of his postgraduate work in a medical scarcity area, is relieved of 1 year of his service obligation.

If a scholarship recipient fails to honor his commitment, the scholarship is in effect converted to a loan and the individual is required to repay to the Government the value of the scholarship plus interest at the commercial market rate. If the program works, we will have taken important action in helping to solve the maldistribution problem; if it does not, the Government will not lose a cent.

The physician maldistribution problem is one of the most serious problems confronting the country and it is one of the most difficult to solve. That is why I believe that this program, which is specifically designed to respond to this problem, is so important. For the many doctor-shortage areas of the Nation, I believe it is imperative that this program be retained in the final bill. As I mentioned earlier, we need 50,000 doctors in the United States today. This gross national statistic does not adequately convey the gravity of the situation in many rural and urban areas of this country. A 1970 AMA study of the distribution of physicians indicated that there were 134 counties in this country lacking a single physician. While no Maryland county was on that list, there are many Maryland counties which are in dire need of additional physicians.

Obviously there are many more communities than counties in the country without a single physician or without an adequate number of doctors. Although there is not a great deal of information available on individual communities lacking doctors, research that is available indicates that a great need exists. For example, a 1960 survey of over 1,600 towns and cities in Minnesota, North Dakota, South Dakota and Montana identified 1,000 towns as not having a single physician, and an additional 224 towns with only one physician.

One physician counties or communities are likely to become no-physician towns or counties unless action is taken. This is true because the age of physicians in these rural communities tends to be higher. For example, in rural Appalachia 65 percent of the physicians are over 50 years of age. In West Virginia over the last 10 years approximately 60 communities of a population of less than 10,000 have been left without a doctor as rural practitioners retire and younger doctors are not found to replace them. Thus, there is a need for providing incentives for young physicians to go into these communities.

Just as this program is direly needed by rural America, it is also needed by the inner-city area. A 1970 study of the metropolitan area of Baltimore identified 16 census tracks in the inner city which were totally lacking in primary care physicians. These census areas served approximately 174,000 people, most of whom were economically disadvantaged. I believe that the bill, which is incorporated into S. 934, will effectively respond to the maldistribution problem in both the rural and urban shortage areas. The program establishes a unique priority system for selecting students for the scholarship program.

PRIORITIES FOR SCHOLARSHIPS

The first priority is granted to individuals from lower income families who live in a physician-shortage area and who agree to return and practice in such area.

The second priority is given to individuals who reside in a physician-shortage area who agree to return and practice in such area.

The third priority is allocated to individuals from lower income families who, although residing in an area where there is not a physician shortage agree to practice in any physician-shortage area.

The final priority would go to individuals, not lower income, who do not come from an area of physician shortages, but who agree to practice in any physician-shortage area.

Mr. President, there are two primary purposes for the system of priorities for selecting eligible students for scholarships under the bill.

First, the evidence supports, what commonsense tell us, the hypothesis that persons from physician-shortage areas are more likely to return to and remain in such areas and practice medicine.

The results of an American Medical Association's survey published in 1970, questioning physicians on the factors that influence their decision to practice in a certain area gives support to the bill's priorities. This survey found that over 45 percent of the physicians indicated that they were practicing in or around the town in which they were raised. The survey also revealed that 49 percent of the physicians raised in small towns were practicing in communities of 2,500 or less. An equal percentage of doctors raised in nonmetropolitan communities of 25,000 or more were practicing in cities of that size. The AMA survey confirmed previous studies which had indicated that:

Physicians who practice in small towns are more likely to have a rural than urban background.

The AMA study concluded that:

Physicians recruitment for rural areas would be enhanced if more young men with rural backgrounds were encouraged to enter the medical profession.

Continuing, the report had this to say about the influence of a doctor's origins or his place of practice:

Physicians who practice in small towns are more likely to have rural rather than urban backgrounds . . . rural physicians have predominantly rural backgrounds and metropolitan physicians generally had urban locations during their youth.

If we can persuade young men and women to practice in physician-shortage areas, the evidence indicates that most are likely to remain. The AMA study on this point states that:

Once a physician establishes a practice he is not likely to move.

This survey found:

At least 63% of the physicians had not moved from their original practice location. This percentage was consistent regardless of the community size. A more detailed breakdown of the area showed that about one-fourth of the physicians in non-metropolitan areas had practiced twenty years or more in the same place.

This measure is then drafted to give priorities to lower income and other individuals from physician-shortage areas because it is felt that these individuals are more likely to return and remain in the areas in which they were reared.

The second advantage of the priorities established by the bill would be that it would have the effect of attracting and making it possible for more minority and lower income individuals to go to medical school. Across the country there has been a concern over the poor representation of the minority groups in our medical schools. Only recently the University of Maryland took steps to enlarge their minority representation among its medical students.

Another important feature of the legislation is that it would encourage students to practice primary care, including family medicine. In 1931, three out of

four of the Nation's doctors were engaged in famly practice. In 1967 only one out of five were in general practice. In Baltimore City, only 9 percent of the practicing physicians are in family practice. Indications are that this trend toward specalization and away from general practice is continuing. The Millis report found only 15 percent of the medical students graduates planning to enter general practice.

Steps taken in recent years show some promise of reversing this trend away from general practice. For example, the American Board of Family Practice has been created. In addition, there is included in this bill provisions to encourage family medicine. I believe that these actions will be a further incentive for medical students to specialize in the practice of family medicine and should encourage medical schools to focus anew on the family physician.

Mr. President, much has been written regarding the idealism of today's young men and women. The medical student is no exception. We are told that the new breed of medical students wants the opportunity to serve their fellow citizen. My program would provide them with this opportunity. In addition, the priority scheme will not only give them an opportunity to serve but it will provide them the chance to serve and minister to the health needs of citizens, often their friends and neighbors, in the physician shortage area wherein they grew up.

I know the Appalachia area of my State well. It is my home area. I know the young men and women who live there and, I believe, they, as well as similarly motivated students from other areas of my State and the Nation, will confirm my faith in them by making this program work.

I am convinced that this proposal is the most important provision in the legislation to deal with the Nation's maldistribution problem. By granting priorities to individuals from the shortage areas to accept the scholarship conditioned on their making a commitment to serve in such areas, I am convinced that the probability of its success is good.

Mr. President, to solve the health care crisis we must expand our medical manpower and encourage doctors to locate in shortage areas. For if we fail to solve this problem, our goal of quality health care to all Americans, wherever they live, and at a price they can afford, will elude us. As Dr. Egeberg has warned.

I don't care what Congress does with medical care, Medicaid, and all the other programs, nothing is going to improve the country's medical system until we get more doctors.

In summary, I believe my proposal will significantly respond to some of our medical manpower problems. It will encourage primary care, including family medicine. It responds to the maldistribution problem. It will make it possible for more lower income minority individuals to enter our medical schools.

Mr. President, I believe that S. 934 will provide us with the key, the necessary medical manpower, for improvement in our medical system. The passage of this medical manpower measure does not end legislative action in the health area; but, it will make possible the objectives of other health proposals which will follow. I urge its enactment.

Mr. President, I ask unanimous consent that a summary of the provision of S. 934 be printed in the RECORD.

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

SUMMARY OF S. 934

1. Authorizes $200 million for fiscal year 1972 for grants to 75% (85% in unusual circumstances) for the construction of facilities for teaching, continuing, or advanced education, medical libraries, and for research facilities in the sciences-related to health. Amount authorized increased $25 million each year until by the end of the 5th year, $300 million is available for such purposes.

2. Authorizes Federal loan guarantees up to 90% of the principle plus interest for medical facilities. In addition, the bill authorizes interest subsidies to reduce by not to exceed 3% a year the net effective interest rate on the loan.

3. Authorizes student loans up to $3,500 annually with a provision for cancellation of up to 50% or $5,000 whichever is greater, for service in medically underserved areas.

4. Authorizes general institutional support of varying amounts to the health professional schools. The formula for allocating such assistance provides for basic $50,000 grant plus the amount obtained by multiplying the number of students enrolled times $4,000 for medical schools, dental and osteopathic, $1,000 for schools of optometry, $600 for schools of pharmacy, $900 for schools of podiatry, and $2,000 for schools of veterinarians.

A bonus is provided for increased enrollment. In addition, the bill provides the incentives to shorten the education program of schools of medicine, osteopathy and dentistry. The bill also authorizes capitation grants for physicians, dental and other health professions assistants.

5. Authorizes $150 million for fiscal year 1972 for special projects grants. This amount is increased by $15 million yearly until by fiscal year 1976, $200 million is authorized. These grants are for the improvement of the distribution, supply, and quality of health professionals, and for better utilization and greater efficiency of health personnel in the health delivery system. Grants would be for such purposes as to develop new education programs in health professions; for significant enrollment expansions; curriculum reform; training paramedical personnel; computer technology; new approaches in health care delivery; and programs emphasizing preventive medicine at medical and other health professional schools.

6. Authorizes scholarship grants to health profession schools for students from low income families or students in exceptional financial need.

7. Continues the emergency financial distress provisions for medical schools experiencing "severe financial stress".

8. Authorizes $25 million in the initial year for grants to schools of medicine and osteopathy for training and fellowships in family medicine. For this purpose $15 million is authorized the first year and the sum is increased each year until by the 5th year $85 million is authorized.

9. Authorizes $25 million annually for a 5 year period for computer technology demonstration programs.

10. Establishes a National Health Manpower Clearing House to match the medical manpower with community needs.

11. Directs Secretary of HEW to use his best efforts to assign public health service physicians to counties lacking a single doctor.

12. Authorizes the "Physician Shortage Area Scholarship Program," authored by Senator Beall, which provides for 3500 scholarships over a five year period to young men and women who agree to serve in physician-shortage areas.

Mr. BYRD of West Virginia. Mr. President, Senator SYMINGTON, who is in Sibley Hospital where surgery was performed successfully yesterday on a tendon in his right hand, will return to the Senate tomorrow or Friday. Senator SYMINGTON had prepared remarks in support of the pending health manpower bills and I ask unanimous consent that his comments be printed in the RECORD at this point.

There being no objection, the statement by Senator SYMINGTON was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STUART SYMINGTON: INCREASE IN HEALTH MANPOWER ESSENTIAL FOR IMPROVED MEDICAL SERVICES

Mr. President, in the long run, the legislation the Senate considers today can have a major impact on efforts to meet the health and dental care needs of Americans. Although the ratio of practicing physicians to population has risen from 141 for every 100,000 American residents in 1950 to 155 in 1970, still there is an estimated shortage of 50,000 physicians. Many small towns, rural and inner-city areas in severe need of medical manpower services.

Dentists too are unevenly distributed throughout the United States and their ratio to population has fallen in the last twenty years.

Without a steady resolve and a firm commitment, financial and otherwise, to train a sufficient number of doctors, dentists, and other health professionals, our nation cannot hope to cope in narrowing the dimensions of the health care needs of our expanded and expanding population.

It naturally follows that to realize that goal, medical, dental, and other health educational systems should be strengthened so as, in some cases to assure survival for some schools and eventually to assure that enrollments can and will be expanded in all schools.

Already in Missouri we have lost the dental school of Saint Louis University and that has been a loss to our State as well as to the nation. Twenty-two states presently have no fully operating dental school so we are fortunate to some degree in having two remaining dental schools—the University of Missouri at Kansas City and Washington University School of Dentistry in Saint Louis.

Currently the latter school has been on a trial period with its parent university to determine whether it will be permitted to continue and it now receives no financial contributions from Washington University but operates on the basis of gifts, clinical fees, and the financial assistance furnished by federal government. I am advised that without the continuance of the federal financial support as provided in S. 934, inevitably the School of Dentistry would be phased out.

Through federal assistance, the University of Missouri School of Dentistry has been able to increase its enrollment to 150 students entering the first year class. Federal assistance now amounts to about 18% of the school's operating income. Without these federal funds, the quality of education provided by the University of Missouri School of Dentistry would deteriorate.

The legislation to extend and expand the scope of the Health Professions Educational assistance program provides a basic grant of $50,000 to eligible schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry and veterinary medicine. In addition, each eligible school would receive further funds based on the number of full-time en-

rolled students. To encourage expanded enrollments bonus awards are made for the schools that increase the number of their students. Incentive grants are made also to schools of medicine, osteopathy, and dentistry that have programs to accelerate the completion of studies in a three-year period.

For the purposes of these institutional grants, the bill authorizes appropriations of $426 million for fiscal year 1972 with incremental annual increases reaching $513 million in 1976. Construction funds are also provided.

I support also the funds authorized in the bill for medical student loans and scholarship grants. Because professional health education is highly expensive, if qualified students from middle income and minority families are to become doctors and dentists, it is essential that student loans and grants be made available.

The legislation also recognizes and seeks to change the uneven distribution of medical manpower by providing for special scholarships and partial forgiveness of loans to those students agreeing to practice in those rural and inner-city areas where there are acute shortages of medical manpower.

The separate bill, S. 1747, to provide a new program of similar institutional grants to schools of nursing and to extend and broaden the authority for nursing scholarships for students in need also has my support.

By strengthening our health educational systems, by providing assistance for students in medical and allied health fields, this legislation marks an important step towards increasing health manpower so that the rising demand for medical services may better be met.

Mr. MATHIAS. Mr. President, I send an amendment to the desk, which I offer on behalf of myself and the Senator from Michigan (Mr. HART), and ask to have it stated.

The PRESIDING OFFICER. The amendment will be read.

The second assistant legislative clerk read the amendment, as follows:

At the end of the bill, add the following new section:

PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX

SEC. 212. Title VII of the Public Health Service Act is amended by adding after part H thereof (as added by section 207 of this Act) the following new part:

"PART I—GENERAL PROVISIONS

"PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX

"SEC. 799K. The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this title to, or for the benefit of, any school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school or training center will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this title with any such school or training center unless the school or training center furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs."

Mr. MATHIAS. Mr. President, I ask unanimous consent that the names of the Senator from Kentucky (Mr. COOK), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Indiana (Mr. BAYH) be added as cosponsors of the amendment.

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

Mr. MATHIAS. Mr. President, I am pleased to join the distinguished Senator from Michigan (Mr. HART) in sponsoring amendments to the health manpower training bills, with the goal of assuring qualified persons greater opportunities to enter medical professions regardless of sex. The amendments, recently passed by the House of Representatives, are designed to prohibit discrimination on the basis of sex in the admission of medical training programs conducted by institutions receiving Federal grants.

At a time when Congress is responding to the urgent need for more medical personnel, a question we are considering today, we should also lay to rest the restrictive notions that medicine is a man's profession and that nursing is a woman's role. While over 50 percent of our entire population is female, less than 7 percent of the doctors in this country are women. We should recognize the vital role that women physicians could and should be playing, but up to now have been denied, due to apparent discriminatory practices of some of our medical schools. We should also look to the future. We can anticipate a marked increase in male applicants to nursing training programs, as corpsmen and other medically experienced veterans return from Vietnam. With a critical shortage of nurses, these men should be encouraged to enter the nursing profession, and the financial imperatives of their situations should be recognized and their needs met.

I am pleased that one of my constituents, Dr. Frances Norris of Chevy Chase, president of the Marvland chapter of the Women's Equity Action League and chairman of its national committee on medical education, has plaved an instrumental role in focusing attention on this problem. In hearings last year before the House Special Subcommittee on Education on discrimination against women, Dr. Norris offered ample evidence, citing studies and statistics, which indicated that women have been and continue to be discriminated against in many educational institutions, particularly in certain medical schools.

For example, Dr. Norris related that while women applicants to medical schools have increased by 300 percent in 36 years, the number of male applicants has increased only 29 percent. Yet, the proportion of women accepted over this period has declined rather than increased.

American Medical Association figures for 1968 showed that out of 91 medical schools, 51 accepted less than 10 percent women in entering classes and 1: of these schools accepted 3 percent or less. Another AMA study comparing male and female applicants to medical schools between 1960 and 1968 showed that the total percentage of women entering has been limited in the last decade to between 7 and 10 percent, and that figure is decreasing.

According to testimony, a basic reason for this imbalance is that women applicants are not judged on an equal competitive basis with men according to qualification. Rather, applicants are arbitrarily separated into categories based solely on sex and equal proportions from each category are then accepted and rejected, despite the huge disparity in numbers of applicants of each sex. In most cases, the ability of women applicants is as good as or better than the men accepted. Yet because of the "sex quota" many are rejected. According to interviews with admissions officers in northeastern medical schools, women are required to have demonstrably superior qualifications showing special justification in order to gain admission to a medical school. Because of these discouraging facts, many qualified women do not even bother to apply.

The attitude and treatment of women by medical schools seems to be based on the belief that a woman is likely not to graduate or to practice once she does graduate, thereby wasting the time and resources of the medical school.

Figures given in testimony indicate that 84 percent of female medical students do graduate from medical school—as compared with 91 percent men—and that only 7 percent of the women graduated from schools since 1933 are not employed. Although half of the inactive physicians between 30 and 49 years are women, women physicians tend to practice longer past 60 years of age than men.

The situation in America compares remarkably unfavorably with that in other countries. For example, 75 percent of Russia's physicians are women. Most European countries have more advanced practices in this regard. America ranks third from the bottom in the proportion of women doctors among the developed nations.

This amendment is an attempt to abolish the artificial and unfair criteria of sex employed in admissions to medical schools, and to allow us to make the maximum use of all human resources toward meeting the rising demand for greater numbers of qualified medical personnel. The amendment calls on the Secretary of Health, Education, and Welfare to play a central role in guaranteeing unbiased and nondiscriminatory admissions policies in medical institutions by requiring that each institution give some sort of assurance that it is taking positive steps to insure nondiscrimination.

I believe that my distinguished cosponsor, the Senator from Michigan (Mr. HART), will discuss why these amendments are necessary, which is basically because title VII of the Civil Rights Act of 1964 does not cover any educational institutions.

If the Senator from Michigan would care to comment on that point at this time, I shall be happy to yield to him.

Mr. HART. Mr. President, if I may, first I commend the Senator from Maryland for giving leadership in this effort to eliminate discrimination with respect to the admission of women to medical schools and facilities.

The PRESIDING OFFICER. How much time does the Senator from Maryland yield to the Senator from Michigan?

Mr. MATHIAS. I yield the Senator from Michigan such time as he may require.

Mr. HART. I take the first minute,

then, to congratulate the Senator from Maryland for raising this question by his amendment, which I hope very much the Senate will support.

I am pleased to join with Senators MATHIAS, MCGOVERN, and BAYH in offering this amendment to the Health Manpower Training Act, S. 934. The committee has done an outstanding job of preparing this bill and bringing it to the floor. I want to congratulate the distinguished chairman and all of the committee members for their dedicated efforts.

The need for this legislation is clear and immediate. We are told there is a shortage of 50,000 doctors and that the other health professions face similar shortages. The measure before us today can help turn the tide of the Nation's mounting health care crisis by assisting in the training of many more qualified personnel and encouraging them to practice their healing arts in areas which most need their services. The aim to increase the number of such professionals and specialists will open countless new opportunities for talented young people at the same time that it offers new hope to the sick.

To make certain that these hopes and dreams are realized, we must have solid assurances that young men and women enlisted into the rapidly growing health professions are the best qualified for the job, in terms of brainpower, ability, motivation—whatever their race, color, national origin or sex. This guarantee is especially pertinent in the area of health care, a central factor in our strength and well-being as a people and a Nation.

Presently, there is a gap in the civil rights protections under the law as they apply to admission to educational institutions. The law bars discrimination on the basis of race, color or national origin, but not on the basis of sex. One might think that civil rights laws already on the books would cover admission to professional schools, but we find this is not so.

Many of us, I think, assumed that in the Civil Rights Act of 1964 we had safeguarded against discrimination against women, at least as to their admission to professional schools. The truth is that we have not, and the need for the amendment now offered arises from that omission. Title VII of the 1964 Civil Rights Act does not cover educational institutions, although it does prohibit discrimination based upon sex. Title VI of the 1964 act bars discrimination on the basis of race, color, or national origin, but not on the basis of sex. Some have thought that Executive Order 11246 would remedy this situation by adding religion and sex to the types of discrimination which are prohibited, but it has been ruled that that Executive order does not pertain to school admissions.

The amendment offered by the Senator from Maryland and joined in by several of us seeks to fill this void and to assure genuine equal opportunity for those seeking training in the field of health care. Incidentally, we intend to offer a similar amendment to the Nurses' Training Act, S. 1747, when it comes before the Senate for consideration, I would anticipate later this afternoon. Schools or training programs applying for assistance to the Secretary of Health, Education, and Welfare would be required to present firm assurances that there would be no discrimination on the basis of sex, in the admission of candidates to their health training programs. The House passed identical amendments to the health manpower and nurse training bills on July 1.

As the Senator from Maryland has outlined, there is convincing evidence to establish that discrimination against women is the rule in a substantial number of medical educational institutions. Testimony before congressional committees has indicated that medical schools and other health professions schools widely, and often openly, discriminate against women applicants, setting very limited quotas for women, accepting only the most exceptional candidates who demonstrate marked superiority.

According to the testimony there is, in all likelihood, greater discrimination against women attempting to enter the health professions than in other professional fields. Comparative figures show that between 1956 and 1965 the number of doctoral degrees awarded to women in all fields more than doubled, while the number of degrees in medicine and osteopathy granted to women had increased by only about one-third—34.8 percent—and those granted to women in dentistry had actually declined by 32.4 percent.

The Senator has made the additional point that women in the medical profession tend to serve in their profession longer than do men.

I have received word that a number of prominent women's organizations have indicated their strong support of the amendments we propose today, including the American Association of University Women, the National Organization of Women, and the National Federation of Business and Professional Women's Organizations.

Certainly we can all agree that denying any qualified individual an opportunity to pursue his or her chosen career because of race, color, national origin, or sex is patently unfair and alien to the principles of a just and free society. Particularly in the field of health care, unfair discrimination does a terrible injustice to the person seeking a career of service in the field, and perhaps an even greater injustice to the rest of us, who in time of sickness need the help and compassion of the best trained and dedicated professionals.

Given the shortage, given the increasing costs, reflecting in part the shortage, and given the general inadequacy of our medical delivery system, clearly Congress should take this step to make certain that, to the extent that discrimination based on sex is contributing to our failure to deliver medical care at a price within reach of the average American, no longer shall it exist as a bar. I hope very much, Mr. President, that the Senate will see the wisdom of accepting this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I thank the Senator from Michigan for his help in this regard, and the leadership he has exercised.

I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I should like to speak briefly to commend the Senator from Michigan (Mr. HART) and the Senator from Maryland (Mr. MATHIAS). Their amendment would prohibit discrimination on the basis of sex in the admission of individuals to the training programs authorized under these two bills.

I feel very deeply on this subject. I have had a great deal of experience in eliminating discrimination against women executives, and was very pleased one of my last years in business, to receive what they call the "Top Hat Award" from the leading women's professional organization for having more women executives than any other company of similar size, in America. Many of Bell & Howell's department heads were women, and I found them proficient and diligent. With the exception of occasional pregnancies, which is certainly an understandable excuse for absence, their performance was outstanding.

I have just looked up the figures to make certain we are giving equal attention to women in my Senate office, and I find that my Washington office has 10 female professionals as compared with 16 men professionals and 29 women nonprofessionals. Moreover, my Chicago office, which oversees 14 out of the 24 congressional districts in my State, is headed by an extremely competent woman executive.

I would also like to ask any of my colleagues in the Senate whether they have noted any difference in the performance of our wonderful girl pages, who, I think, are performing admirably. Many of the fears and concerns that were expressed before their admission to the Senate floor have already been proven false.

So I commend my distinguished colleagues, I support their amendment, I feel there is no basis for discrimination in the medical field and I trust that the amendment will be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I wish to say that this amendment would be a welcome addition to the legislation. As I understand the amendment, the Secretary would have to be assured that the various schools that are making application for grants were not discriminating on the basis of sex. I think this is a very worthwhile and valuable amendment, and I see no objection to it. I can see many reasons for it.

It has been our experience that there have been a great many more men who have made application to the various medical schools than women, and I do not know whether the sponsors of the amendment have been able to properly weigh that factor. As I understand it, if these schools receive 1,000 applications from young men and 100 from women, there is no suggested formula included in the amendment at present on what would constitute nondiscrimination in admissions. The Secretary would have to have absolute assurance

on some basis, however, that there was no discrimination against women on the basis of sex.

I think the amendment is a valuable addition, and I hope that the Senate will accept it.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. MATHIAS. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. PELL. Mr. President, I send to the desk an amendment, and ask that the reading of the amendment be waived.

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

Mr. PELL's amendment is as follows:

At the end of section 102 of the bill, add the following new subsection:

The heading to part C of title VII of the Public Health Service Act is amended by inserting immediately below "PART C—STUDENT LOAN", the following: "SUBPART I—LOANS TO STUDENTS STUDYING IN THE UNITED STATES".

(B) Sections 740, 741, 742, 743, 744, 745, and 746 of such Act are each amended by striking out "this part" each place it appears therein and inserting in lieu thereof "this subpart".

(2) Part C of title VII of such Act (as amended by the preceding provisions of this section) is further amended by adding after section 746 the following:

"SUBPART II—STUDENT LOANS BY THE SECRETARY TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

"STUDENT LOANS

"SEC. 747. (a) From the amounts appropriated to carry out this subpart, the Secretary is authorized to make, in accordance with this subpart, loans to citizens of the United States who are full-time students in schools of medicine which are located outside the United States.

"(b) Except as otherwise provided in this subpart, loans made under this subpart shall (to the extent feasible) be made on the same terms and conditions as are required with respect to loans made to students of medicine under the program established by subpart I.

"(c) (1) No loan under this subpart shall be made to any student unless—

"(A) prior to the date such student files application for such loan—

"(i) he has made application for admission as a student in a school of medicine which is located in the United States;

"(ii) he has, in connection with the making of such application for admission to such school, undergone a written examination to determine his qualifications for admission as a student in such school; and

"(B) such student furnishes to the Secretary a certification from such school that—

"(i) such student is qualified for admission as a student in such school, and

"(ii) such student was denied admission as a student in such school solely because, for the school year for which such student applied for admission to such school, the number of qualified applicants for admission to such school exceeded the maximum number of students (as determined by such school) which such school was prepared to accept for admission for such year.

"(2) No loan under this subpart shall be made to any student who has completed three years as a student in a school of medicine, unless—

"(A) such student has passed an examination which—

"(i) is prepared by a national association of American medical colleges which the Secretary recognizes as being qualified to prepare such an examination, and

"(ii) is designed to determine the qualifications of students in schools of medicine which are located outside the United States for admission (as transfer students) in schools of medicine which are located in the United States; and

"(B) such student has made application with a transfer center (sponsored by such a national association) for admission (as a transfer student) to a school of medicine which is located in the United States.

"(d) To carry out the provisions of this subpart, there is authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1972) the sum of $1,750,000."

Immediately after section 130 of the bill, add the following new section:

SCHOLARSHIP GRANTS TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

SEC. 131. (a) (1) Immediately after and below the heading to part F of title VII of the Public Health Service Act, insert the following new heading:

"SUBPART I—GRANTS FOR SCHOLARSHIPS TO STUDENTS IN SCHOOLS LOCATED IN THE UNITED STATES"

(2) (A) Section 780 of such Act (as amended by section 130 of this Act) is further amended by striking out "this part", each place it appears therein, and inserting in lieu thereof "this subpart".

(B) Section 781 of such Act is amended by striking out "this part" and inserting in lieu thereof "this subpart".

(b) Immediately after section 781 of such Act, add the following new subpart:

"SUBPART II—SCHOLARSHIP BY THE SECRETARY TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

"SCHOLARSHIP GRANTS

"SEC. 785. (a) From the amounts made available to the Secretary under subsection (b), the Secretary is authorized to make, in accordance with this subpart, scholarship grants to citizens of the United States who are full-time students in schools of medicine which are located outside the United States.

"(b) The amounts which shall be available to the Secretary for the purpose of making scholarship grants under this subpart shall be—

"(1) in the case of the fiscal year ending June 30, 1972 and each of the next four fiscal years thereafter—

"(A) an amount equal to the amount obtained by multiplying $3,000 by a number equal to one-tenth of the number of citizens of the United States who, in such fiscal year, are full-time students in schools of medicine which are located outside the United States; plus

"(B) in the case of the fiscal year ending June 30, 1974 and each of the next two fiscal years thereafter, an amount equal to the amount obtained by multiplying $3,000 by the number of citizens of the United States who, in such fiscal year, are economically or educationally disadvantaged and are full-time students in schools of medicine which are located outside the United States; and

"(2) in the case of the fiscal year ending June 30, 1977 and each of the next two fiscal years thereafter, such amount as may be necessary to enable the Secretary to continue to make scholarship grants to students who received such grants under this subpart from funds made available to the Secretary for such purpose for the fiscal year ending June 30, 1976.

"(c) Scholarship grants under this subpart shall be awarded for any school year only to students of exceptional financial need and students from low-income or economically disadvantaged families (as determined under regulations of the Secretary), and who need such financial assistance to pursue a course of study at a school of medicine for such year. Any such scholarship for a school year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses at the school of medicine in which he is enrolled, but not to exceed $3,500 for any year, as the Secretary may determine the student needs for such year on the basis of the requirements and financial resources of the student.

"(d) Grants under this subpart shall be made in accordance with regulations prescribed by the Secretary after consultation with the National Advisory Council on Health Professions Educational Assistance.

"(e) (1) No scholarship grant under this subpart shall be made to any student unless—

"(A) prior to the date such student files application for such grant—

"(i) he has made application for admission as a student in a school of medicine which is located in the United States;

"(ii) he has, in connection with the making of such application for admission to such school, undergone a written examination to determine his qualifications for admission as a student in such school; and "(B) such student furnishes to the Secretary a certification from such school that—

"(i) such student is qualified for admission as a student in such school, and

"(ii) such student was denied admission as a student in such school solely because for the school year for which such student applied for admission to such school, the number of qualified applicants for admission to such school exceeded the maximum number of students (as determined by such school) which such school was prepared to accept for admission for such year.

"(2) No scholarship grant under this subpart shall be made to any student who has completed three years as a student in a school of medicine, unless—

"(A) such student has passed an examination which—

"(i) is prepared by a national association of American medical colleges which the Secretary recognizes as being qualified to prepare such an examination, and

"(ii) is designed to determine the qualifications of students in schools of medicine which are located outside the United States for admission (as transfer students) in schools of medicine which are located in the United States; and

"(B) such student has made application with a transfer center (sponsored by such a national association) for admission (as a transfer student) to a school of medicine which is located in the United States.

"AUTHORIZATION OF APPROPRIATION

"SEC. 786. To carry out the provisions of this subpart, there is authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1972) the sum of $150,000."

Mr. PELL. Mr. President, we face a problem, in my State and in the country as a whole, of having many young men going abroad to study in medical schools who are qualified to enter American medical schools, but there is certainly not room for them. What this

amendment would do is make available to those young men the same scholarship and loan assistance that is made available to young men in the United States.

Mr. President, I do not believe I need to elaborate on the problem of the shortage of physicians in the country today. Although there may be some disagreement as to the extent of that shortage, there is no disagreement that the country needs more docors and the Congress should take steps to encourage our schools of medicine to increase the numbers of medical students they educate.

The bill before us today, S. 934, "The Health Professions Educational Assistance Amendments of 1971," provides some very generous incentives for increasing the numbers of medical students in this country. However, despite the fine provisions of this bill and despite the efforts being made by American schools of medicine to expand, I do not believe that we can expect, in the short-run, that all qualified applicants for medical doctorate degrees will find places in American medical schools.

For example, last year, despite the fact that the 103 American medical schools increased their places by 5 percent, only 10,547 persons of the 24,465 applicants were accepted for admission; and it has been estimated that at least 7,000 of these 14,000 students rejected were qualified for admission to a medical school.

Mr. President, until American schools are able to admit all the qualified medical students, I believe we must look to alternative ways of educating qualified American students. In this regard, I believe we must analyze the role of medical schools in foreign states. I believe those schools may be able to provide some assistance to us in reducing our shortage of doctors and increasing the numbers of students being educated for a medical degree.

An estimated 500 of those students for whom a place could not be found in American medical schools have been able each year to find places in foreign medical schools. Presently, there are an estimated 3,000 to 4,000 American nationals attending foreign medical schools. Of those students, approximately 150 are Rhode Island residents.

I would also note at this point that in my own State of Rhode Island, 41 percent of the doctors licensed in the past 5 years have been educated in foreign medical schools.

Recently I received a communication from three Rhode Island students attending foreign medical schools. In this letter my fellow Rhode Islanders outlined what they considered to be an unfair discrimination in the Health Professions Act with regard to American nationals studying in foreign medical schools.

American nationals studying in foreign medical schools are not eligible for any of the scholarship and direct loan assistance provided, under the Public Health Service Act, for which similar students attending medical schools in the United States are eligible.

I ask unanimous consent that this letter from these three American students studying abroad in foreign medical schools, and an article by Henry R. Mason entitled "Foreign Medical Schools as a Resource for Americans" appearing in the Journal of the National Association of College Admissions Counselors, be printed in the RECORD at this point.

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

DEAR SENATOR PELL: Within the past few years there has been a sharp increase in the demand for qualified physicians in the U.S. As is well known, there has not been a corresponding enlargement of the facilities for training physicians in this country. In fact, we read in the Providence Evening Bulletin, 6/28/71: "The medical schools in this country last year admitted only about 10,000 of the 25,000 applicants and the A.M.A. acknowledges that at least 7,000 of those rejected were fully qualified.

In view of the inability of educational facilities in this country to meet the rising demand for physicians; in particular, in view of their inability to accomodate large numbers of qualified applicants, it is not surprising to find that large numbers of students are attempting to obtain medical degrees in foreign countries with the intention of returning to the U.S. to practice. We also read in the aforementioned Providence Bulletin article: "Estimates of the Americans now forced to seek their medical education abroad because of inability to gain admission into medical schools in this country range all the way from 4,000 to 8,000. There are currently 1,046 American medical students, a bigger number than in any medical school in the U.S., in a single Mexican school, the University of Guadalajara."

Moreover a large number of American medical students can be found at Italian medical schools:

University of Bologna—850;
University of Rome—200; and
University of Padova—50.

We point out that there are approximately 150 R. I. residents studying in foreign medical schools. Consequently, in view of the above, there are a variety of difficulties to overcome, if they are to become practicing physicians in the U.S. A foreign language must be learned inasmuch as lectures, examinations, reading materials, etc. are in the native tongue. The student must adept himself to a foreign culture. Further, the course of study is generally of 6-years duration as opposed to 4 years in the U.S.

We wish to emphasize here that these students face severe financial problems. The only form of financial assistance available is the Higher Education Loan Plan under which a student may borrow up to $1500 per year for not more than 5 years.

There are no scholarships or other such outright grants of money available to these students. Contrary to popular belief, the cost-of-living in some foreign countries, such as Italy, is quite high and has been rising sharply in the past few years. A married student with one child requires an excess of $4500 per school year; a single student—$3,000.

As there are no jobs available to foreigns it is necessary to return to the States in search of summer employment. Externships, although extremely valuable to the prospective physician must be ruled out in view of the meager salaries allotted to such jobs. The student must, therefore, seek the highest-paying jobs and sacrifice clinical experience.

We would like to recommend the following to ease the burden of the American medical student studying in a foreign country: First, increase the amount borrowed under the HELP loan and also extend it to cover 6 years.

Second, make available grants and scholarships on the same basis as those given to Americans studying in the U.S.

For example: a bill has been introduced to the House and proposes to give $1200 to the student with added funds to the college a particular student attends. We suggest that a sum of $2,000 be given to a qualified student as U.S. government funds cannot be given to a foreign government school. This would enable the student to cover all educational expenses.

We believe that there exists discrimination against the American student studying medicine in a foreign country. We hope now that the barriers placed before us will be overcome with the assistance and understanding of our government.

Christos H. Erinakes, (University of Padova), 32 Ashwood Circle, Warwick, Rhode Island, 739–0206.

Stephen D'Amato, (University of Padova), Cranston, Rhode Island, 942–4443.

Alphonse Cardi, (University of Padova), Cranston, Rhode Island.

[From the Journal of the National Association of College Admissions Counselors, November 1970]

FOREIGN MEDICAL SCHOOLS AS A RESOURCE FOR AMERICANS

(By Henry R. Mason)

Last year there were 24,000 applicants to U.S. medical schools,[1] and because of the increasing number of students now going to college, it may be anticipated that the number will rise to 30,000 in the next few years. (Table 1)

Eleven thousand two hundred students were admitted to medical schools in September, 1970. Although this is 25 percent greater than it was just five years ago, and may well reach 15,000 in the next five years, there will still be a substantial number of applicants turned down by U.S. medical schools in the foreseeable future.

Many of these students rejected by the medical schools are likely to continue to turn to the foreign schools where it is estimated U.S. students are matriculating at a rate of 500 per year.[2] However, less than half of the estimated number of Americans going to foreign medical schools return to this country as qualified physicians.[3] This attrition has been discussed with a number of American students and faculty in foreign schools and its causes have been generally determined.

The largest number of Americans who opt out of foreign medical schools do so during their first year. This is the main reason why the schools that have been admitting large numbers of Americans over the years are now expecting them to enter their first year of medical school. For the Americans, this means that general biology, chemistry, and physics must be repeated. However, there is no better way for the Americans to learn the basic scientific language in French, Spanish, Italian, or German. At the European medical schools, where most examinations are oral the foreign student's greatest weakness is his inability to express himself in the language of instruction.

TABLE 1.—*Summary of Application Activity for U.S. Medical Schools Over the Past 20 Years*[1]

	Applicants	*Number admitted*
1950	22,279	7,254
1955	14,937	7,969
1960	14,397	8,550
1965	18,703	9,012
1968	21,118	9,823

[1] "Medical Education in the United States," *Journal of American Medical Association*, Vol. 210, Nov. 24, 1969, Page 1480.

The language handicap is undoubtedly the principal reason why the greatest attrition of American students in foreign schools occurs during the first year. This is often referred to as "cultural shock". The best way

to visualize the experience of "cultural shock" is to picture a 23-year-old American medical student sitting in a small restaurant in Salamanca, Spain, or Bologna, Italy, having his dinner. He has been in the country long enough to be homesick, but not quite long enough to grasp native conversation. Everyone about him is engaged in lively talk; and it might as well be Greek for he doesn't understand any of it. This can only serve to reinforce his homesickness. Imagine having to return to one's lonely room and delve into scientific study, first in English, then in the local language. Only an unusually motivated person can surmount this extreme feeling of loneliness and concentrate on his work.

A student who survives the first year improves his chances of lasting the entire medical course considerably, for after that first year, the dropout rate dips substantially. In the Swiss schools, students are permitted to repeat an examination in a given subject three times before they are finally dropped. In Italy, they have six chances; in Spain, five. Therefore, some of the more tenacious students may take as many as eight years to complete a six-year course.

After earning their degree from a foreign school, some students have not been able to pass the qualifying examination that all foreign medical graduates must take to permit them to practice in the U.S. or even take an internship or residency in a U.S. hospital. This is known as the ECFMG examination which is given in cities throughout the world two times a year. There is no limit to the number of times that a physician is permitted to take it, some having taken ECFMG as many as ten times.

Therefore, in any given year, the largest number of Americans may be found in the entering class of all foreign medical schools. During that first year, as many as 25 percent of newly enrolled Americans may drop out of a foreign school. It is not until after this first year that Americans drop out for reasons of academic failure.

As a result of research in 1968 which showed that Americans who had transferred in advanced standing to a handful of U.S. medical schools after attending a foreign school for two to five years had performed as well as their American classmates, the Division of Student Affairs of the Association of American Medical Colleges has instituted a coordinated transfer center (COTRANS).[4] Americans attending foreign schools who register with COTRANS are permitted to take Part I of the National Board of Medical Examiners (consisting of the basic sciences ordinarily taken in the first two years of U.S. medical schools) and receive a list of U.S. medical schools which have declared an interest in admitting these students to their sophomore and junior classes. A student who passes this examination stands a good chance of being admitted to a U.S. school.

The following is a brief description of 16 medical schools in Mexico, and four countries in Europe attended by over 2,300 Americans (Table 2). The information was gathered by the author during an eight-week visit to these schools in October-November, 1969 on a WHO fellowship.

MEXICO

Universidad Autonoma de Guadalajara

This is the only medical school in Mexico which seems to be interested in taking American students nowadays. The basic admission requirement is graduation from college with courses in biology, chemistry, and physics as required by most U.S. medical schools. Didactic work is currently on a four-year schedule, but a year of internship and a year of social service (employment in a rural community) are essential ingredients for a final degree.

All course-work and conversation with instructors are in Spanish. Americans are required to take special language instruction and must pass a language examination at the end of the first year to be eligible to sit for their course finals. Spanish translations of most of the well-known English textbooks are available. Americans find that they must master the course-work in two languages: first, in English, then in Spanish.

First-semester classes begin about August 15th and end in time for a three-week Christmas vacation. The second semester starts about the middle of January and ends May 15th. Presently, students are admitted at the beginning of either semester. The weather in Gudalajara is ideal almost year-round. It does get hot in May and June, but always cools off at night.

Tuition at the medical school is $800 per semester. There is no dormitory housing available. Some students live in apartments, but most find it more pleasant sharing the rental of very attractive three- and four-bedroom homes. Unmarried students can live comfortably for less than $200 a month; married students with a wife and one or two children, easily get by on $300 a month. Except for a few modest teaching positions, employment for student wives is practically impossible.

Classes at the medical school are scheduled through most of the day except between the hours of one and four in the afternoon. For instruction of preclinical courses during the first two years, classes are generally divided into groups of about 50 students. With a modest number of faculty members in each department, teaching staffs are overloaded and overworked and have no time for research. This inevitably has an effect on the quality of the teaching at Guadalajara.

University officials have been most cooperative in helping to get American students back into the mainstream of American medicine with minimum delay, first by reducing the period of didactic training from six to four years and then by permitting Americans to serve an internship in U.S. hospitals upon completing the four years of didactic education. However, this provides little consolation for Americans because they currently have no way of serving an approved internship in a U.S. hospital. They are not eligible to take the ECFMG examination until they fulfill all of the requirements for medical licensure in Mexico. This is the way the ECFMG eligibility rule is stated The Commission on Foreign Medical Graduates is currently engaged in trying to provide an alternative for Americans completing four years of study at the *Universidad Autonoma de Guadalajara.*

SPAIN

University of Barcelona

Many American and Puerto Rican students are attending the University of Barcelona. From an American educator's point of view, this antiquated school is a difficult facility for sound teaching. It is still operating under the former rule which compelled all publicly sponsored schools of higher education to enroll every applicant who met the minimum qualifications for admission. Lecture rooms and classrooms are constantly overcrowded and the archaic facilities are taxed far beyond their capacity. The fact is that one finds very few Americans in the upper classes at the University of Barcelona.

Barcelona is a fine modern city with many beautiful art treasures and many attractive sites in and outside the city. Tuition at Spain's government medical schools (Barcelona, Madrid, Salamanca) is less than $100 a year. Living expenses in Barcelona are about one-third less than they are in the United States, and one may live for even less if he chooses. The University has not yet adopted the Spanish reform for medical education and therefore improvements in the program are less likely to occur for some time to come at Barcelona.

University of Salamanca

In contrast, the smaller city of Salamanca has preserved much of the medieval flavor, although there are some modern sectors. While the medical school buildings at the University of Salamanca are antiquated, they have a certain congeniality which is lacking at the Universities of Madrid and Barcelona. In Spanish medical circles, Salamanca has had a reputation of being an "easy school," but this may not be true for Americans. There is less English spoken among faculty and townspeople than in Barcelona and Madrid. There are no special allowances nor special courses provided for Americans.

In small communities like Salamanca, a student can live comfortably for $125 a month. Most American students rent two and three bedroom apartments, hire cooks and housekeepers for a modest wage, and enjoy many modern comforts.

The University has adopted the reform plan which means that Americans are encouraged to enter the first year of medical school which now includes integral calculus as well as biology, chemistry, and physics. It is part of the intention of the reform plan to screen out a large percentage of the class following the first year and thereby reduce considerably the number of students entering the anatomy, physiology, and biochemistry sequence.

University of Madrid

The reform plan is also in effect at the University of Madrid where there has been a 75 percent attrition of students following the first year of medical school. This past year, there were less than 200 students in the anatomy-physiology course sequence because of the large number of students who failed to pass the first year.

Madrid, the large, attractive capital of Spain, has many cultural and historical landmarks and museums. Cost of living is likely to be higher than Barcelona, and certainly any of the other cities of Spain.

Leaders of medical education in Spain are starting new medical schools in the larger cities hoping to bypass the inbred nature and archaic customs of the old established government schools. While the University of Pamplona in the Province of Navarro is the only truly private school in Spain, two new others have taken students within the past two years and one other new school is in the offing. The principal criteria upon which these schools are to operate are (1) limited enrollment, (2) more intimate and small-classroom teaching, (3) curriculum planning by a faculty committee in contrast to the autonomous and isolated departmental structure of the government schools.

ITALY

Like Spain, the principal characteristics of the preclinical course-work in government medical schools is the over-crowded classrooms and over-worked faculty. Americans who were formerly allowed to enter medical school in the second year are hereafter going to be asked to start at the very beginning with all Italian students. This is likely to be a very discouraging experience for Americans for a new law in Italy forces the universities to admit all applicants regardless of their qualification beyond high school graduation. Americans applying to Italian medical schools are screened at the Consulate Office in New York and, if accepted, may attend any one of the medical schools in the country.

University of Rome

There are somewhat more than 100 American students at the University of Rome. During the past few years, the school has been closed for several weeks at a time because of the student rioting. Classes run from November 20th to June 15th, examinations being held between June 15th and July

15th, October 15th to November 15th, and again late in January. These examinations are all oral and open to public observation. Students are generally permitted to take an examination in a given subject twice a year.

Most Americans at the University of Rome have little difficulty academically until they reach the third and fourth years when pathology and pharmacology are offered. These courses seem to be a formidable stumbling block for many American students.

Tuition charges at Italian medical schools are somewhat less than $100 per year, but the cost of living in most of the large cities such as Rome has gone up considerably. One should anticipate that while housing costs may be one-third less than most U.S. cities, food costs would be about the same.

University of Bologna

There are currently 630 Americans studying medicine at the University of Bologna, which is about 200 miles north of Rome. Bologna is one of the oldest universities in the western world, having been founded in 1129. The main reason so many more Americans go to Bologna in preference to other Italian schools is that there are no "obstacle" courses at this school, and word has gotten around that at Bologna, it is a matter of putting in the time to complete the courses required for a degree. Moreover, with the gathering of increasing numbers since World War II, American students at Bologna have organized a very active American student association which provides a number of services and special courses to assist the membership in bridging the social and academic gap between Italy and the United States. About one-fourth of the Americans at the medical school prefer not to be part of an "American society," in Bologna and, therefore, do not join in the association.

A new law in Italy requires all physicians to serve a year of internship to be eligible for licensure. The inclination of Italian educators to require Americans to start medical school in Italy at the very beginning, makes the course at Italian schools of seven years duration. This extension of the length of program may not be all bad for Americans, for an increasing number have not been passing the ECFMG examination until after two or three tries. Evidence indicates that the majority will stand to lose less than the added two years if they can pass ECFMG the first time rather than the second or third time.

University of Padua

The University of Padua, where there are about 60 Americans in medical school, has much to offer the student who wants to take the full "Italian treatment." The University is very closely identified with this middle-sized industrial community less than 50 miles west of Venice and about 70 miles south of Milan. The city is very conscious of its educational and intellectual heritage, and the physical setting is conducive to perpetuating the high ideals of a proud culture. The largest community institution is an indoor and outdoor tavern located in the center of town and bequeathed to the city to foster social and intellectual dialogue. The terms of the legacy specified that no one occupying a table should ever feel obliged to order food or drink, that there should be no limit to such occupation, and the waiters had to provide pencil and paper without charge to anyone asking for it.

As the historical homeground of human anatomy, this department of the medical school has the best facilities, and still receives inordinate emphasis in the teaching program.

As yet, there is no organized assistance for foreign students who may have difficulty in mastering the language. However, some of the basic science professors (not anatomy or microbiology) speak English quite well and are very willing to help the Americans weather the language adjustment. Like Rome and unlike Bologna, the University of Padua has a reputation among the students of being a "stiff school." It is not unusual for Americans to transfer to the University of Bologna after three years at Padua.

SWITZERLAND

As in Spain and Italy, Swiss medical schools had formerly admitted Americans who were graduates of premedical programs in U.S. colleges into their second year of medical school. However, they too have found it advisable to counsel Americans into starting at the very beginning primarily to learn the vocabulary of biology, physics, and chemistry in their language of instruction.

In the ten-year history of the ECFMG examination, graduates of Swiss and Belgian medical schools have performed well above the average of the 40 percent international passing rate for each examination. On the other hand, graduates of Spanish, French, Italian, and German schools have usually performed below that passing rate.

Universities of Zurich, Basel, and Bern

The language of instruction at the Universities of Zurich, Basel, and Bern is German. Very few Americans have been admitted to these schools in the last few years for two reasons: 1) There has been pressure from the Ministry of Education in Switzerland to admit more native Swiss students; 2) The caliber of American students enrolled in Swiss medical schools in the early 60's had dropped, resulting in these schools deciding to admit a larger percentage of foreign students from other countries.

In the past, undergraduate medical students had little or no contact with patients in the teaching hospitals. However, medical educators have come to recognize this deficiency, and are now providing some opportunities for clinical clerkships in the *kanton* (county) hospitals.

The medical school in Zurich is adjacent to the greater university campus in a cultural and residential section of the city less than two miles from downtown Zurich. The medical school buildings surround a large teaching hospital which houses the clinical departments of the school.

Tuition at Swiss medical schools is about $150 a year, and the cost of living is somewhat less than it is in the United States. Opportunties for recreation are many and varied. Numerous theaters play English-speaking movies with titles in French, German, and even Italian.

Basel is more of an industrial community than Zurich, although the medical school is situated in a pleasant residential section of the city fairly close to downtown. Basel is the home of some of the world's largest drug companies, most of which have branches in the U.S.

Less than a mile from downtown Basel, one can take the bridge across the Rhine to Germany; and a mile farther to the West, one finds himself in France. Medical school buildings are conveniently situated adjacent to the teaching hospitals.

The University of Bern is located in this interesting capital city of Switzerland. The medical school buildings are not as close to one another as they are at Zurich and Basel, but they are on the periphery of the downtown section of Bern. This city is a shopper's paradise as hundreds of little shops abound in the downtown sections.

Universities of Lausanne and Geneva

The home of the University of Lausanne is without doubt the most attractive university city in Switzerland. It is located on the northern edge of Lake Geneva and faces the Italian Alps, which skirt the southern shores of the lake. The city is actually one large hill whose public transportation is a subway which runs from the lake straight up the mountain intersecting the center of the city. The medical school, whose language of instruction is French, is located adjacent to the *kanton* hospital near the top of the hill. The school buildings are reasonably compact; nevertheless, to get from one to the other, one cannot avoid walking up or down a hill.

The University of Lausanne has admitted more Americans in the past few years than all of the other Swiss medical schools combined. Lausanne may join the other schools in refusing admission to Americans because their recent experience with American students has been worse than ever. Basic science professors claim to have extended themselves to assist U.S. students with their course work much more than usual; but they observe that the present group of American students have derived little benefit from this special effort.

The University of Geneva which also teaches in French has continued to admit a few Americans. The University buildings are somewhat scattered, but like Bern, the anatomy, physiology, and biochemistry departments are at least together. The other departments are likely to be closer to the *kanton* hospital buildings, for some are involved in providing services to hospital patients.

Most of the Swiss medical schools have outstanding pathology departments, and if a student has difficulty passing his anatomy, physiology, and biochemistry examinations, he is almost certain to have more trouble passing pathology.

BELGIUM

Universities of Brussels and Louvain

While the Universities of Brussels and Louvain are listed as two schools, actually they are four schools. Like many things in Belgium, the language separation and the cultural division which is parallel with the language separation has resulted in a doubling up of many institutions and services in Belgium. For the past few years, each university has had a French branch and a Flemish branch in each of which the language of instruction is completely French or completely Flemish. There is little interchange of faculty between the branches of each school but, for the time being, there is some use of the same laboratories.

It is possible for an American with a good background in German to attend the Flemish branch but generally most Americans are enrolled in the French branches of each school. Americans are not discouraged from applying to these medical schools and must take a placement examination to determine whether they start at the very beginning of medical school or can bypass the first year. In recent years, more than 90 percent of the Americans have had to start at the very beginning. After six years of didactic work a student must also serve a year of internship in order to receive a medical degree.

Tuition at Belgian schools is about $150 a year and living expenses are likely to be somewhat higher in Brussels than they are in Louvain. Brussels is a large metropolitan city with many fine museums and restaurants. Louvain, which is approximately 35 miles east of Brussels, is a rather old medieval-type city in typically Flemish countryside. Like the Swiss, graduates of Belgian schools have some of the best records on the ECFMG examination. A large number of Americans pass the examination for the first time and the percentage of passing grades in any single examination is usually over 50 percent.

Other Foreign Schools

There are a handful of American students attending a scattered number of medical schools throughout Germany, the Netherlands and France and a lesser number of Americans studying at English-speaking schools such as the Universities of Edinburgh, London, and Dublin. Most of the Americans attending the English-speaking

schools are people who have transferred from other departments of the University to the medical schools. Generally, though, for the past few years, medical schools in United Kingdom countries have not been accepting applications from Americans. The only other English-speaking school in the world where Americans are apparently welcome is the University of the Philippines in Manila. A few Americans are also admitted to the University of Beirut in Lebanon.

Summary

Foreign medical schools have been reviewed as resources for American students who have not been able to gain admission to American schools. As one may expect, the student who is well-versed in a second language has the best chance of gaining an education which is comparable to that in American schools and, at the same time, benefit from the experience of living in a foreign country.

An American student who is qualified for admission to an American medical school may expect to graduate from a foreign school that he has decided to attend, or he may qualify at the end of three years at a foreign school to transfer in advanced standing to an American medical school. However, one should not lose sight of the fact that 50 percent of the Americans who start their medical education at foreign schools do not complete it; and it is usually the students who are not considered acceptable applicants in American schools, or are not strongly motivated to medicine, that fail to make the grade. Hopefully, an increasing number of the latter will realize that they have little to gain by enrolling at a foreign medical school and will choose an alternate career.

TABLE 2.—ESTIMATED NUMBER OF AMERICANS ENROLLED IN 16 MEDICAL SCHOOLS IN MEXICO AND EUROPE—OCTOBER 1969

Country	Number of schools	Number of students in admitting class		Number of Americans in all medical schools	Graduates, 1969	
		Total	Americans only		Total	Americans only
Mexico [1]	1	1,030	270	572	158	11
Spain [1]	4	2,695	170	486	1,016	14
Italy	3	3,317	175	821	946	86
Switzerland	5	[2] 823	29	210	775	30
Belgium	3	1,502	99	254	445	19
Total	16	9,367	743	2,343	3,130	162

[1] Does not include at least 500 Puerto Ricans attending Mexican and especially Spanish schools.
[2] Because of manner in which Swiss schools keep records, this is not the entering class, but class completing the anatomy-physiology course sequence (i.e. equivalent to sophomore class in U.S. schools).

Mr. PELL. Mr. President, I believe the points raised by these Rhode Island medical students and by Mr. Mason in his article on American nationals in foreign medical schools deserve our consideration.

It seems to me that, if an American student is qualified to attend an American medical school, but his application turned down because of lack of room, and if he is willing to undertake the very arduous task of learning a foreign language and enduring the other hardships of attending a foreign medical school in order to return to the United States for the practice of medicine, then I do not think that our Federal legislation should discriminate against such an American student in a foreign medical school.

I would think it would be more consonant with the purposes of this bill—which is to encourage the education of more doctors—if we make allowances in the Public Health Service Act for qualified American nationals in foreign medical schools to be made eligible on the same basis as their fellow students in American medical schools for federal scholarship and direct loan assistance.

While I would agree that it would be more desirable if all qualified American students could be educated in American medical schools, the fact of the matter is that this is just not possible. Despite the shortage of nearly 50,000 doctors in this country, 7,000 qualified students were denied admission to American medical schools for lack of sufficient places.

Mr. President, I, therefore, introduce an amendment to S. 934 to allow scholarships and direct loans to be made at the discretion of the Secretary of the Department of Health, Education, and Welfare under limited conditions to American nationals studying in foreign medical schools.

I would ask unanimous consent that this amendment and an explanation of this amendment be printed in the RECORD at this point.

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

At the end of section 102 of the bill, add the following new subsection:

(g) (1) (A) The heading to part C of title VII of the Public Health Service Act is amended by inserting immediately below "PART C—STUDENT LOANS", the following: "SUBPART I—LOANS TO STUDENTS STUDYING IN THE UNITED STATES".

(B) Sections 740, 741, 742, 743, 744, 745, and 746 of such Act are each amended by striking out "this part" each place it appears therein and inserting in lieu thereof "this subpart".

(2) Part C of title VII of such Act (as amended by the preceding provisions of this section) is further amended by adding after section 746 the following:

"SUBPART II—STUDENT LOANS BY THE SECRETARY TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

"STUDENT LOANS

"SEC. 747. (a) From the amounts appropriated to carry out this subpart, the Secretary is authorized to make, in accordance with this subpart, loans to citizens of the United States who are full-time students in schools of medicine which are located outside the United States.

"(b) Except as otherwise provided in this subpart, loans made under this subpart shall (to the extent feasible) be made on the same terms and conditions as are required with respect to loans made to students of medicine under the program established by subpart I.

"(c) (1) No loan under this subpart shall be made to any student unless—

"(A) prior to the date such student files application for such loan—

"(i) he has made application for admission as a student in a school of medicine which is located in the United States;

"(ii) he has, in connection with the making of such application for admission to such school, undergone a written examination to determine his qualifications for admission as a student in such school; and

"(B) such student furnishes to the Secretary a certification from such school that—

"(i) such student is qualified for admission as a student in such school, and

"(ii) such student was denied admission as a student in such school solely because, for the school year for which such student applied for admission to such school, the number of qualified applicants for admission to such school exceeded the maximum number of students (as determined by such school) which such school was prepared to accept for admission for such year.

"(2) No loan under this subpart shall be made to any student who has completed three years as a student in a school of medicine, unless—

"(A) such Student has passed an examination which—

"(i) is prepared by a national association of American medical colleges which the Secretary recognizes as being qualified to prepare such an examination, and

"(ii) is designed to determine the qualifications of students in schools of medicine which are located outside the United States for admission (as transfer students) in schools of medicine which are located in the United States; and

"(B) such student has made application with a transfer center (sponsored by such a national association) for admission (as a transfer student) to a school of medicine which is located in the United States.

"(d) To carry out the provisions of this subpart, there is authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1972) the sum of $1,750,000."

Immediately after section 130 of the bill, add the following new section:

SCHOLARSHIP GRANTS TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

SEC. 131. (a) (1) Immediately after and below the heading to part F of title VII of the Public Health Service Act, insert the following new heading:

"SUBPART I—GRANTS FOR SCHOLARSHIPS TO STUDENTS IN SCHOOLS LOCATED IN THE UNITED STATES".

(2) (A) Section 780 of such Act (as amended by section 130 of this Act) is further amended by striking out "this part", each place it appears therein, and inserting in lieu thereof "this subpart".

(B) Section 781 of such Act is amended by striking out "this part" and inserting in lieu thereof "this subpart".

(b) Immediately after section 781 of such Act, add the following new subpart:

"SUBPART II—SCHOLARSHIP BY THE SECRETARY TO CITIZENS OF THE UNITED STATES WHO ARE FULL-TIME STUDENTS IN SCHOOLS OF MEDICINE LOCATED OUTSIDE THE UNITED STATES

"SCHOLARSHIP GRANTS

"SEC. 785. (a) From the amounts made available to the Secretary under subsection (b), the Secretary is authorized to make, in accordance with this subpart, scholarship grants to citizens of the United States who

are full-time students in schools of medicine which are located outside the United States.

"(b) The amounts which shall be available to the Secretary for the purpose of making scholarship grants under this subpart shall be—

"(1) in the case of the fiscal year ending June 30, 1972, and each of the next four fiscal years thereafter—

"(A) an amount equal to the amount obtained by multiplying $3,000 by a number equal to one-tenth of the number of citizens of the United States who, in such fiscal year, are full-time students in schools of medicine which are located outside the United States; plus

"(B) in the case of the fiscal year ending June 30, 1974, and each of the next two fiscal years thereafter, an amount equal to the amount obtained by multiplying $3,000 by the number of citizens of the United States who, in such fiscal year, are economically or educationally disadvantaged and are full-time students in schools of medicine which are located outside the United States; and

"(2) in the case of the fiscal year ending June 30, 1977 and each of the next two fiscal years thereafter, such amount as may be necessary to enable the Secretary to continue to make scholarship grants to students who received such grants under this subpart from funds made available to the Secretary for such purpose for the fiscal year ending June 30, 1976.

"(c) Scholarship grants under this subpart shall be awarded for any school year only to students of exceptional financial need and students from low-income or economically disadvantaged families (as determined under regulations of the Secretary), and who need such financial assistance to pursue a course of study at a school of medicine for such year. Any such scholarship for a school year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses at the school of medicine in which he is enrolled, but not to exceed $3,500 for any year, as the Secretary may determine the student needs for such year on the basis of the requirements and financial resources of the student.

"(d) Grants under this subpart shall be made in accordance with regulations prescribed by the Secretary after consultation with the National Advisory Council on Health Professions Educational Assistance.

"(e) (1) No scholarship grant under this subpart shall be made to any student unless—

"(A) prior to the date such student files application for such grant—

"(i) he has made application for admission as a student in a school of medicine which is located in the United States;

"(ii) he has, in connection with the making of such application for admission to such school, undergone a written examination to determine his qualifications for admission as a student in such school; and

"(B) such student furnishes to the Secretary a certification from such school that—

"(i) such student is qualified for admission as a student in such school, and

"(ii) such student was denied admission as a student in such school solely because, for the school year for which such student applied for admission to such school, the number of qualified applicants for admission to such school exceeded the maximum number of students (as determined by such school) which such school was prepared to accept for admission for such year.

"(2) No scholarship grant under this subpart shall be made to any student who has completed three years as a student in a school of medicine, unless—

"(A) such student has passed an examination which—

"(i) is prepared by a national association of American medical colleges which the Secretary recognizes as being qualified to prepare such an examination, and

"(ii) is designed to determine the qualifications of students in schools of medicine which are located outside the United States for admission (as transfer students) in schools of medicine which are located in the United States; and

"(B) such student has made application with a transfer center (sponsored by such a national association) for admission (as a transfer student) to a school of medicine which is located in the United States.

"AUTHORIZATION OF APPROPRIATION

"SEC. 786. To carry out the provisions of this subpart, there is authorized to be appropriated for each fiscal year (commencing with the fiscal year ending June 30, 1972) the sum of $150,000."

FACT SHEET: ELIGIBILITY AMENDMENTS FOR AMERICANS IN FOREIGN MEDICAL SCHOOLS

1. *What is the Purpose of the Amendment?*

The purpose of the amendment is to allow certain American students attending foreign schools of medicine to become eligible for the same type of scholarship and direct loan assistance for which Americans studying in American medical schools are eligible.

2. *What is the Need for the Amendment?*

(A) Many qualified American medical students are forced to pursue their medical degree program in a foreign medical school *due to the lack of adequate spaces in American medical schools* for them. *Although many possess the same qualifications as their American counterparts, they are not eligible for PHS scholarships or direct loans.*

For example, in 1970, only 10,547 persons of the 24,465 applicants were accepted for medical school admission. The AMA has estimated that at least 7,000 of those 14,000 students rejected were qualified for admission to American medical schools. 500 American students enroll each year in foreign medical schools. 3000 Americans are now studying in foreign medical schools.

(B) Since American medical schools are incapable of admitting all qualified applicants and eliminating the shortage of doctors, the use of foreign medical schools by qualified American students should not be discouraged by making them ineligible for the same assistance for which their American counterparts are eligible. In the short-run, until American schools are expanded, American graduates of foreign medical schools can help reduce the physician shortage in the U.S.

3. *How Does the Amendment Work?*

In order to insure that only qualified medical students receive aid, HEW can only use its discretionary authority to provide scholarships and direct loans: (1) if the American nationals have a letter from an American medical school stating that they were qualified for admission but were not admitted due to lack of space; (2) if, after their third year, American nationals register for the AAMC's transfer program for return to an American medical school and pass Part 1 of the U.S. National Board of Examiner's examination; and (3) if they meet the same scholarship and direct loan requirements as students in American medical schools.

A separate annual authorization of $150,000 is provided for scholarships and a separate annual authorization of $1.75 million is provided for direct loans.

Mr. PELL. Mr. President, I realize there are some very proper concerns about the quality of medical education provided in foreign medical schools and that there may be some concern that in some cases the Federal Government might be aiding the education of American medical students who might not achieve the level of competence necessary to practice in American hospitals. It is for this reason that I have made the authority provided to the Secretary under the amendment discretionary and subject to two basic prerequisites.

First, before an American student can become eligible for a direct loan or scholarship under the Public Health Service Act, he must provide a letter from an American school of medicine stating that he was qualified for admission, but due to the lack of space, the American school of medicine was unable to accept his application. This requirement would do two things: first, it would prevent underqualified American students, who would not be likely to be successful in a foreign medical program, from receiving aid, and second, it would prohibit aid to those students who may be attending a foreign medical school for a frivolous reason.

American medical students studying abroad often spend their first year taking courses they have already taken in America so that they can learn their medical, biological and chemical terms in that foreign language. Their next 2 years are basically spent in the study of the same basic science courses taken in American medical schools. Thus, after 3 years most American nationals are in the same position as their counterparts in American medical schools. At this point medical students are eligible to take part 1 of the national board of medical examiner's examination on the basic medical sciences.

The Association of American Medical Colleges has recently established a program to place in American medical schools, American nationals who have studied in foreign medical schools and who have passed part 1 of the national boards. This program, called COTRANS—the Coordinated Transfer Service—placed an estimated 70 of the 90 American nationals who passed part 1 of the national boards in American medical schools. Approximately 43 of the 103 American medical schools participate in this placement program for American nationals.

I mention this program in order that it might be easier to understand the second prerequisite for receiving Federal aid while attending a foreign medical school.

In order for an American national to maintain his eligibility for assistance after 3 years in a foreign medical school he must pass part 1 of the examination of the board of national examiners and he must register for the COTRANS program which could place him in an American medical school for his final 2 years of clinical training.

If a student passes part 1 of the national boards and is unable to obtain placement in an American medical school, he would then remain eligible for continued scholarship or direct loan assistance from the Federal Government.

This requirement serves a number of purposes. First, it encourages students to continue their medical education in an American medical school; I would note here that American nationals studying in foreign medical schools, who have

passed part 1 of the national boards and who have been placed in American medical schools, have been reported to have done well. Second, this requirement insures that Federal aid given after 3 years to American nationals studying in a foreign medical school is given to students who are more likely to be qualified to return to practice medicine in the United States.

Mr. President, I believe that this carefully drafted amendment provides the necessary balance between our need to increase the supply of doctors and our responsibility to provide highly qualified medical doctors to serve our citizens. I would also note that this legislation is not in a completely new area. American nationals in foreign medical schools are eligible for guaranteed loans under the higher education loan program.

I would note also that 2 years ago the Senate passed a measure offered by Senators JAVITS, PROUTY, and Yarborough to allow direct loans to American nationals studying in foreign medical schools. Unfortunately, this provision was lost in conference. Reportedly, the conference committee did not accept Senator JAVITS' provision because it required the Department of Health, Education, and Welfare to judge the quality of foreign medical schools as a prerequisite—an overwhelming task which the Department of Health, Education, and Welfare was unwilling to assume. I would note my amendment does not take this approach. Instead of the focus being upon the quality of the foreign medical schools, my amendment focuses upon the quality of the American student in the foreign medical school as determined by American schools of medicine and as determined by part 1 of the national board of examiner's examination.

Mr. President, my staff has consulted with officials in the Association of American Medical Colleges and in the Bureau of Health Manpower in the Department of Health, Education, and Welfare, and I understand that this amendment meets the major concerns of those officials concerned with protecting the quality of medical education for which the Federal Government provides assistance.

Mr. President, I believe that this is a reasoned amendment designed to eliminate an unneeded inequity and designed to increase the numbers of doctors available to serve our American people.

I would hope that I have your support.

As background for my amendment, I ask unanimous consent that the following materials be printed in the RECORD: Exhibit I, an article that appeared in the Providence Evening Bulletin entitled "Students Sue AMA For Equal Treatment"; Exhibit II, results from examinations taken by American medical students in foreign medical schools; Exhibit III, general background materials on foreign medical education as developed by Dr. Thomas D. Dublin of the National Institutes of Health; Exhibit IV, study of U.S. medical school applicants 1969–70.

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

[From the Providence (R.I.) Evening Bulletin, June 28, 1971]

STUDENTS SUE AMA FOR EQUAL TREATMENT

(By Selig Greenberg)

The North American Students Association, which is reported to include more than 100 Rhode Islanders studying medicine abroad, has instituted legal action charging the American Medical Association with discriminating against its members and blocking their entry into the medical profession.

A suit filed in federal court in New York challenges the standards established by the AMA's Council on Medical Education which Americans trained in foreign medical schools are required to meet before they can qualify for hospital internships that are a prerequisite for licensing to practice medicine.

Under these standards, those, including American nationals, who receive their medical education abroad must meet two requirements before they can obtain internships in American hospitals.

They must qualify to practice medicine in the country where they have studied. This means, in the case of a number of countries, that they not only have to complete their medical school education but have to serve at least one year of internship.

They then are required to take an examination given by the Educational Council on Foreign Medical Graduates (ECFMG) before being allowed to serve an internship in this country.

A large proportion of the foreign-trained medical students fails to pass the ECFMG test, which U.S.-educated medical students do not have to take, and some of them have to take it several times. According to AMA figures, only 32.8 per cent of the foreign-educated doctors who took the test last February passed. Of the 422 Americans who took it at that time, only 125, or 29.6 per cent, passed.

Estimates of the Americans now forced to seek their medical education abroad because of inability to gain admission into medical schools in this country range all the way from 4,000 to 8,000. There are currently 1,046 American medical students, a bigger enrollment than in any medical school in the United States, in a single Mexican school, the University of Guadalajara. Medical students in Mexico must serve a one-year internship and another year of social service to qualify to practice.

Most Rhode Islanders studying medicine abroad go to Italy, notably to the University of Bologna. Graduates of Italian medical schools are now required to complete a one-year internship before they can obtain their M. D. degrees.

Charging that the AMA's regulations deprive its members of their constitutional rights to pursue their chosen profession, the suit brought by the North American Students Association seeks the removal of both requirements for the admission of foreign-trained American nationals to hospital internships in this country.

The suit alleges that the AMA rules are unjustified and arbitrary in that they force American nationals educated abroad to spend as much as two years more in training than graduates of American medical schools.

The legal action is reported to be financed by the Parents League of American Students of Medicine Abroad (PLASMA), which charged in a recent statement that the "medical establishment" consisting of the AMA, the Association of American Medical Colleges and the American Hospital Association is intentionally blocking "an immediate source of doctors."

Despite the acute shortage of medical manpower, the PLASMA statement asserts, "the ECFMG has devised a set of arbitrary regulations which deter Americans from studying medicine and delay the entry of American nationals into the medical profesison."

Americans educated abroad are not only forced to duplicate the internship before they become eligible for state licensing, the statement says, but are required to take an examination which fails to take into account differences in foreign standards of training.

The action in federal court in New York is now moving through pretrial proceedings. Pending is a ruling on a motion by the AMA for a change of venus to Chicago, where its headquarters is.

The AMA maintains that the existing regulations for foreign-trained physicians are essential to the preservation of quality standards. PLASMA has retorted that such standards are protected by the state license examinations which all physicians are required to take before they can go into practice.

"We're really talking about preserving our high standards of health care," Dr. C. H. William Ruhe, director of the AMA's medical education division, has said. "This dispute could reduce our system of medical education to a chaotic shambles."

G. Halsey Hunt, the director of the ECFMG program, has explained that varying medical education standards abroad have made necessary the rule that foreign-trained physicians meet the requirement for licensing in the country where they have studied before they could take the examination qualifying them for internship here. "The only alternative," he has said, "would be for us to try to rate all of the world's medical schools."

Aside from bringing the court action, the North American Students Association and PLASMA have been lobbying in several state capitals for legislation modifying the ECFMG rules.

A law which makes it possible to bypass the ECFMG requirements was recently enacted in New Jersey. But hospitals in that state and in Toledo, Ohio, where three hospitals have independently decided to ignore some of the ECFMG regulations, face the threat of losing their accreditation for filling their internships with "unqualified" graduates.

The inability of American medical schools to accommodate even half of the applicants for admission is increasingly forcing Americans to seek their medical education abroad, with the added expense involved and the need for study in a foreign language which makes the complexities of medicine all the more difficult.

The medical schools in this country last year admitted only about 10,000 of the 25,000 applicants, and the AMA acknowledges that at least 7,000 of those rejected were fully qualified.

Foreign-educated physicians last year made up nearly one-third of the newly-licensed doctors in the United States. The proportion is even higher in Rhode Island. Fully 41 per cent of the physicians licensed for practice in this state in the last five years have been educated abroad.

A special effort to accommodate American nationals trained in foreign medical schools has been made in the last few years at Rhode Island Hospital.

In the year starting July 1, Rhode Island Hospital—the only one in the state where graduates of American medical schools make up the great majority of the house staff—will have 12 residents and two interns who are graduates of the University of Bologna.

The annual requests of hospitals for house staff are filled through the national intern and resident matching program under which hospital preferences for candidates are matched against the preferences of new medical school graduates. The extent of the competition by hospitals for American-trained

doctors is shown by the fact that 16,575 openings for internships and residencies had to be matched this year with only 8,598 candidates.

Rhode Island Hospital this year sought 32 interns and got 30 American graduates through the matching program. Left unfilled were two internships in pediatrics for which two Providence-born graduates of the University of Bologna who have fulfilled all of the ECFMG requirements have been accepted.

Rhode Island Hospital has 133 residents in 16 specialty programs, and of these only 17 are graduates of foreign medical schools.

"We've had 22 house staff members from the University of Bologna in the last 10 years," said Dr. William J. H. Fischer Jr., the director of medical education at Rhode Island Hospital. "Of these, 20 were American-born and two were foreign-born and later acquired American citizenship. Eleven of these graduates of the University of Bologna later have been appointed to our attending staff."

Rhode Island Hospital also has a program under which medical students spend their summer vacation there to further their knowledge. In the last five years 15 students from the University of Bologna and eight other Americans studying in foreign medical schools have served as such "externs" at the hospital.

"Our figures for recent years indicate," Dr. Fischer said, "that the Rhode Island Hospital educational program is promoting the concept of accepting into our medical care system American-born doctors trained abroad who have the proper qualifications."

ECFMG Examinations—United States Citizen Candidate Performance

(By Aims C. McGuinness, M.D.)

Henry R. Mason, in studies conducted in the fall of 1969, reported in a written communication (Feb. 6, 1970) that an estimated 2,843 US citizens (including approximately 500 Puerto Ricans) were attending medical school in 16 medical schools visited by him in Belgium, Italy, Mexico, Spain, and Switzerland. While the largest numbers of American citizens attending medical schools abroad attend those visited by Mason, a lesser number of Americans attend medical schools in other European countries. Although precise figures are not presently available, the total number of Americans studying medicine abroad may be in the range of 3,500 to 4,000.

Beginning in 1969, the Educational Council for Foreign Medical Graduates has published in the Annual State Board Number of the *Journal of the American Medical Association* (now known as the Medical Licensure Number)[1, 2] a tabulation showing the number of candidates from each medical school who took the examinations of the ECFMG in the preceding calendar year, and the number who passed the medical portion of the examinations. These tabulations have included all candidates irrespective of citizenship.

Because of the current interest in US citizens attending medical school outside of the United States and Canada, the Tables that follow show the distribution of US citizen candidates from Mexico and nine European countries (Austria, Belgium, France, Germany, Ireland, Italy, Netherlands, Spain, and Switzerland) who have taken one or more of the four ECFMG examinations given between September 1968 and February 1970. Table 1 shows the total number of examinations taken during the two-year period by US citizen candidates, and the number of examinations passed, for all of the medical schools with US citizen candidates in each of the countries. That Table also shows the number of examinations taken and passed for each medical school having a total of 50 or more US citizen candidates taking the four examinations studied. For comparison, companion results are shown for candidates other than US citizens.

Table 2 shows the results by country and by medical school for the 22 medical schools showing a total of ten or more examinations taken by US citizen candidates in the two-year period. The results of examinations taken by candidates other than United States Citizens from these schools are shown for comparison.

Care must be exercised in evaluating the data presented. One must keep in mind that the students and physicians who take the ECFMG examination are a self-selected group who may or may not represent a true cross-section of the graduates of the medical schools they attend, and their performance on the ECFMG examination does not necessarily reflect the quality of the teaching programs in these schools. Care in evaluation becomes particularly important when the number of candidates is small.

SUMMARY

American citizens attending medical school outside of the United States or Canada for the most part attend 22 medical schools located in Austria, Belgium, France, Germany, Italy, Mexico, Spain, and Switzerland. A small number attend schools in the Republic of Ireland and in the Netherlands. This study shows the results from 1,162 examinations taken by US citizens, including 132 Puerto Ricans, who received their medical education in these ten countries, on the four ECFMG examination dates in the period between September 1968 and February 1970. The results are shown by country, and by each individual medical school with ten or more candidates. For comparison, companion results are shown for candidates other than US citizens who received their medical education in the same schools.

See table 2 next page.

[1] Medical licensure statistics for 1968. *JAMA* 208:2148–2152, 1969.

[2] Medical licensure statistics for 1969. *JAMA* 212:1940–1947, 1970.

TABLE 1.—RESULTS OBTAINED BY U.S. CITIZENS AND ALL OTHER CANDIDATES BY COUNTRY OF MEDICAL SCHOOL[1]

Country	All candidates other than U.S. citizens			U.S. citizens		
	Total number	Number passing	Passing (percent)	Total number	Number passing	Passing (percent)
Austria	198	61	30.8	30	5	16.7
Belgium	183	100	54.6	109	62	56.9
Louvain	(90)	(48)	(53.3)	(71)	(47)	(66.2)
France	231	100	43.3	26	11	42.3
West Germany	1,326	661	49.8	109	31	28.4
Heidelberg	(212)	(96)	(45.3)	(52)	(13)	(25.0)
Ireland	740	408	55.1	31	16	51.6
Italy	395	115	28.8	426	114	27.0
Bologna	(70)	(13)	(18.6)	(329)	(82)	(24.9)
Rome	(83)	(23)	(27.6)	(53)	(21)	(38.0)
Mexico	1,174	227	19.3	140	36	25.7
Guadalajara	(70)	(10)	(14.3)	(63)	(18)	(28.6)
Netherlands	182	125	68.7	14	3	21.4
Spain	894	218	24.4	199	33	16.6
Salamanca				(54)	(8)	(14.8)
Other than Puerto Ricans:						
Spain				76	17	22.4
Salamanca				(28)	(5)	(17.9)
Puerto Ricans:						
Spain				123	16	13.0
Salamanca				(26)	(3)	(11.5)
Switzerland	697	513	73.6	81	37	45.7
Total	6,020	2,528	42.0	1,165	348	29.9
Other than Puerto Ricans				042	332	32.0
Puerto Ricans				123	16	13.0

[1] Schools and results in parentheses are those with 50 or more U.S. citizens taking the 4 examinations.

Exhibit III

Foreign Medical Education Related to the U.S. Health-Care System

(By Thomas D. Dublin, M.D.)

Foreign medical graduates comprise a significant fraction (18.4 percent) of our domestic supply of physicians yet the uneven quality of their professional preparation, the increasing numbers of such physicians seeking entrance to this country, largely for economic reasons, and particularly from lesser developed countries with shortages more serious than our own, have created serious national (and international) policy issues which warrant careful and extensive study. These issues received serious attention by the National Advisory Commission on Health Manpower (1967) and are currently under intensive consideration by a special non-Federal Commission on Foreign Medical Graduates. This latter body is being sponsored by the American Medical Association, the American Hospital Association, the Federation of State Medical Licensure Boards, the Association of American Medical Colleges and the Educational Council for Foreign Medical Graduates. The recommendations of this Commission should be issued later this year.

Three groups of foreign trained physicians must be considered separately: (1) American nationals receiving their training abroad—a minor category in terms of numbers; (2) Permanent immigrant physicians—largely from developing countries, predominantly from the Philippines and other Southeast Asian countries; and (3) Exchange-visitor physicians coming to this country for graduate professional training—also largely from Southeast Asian countries.

U.S. nationals seek training opportunities in medicine abroad either because of insufficient places in our domestic schools or because they do not meet the educational requirements for such training in U.S. schools. The numbers are not large (in the range of 2800–3000 total enrollment) compared with the total of approximately 40,000 students enrolled in U.S. schools. About 500–600 start such training each year; these students suffer a high attrition rate and only about one quarter that number actually complete their training over a five to six year curriculum to return to the United States. On their return they do poorly on qualifying examinations for U.S. internships and residencies (ECFMG examination) or for licensure.

TABLE 2.—ECFMG EXAMINATIONS, SEPTEMBER 1968–FEBRUARY 1970[1]

Country and medical school	All candidates other than U.S. citizens[2]		U.S. citizens[2]	
	Number taking	Number passing	Number taking	Number passing
Austria:				
Innsbruck	39	13	10	4
Vienna	132	39	18	1
Belgium:				
Brussels	57	23	33	12
Louvain	90	48	71	47
France: Montpellier	33	11	11	5
Germany (Federal Republic):				
Heidelberg	212	96	52	13
Mainz	45	27	10	2
Munich	281	145	11	0
Ireland[3]				
Italy:				
Bologna	70	13	329	82
Naples	45	12	12	1
Rome	83	23	53	21
Mexico:				
Guadalajara	70	10	63	18
Mexico City	736	155	33	11
Nuevo Leon	198	24	34	7
Netherlands[3]				
Spain:				
Barcelona	108	35	5	2
			(21)	(2)
Madrid	431	97	20	7
			(29)	(3)
Salamanca	110	18	28	5
			(26)	(3)
Santiago de Compostela	49	14	6	1
			(17)	(3)
Zaragoza	35	9	6	0
			(10)	(1)
Switzerland:				
Basel	125	90	19	10
Geneva	85	62	29	13
Lausanne	105	75	22	10

[1] Results obtained by U.S. citizens and all other candidates from those medical schools with a total of 10 or more U.S. citizen candidates taking the 4 examinations.
[2] Numbers in parentheses indicate Puerto Ricans.
[3] No school with 10 or more U.S. citizen candidates.

This record reflects a number of factors including the low educational standards in the medical schools in the three major countries which accept significant numbers of U.S. students—Italy, Spain, and Mexico. U.S. students do attend medical schools in other European countries but do so in smaller numbers due to national policies in those countries limiting foreign enrollment predominantly to nationals of countries without medical schools of their own. It might be noted that shortages of physicians in most of these countries are greater than our own. The current physician-population ratio in the U.S. is 15 physicians per 10,000 population. Comparable figures are: Ireland, 10.5; Sweden, 11.0; United Kingdom, 11.5; France, 12.1; Belgium, 13.0. Current efforts to increase enrollment in the U.S. schools (including the opening of additional medical schools) should further accelerate the already evident decline in U.S. nationals seeking educational opportunities abroad. Also, a newly instituted program (COTRANS), sponsored by the Association of American Medical Colleges, has made possible the transfer of significant numbers of American nationals studying medicine abroad to advanced standing in U.S. medical schools thus accelerating their reentry into the mainstream of American medical education and American medical practice.

The significant increase in foreign physicians seeking admission to the United States as permanent immigrants is a far more complex problem involving as it does our international policies and immigration laws. Since about 1965–67 immigration of physicians from Northern European countries—where educational standards are high and more compatible with our own—has diminished relatively. This has been due in part to deliberate policies of many of these countries to combat the "brain drain" of scientifically trained manpower and to overcome their own recognized shortages of physicians to provide more adequate health care services to their own populations.

On the other hand the emigration of physicians from Southeast Asian countries to both the United States and Europe has increased both relatively and absolutely. Many Philippine, Indian, Korean, etc., physicians are leaving their own countries to attempt to establish themselves in the U.S.—largely for economic reasons—in spite of the tremendous shortages of health personnel in their native land. In India the ratio of physicians to population is 2 per 10,000; Korea, 3.7; Republic of Vietnam, 0.3; Pakistan, 1.6; the Philippines, 7.5. In contrast the present ratio in the United States is 15. Moreover, most of these physicians, in addition to serious problems of language and cultural differences were exposed to an educational system extremely different and possibly inferior to U.S. educational standards, fail to qualify for additional U.S. training and also perform very poorly on the U.S. licensure examinations. These problems are among those being studied intensively by the Commission on Foreign Medical Graduates.

Exchange visitor physicians have also increased significantly in recent years. Ostensibly these physicians come to the United States to receive graduate professional training in American hospitals and then to return to their own homeland to practice there. However, shortages of U.S. trained physicians to fill internship and residency positions in U.S. hospitals tend to keep these foreign trained physicians in the U.S. longer than was originally contemplated and very recent changes in United States immigration laws are clearly aggravating this situation. Moreover, there are serious questions regarding the type of training exchange visitor physicians receive in the United States as it is designed to train for U.S. institutionalized practice rather than the type of practice possible in their own countries. Again, these problems are being investigated actively by the new Commission on Foreign Medical Graduates.

Summary: The problems associated with the integration of Foreign Medical Education into our domestic health care system are multiple and complex. Many of these problems have been under study for some time and at least one national non-governmental body, the Commission on Foreign Medical Graduates, is expected to issue recommendations for the solution of some of them in the near future. Implementation of satisfactory solutions will require coordinated and planned, long-term effort of many non-governmental agencies and organizations as well as of responsible agencies of government including the Departments of Health, Education, and Welfare, State, Labor and Justice (Immigration and Naturalization Service).

APPENDIX

Foreign medical graduates

Because of the large number of foreign medical schools whose graduates come to the United States either to enter practice or to obtain graduate medical training and experience, it is difficult to generalize on the professional qualifications of such foreign medical graduates. Widely differing admissions requirements, equally disparate standards and content of educational programs and basic differences in cultural and social systems in the various countries of the world whose medical graduates come to the U.S. further compound the difficulties of comparison of foreign trained physicians with graduates of domestic medical schools.

Foreign medical graduates fare less well than domestically trained physicians on U.S. licensure or other qualifying examinations. For example, in 1969, about 96 percent of the 4,627 graduates of 84 approved U.S. medical schools passed their licensure examinations; about 94 percent of the 526 graduates of five U.S. schools of osteopathy were similarly successful and so were 84 percent of the 96 graduates of 12 Canadian schools. However, only 65 percent of the 4,975 graduates of 342 medical schools in other countries who took these same examinations were able to meet the requisite passing grade for licensure. When one looks at each of the countries whose medical graduates took one or more licensure examinations in 1969 in our separate States, rather marked differences can be noted. For example, of 57 graduates of English medical schools, 49 (or 86 percent) passed; 58 percent of 985 Philippine physicians were also successful; 77 percent of 270 Indian physicians received passing grades as did 62 percent of 172 Italian, 63 percent of Korean and 48 percent of 161 Mexican physician graduates.[1]

It should be noted, however, that those eligible for such licensure examinations are in essence a select group as they have already met other qualifying requirements including successfully meeting the requirements of the Educational Council for Foreign Medical Graduates and had received one or more years of graduate medical training as an intern or resident in an approved U.S. Hospital. In this connection the ECFMG reports that only 60 percent of candidates taking its examination, a prerequisite for an appointment to an approved U.S. hospital internship or residency, receive a passing grade on its tests which are given both in the U.S. and abroad.[2]

In 1969, approximately 10,000 physicians were licensed for the first time in the 50 States, the District of Columbia and U.S. Territories. Of these additions to the practicing medical professions 2,468 (including 161 Canadian graduates) or almost 25 percent received their basic medical training in other than domestic medical schools.[3]

According to data provided by the Immigration and Naturalizaton Service, Department of Justice, the largest numbers of foreign medical graduates (permanent immigrants and exchange visitor physicians combined) entering the United States in the three year period, FY 1963–1970, came from the following five countries: the Philippines (3547), India (2730), Canada (1867), the United Kingdom (1220), and Korea (959). Other data indicate that many of the physicians entering the U.S. from Canada and the United Kingdom are natives of and received their training in other countries, primarily those in South East Asia. Also, it is not possible at this time to indicate how many of these physicians have gained licensure or will ultimately be licensed to practice medicine in the United States.

Foreign medical graduates

As of December 31, 1969, the date of the latest American Medical Association census of physicians in the United States, there were 59,711 graduates of foreign medical schools (18.4 percent, or almost one in five) out of a total 324,942 M.D.'s listed by the Physicians Records Service.[4] In a similar survey made by the Public Health Service in 1959, ten and one-half years earlier, only 8.6 percent (one in twelve) of the 241,036 physicians in this country were graduates of non-U.S. medical schools.[5] Thus, in this interval the total supply of M.D.'s in the United States has increased by 35 percent and the

[1] Medical Licensure Statistics for 1969, Medical Licensure Number of the Journal of the American Medical Association 212: 1871–1950, June 15, 1970.
[2] Ibid.
[3] Ibid.
[4] Reference: American Medical Association, Center for Health Services Research and Development, personal communication, Feb. 15, 1971.
[5] Health Manpower Source Book, Section 11, Medical School Alumni, PHS Publication 263, U.S. Dept. HEW, 1961.

proportion of physicians receiving their basic medical training outside of the U.S. has more than doubled.

From data obtained from the Immigration and Naturalization Service of the Department of Justice, 8,166 physicians *of foreign nationality* entered the United States in FY 1970. Of these 3,158 entered on permanent immigrant visas and 5,008 on exchange visitor visas to receive graduate medical training as interns and residents in U.S. hospitals and then to return to their own countries, predominantly the developing countries of the world. During the last nine years there has been a general upward trend of both permanent immigrant physicians and exchange visitor physicians coming to the United States, and both groups are heavily weighted with physicians who are natives of countries in South East Asia.

No accurate data are available on U.S. citizens who go abroad for their medical education and then return to practice in this country. It has been estimated that between 500 and 600 Americans enter foreign medical schools each year. A recent survey (1969) identifies 2,343 Americans enrolled in 16 such medical schools (usually a six-year course) and 162 Americans graduated from those schools that year. Italian, Mexican and Spanish medical schools appear to be the most frequently selected by Americans seeking medical education abroad.[6] There is some evidence to suggest that the number of U.S. citizens completing medical training abroad and then entering domestic practice has diminished slightly in recent years.

EXHIBIT IV

[From the Journal of Medical Education, Official Publication of the Association of American Medical Colleges]

STUDY OF U.S. MEDICAL SCHOOL APPLICANTS, 1969–70

(By Frank T. Stritter, Ph. D., Jack G. Hutton, Jr., Ph. D., and W. F. Dube, M.A.)

(NOTE.—Dr. Stritter is associate director, AAMC Division of Student Affairs. Dr. Hutton is assistant director, AAMC Division of Educational Measurement and Research. Mrs. Dube is student records program director, AAMC Division of Student Affairs.)

(NOTE.—Tables not printed in the RECORD.)

The annual applicant study has presented medical school application activity for classes entering U.S. medical schools since 1926 annually in the Journal of Medical Education and its predecessors. The purpose of the 1969–70 study is to discuss application activity for the class beginning medical school during the 1969–70 academic year.

OVER VIEW

The number of applications submitted, the number of aplicants, and the number of available places in first-year medical school classes for 1969–70 all established record highs. For that year, 10,422 places were available in first-year classes, representing an increase of 5.4 percent over the previous year (Table 7). Of those places, 153, or 1.5 percent, were filled by students repeating the year or re-entering after previously being enrolled, and 10,269, or 98.5 percent, were held by students entering medical schools for the first time. To fill available places, 10,547 individuals were offered admission to one or more U.S. medical schools. Of that total, 278 or 2.6 percent, chose not to enter medical school at that time. (Table 1). It is significant that the number of nonmatriculants has been steadily decreasing since 1962–63, when a total of 6.3 percent of all accepted applicants chose not to enter medical school. It should be emphasized that there were no vacant places in first year classes; schools offered admission to individuals on their alternate lists.

The number of applicants for 1969–70 rose to 24,465, a 15 percent increase over the previous year (Table 2). Possible causes for this rise are the increasing number of individuals receiving baccalaureate degrees each year and greater numbers of students interested in careers in biological science and the health professions. Also significant was the greater number of applications submitted. There were 133,822 applications reported for 1969–70, 19 percent more than the number reported for 1968–69. The average medical student applied to 5.5 medical schools, up from the 5.3 average of 1968–69 (Table 2). This national average was greatly exceeded by applicants in some parts of the far west.

SUMMARY OF MCAT PERFORMANCE

Of the 24,465 applicants for admission to 1969–70 first-year medical classes, 23,632, or 96.6 percent, took the Medical College Admission Test (MCAT). As presently constituted, the test consists of four subtests and provides separate scores in the areas of "Verbal Ability," "Quantitative Ability," "General Information," and "Science" achievement. Over the years, there has been a rather consistent trend of higher scores and, presumably, better prepared candidates. This trend is shown in Table 3 by the gradually increasing mean of average scores for the total applicant pool on all four subtests. It is evident that the trend continued for 1969–70, as three of the four means for the total applicant group increased a few points. As was pointed out in "The Study of Applicants, 1966–67", small score increases from one year to the next must be interpreted with caution, although there would appear to be little question but that the upward trend over the years is both statistically and practically significant. What proportion of the increase can be attributed to improved premedical preparation as opposed to increased "test-wiseness," or test-taking ability, on the part of the examinees is, of course, open to conjecture. Mean scores for the accepted applicant group increased a few points from 1968–69 to 1969–70 on two subtests, "Verbal" and "Quantitative"; however, the means for the nonaccepted applicants increased a bit more on these same subtests, increased a few points on the "General Information" subtest, and increased 12 points on the "Science" subtest as well. The particularly noticeable increase on the "Science" subtest of the 1968–69 accepted applicant group over the previous year did not recur, as the 1969–70 mean score remained at 577.

Discussion

Number of applicants

Stritter, et al predicted that the number of applicants would reach 25,000 by the early 1970's; and in view of the 1969–70 total of 24,465, it now appears that that assessment was correct.[1] This upward trend has been documented in previous AAMC studies and is reflected in the tables included in the appendix to this paper.

For 1969–70, the number of applicants rose 15 percent over the previous year; the number of applications submitted increased 19 percent while the number of available first-year places rose only 5 percent. Medical schools are making serious efforts to enlarge their enrollments in line with recommendations made by the American Medical Association, the Association of American Medical Colleges, and the federal government. However, additional places are not being made available at a rate commensurate with the growing interest in medicine as a career and the expanding proportion of 22-year-olds in the population currently receiving baccalaureate degrees.

In 1961–62, approximately 16.8 percent of the 22-year-olds in the population received baccalaureate degrees, while 3.8 percent of that number actually applied to medical school. This assumes that the vast majority of those individuals receiving baccalaureate degrees were 22-year-olds and also that a similarly large majority entering medical school had received baccalaureate degrees. (Figure 1). In the same year, 60.4 percent of all applicants received one or more acceptances. In 1969–70, on the other hand, 20.7 percent of all 22-year-olds received baccalaureate degrees, with 3.2 percent of those individuals applying to medical school. (Figure 1). It is significant to note that for 1969–70, the percentage of applicants receiving one or more acceptances had decreased to 43.1 percent after a steady decline over the preceding 10-year period. A major factor that may be responsible for this lower acceptance rate is the large increase in the birth rate between 1946 and 1947, commonly referred to as the post-World War II "baby boom." Indicative of this increase is the change in the number of 22-year-olds in the population, a figure which grew steadily from 2,238,000 in 1960 to 2,800,000 in 1968 before rising sharply to 3,635,000 in 1969.

Less obvious but equally significant is the decrease in percentage of baccalaureate degree recipients applying to medical school over that same 10-year period. Several possible causes for this are: (*a*) the temporary emphasis on physical sciences during the post-Sputnik era of the 1960's; (*b*) the proliferation of new, attractive scientific curricula during the decade, drawing many students away from the health sciences; (*c*) the addition of professional and other baccalaureate degree programs which do not ordinarily furnish medical school applicants; and (*d*) student awareness of the greater competition for admission. Potthoff has provided convincing evidence for the fourth point in his research.[2]

The AAMC continued to urge medical schools to increase their enrollment for 1969–70 to produce additional physician manpower. At a second joint meeting of the Executive Council of the AAMC and the AMA Board of Trustees in June 1968, the two groups continued to emphasize the necessity of expanding enrollments. A published statement urged that "increased emphasis be given to support of the educational component of academic medical center activities with the intent that the production of physicians and other health personnel by such centers be assigned the highest possible priority."[3] In addition, at its 1968 annual meeting in Houston, Texas, the AAMC Assembly adopted a recommendation of the 1968 Workshop on Medical School Curriculum which read as follows: "Medical schools must increase their output of physicians. All schools should immediately increase the number of entering students, accelerating expansion by redistributing temporarily the use of existing resources."[3]

The U.S. Office of Education predicts that the number of individuals receiving baccalaureate degrees will expand from 754,000 in 1969 to more than 900,000 by 1975 and 1,000,000 by 1980.[4] If these estimates are accurate, the number of individuals applying to medical schools might well increase to approximately 28,000 by 1975 and to 34,000 by 1980.

Number of Applications

A new high was reached in the total number of applications received by American medical schools. A total of 133,822 applications reflected a 19 percent increase over 1968–69. Applicants submitted an average of 5.5 applications per individual, compared with the 5.3 per individual for 1968–69.

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[6] Mason, Henry R., Foreign Medical Schools as a Resource for Americans, Journal of the National Association of College Admission Counselors 15:16–20, November, 1970.

Footnotes at end of article.

It is apparent that the decreasing percentage of individuals receiving one or more acceptances generates serious concern in the mind of the applicant, stimulating him to initiate a greater number of applications.

As applicants and applications continue to increase, the AAMC has developed the American Medical Colleges Application Service (AMCAS), under the auspices of its Group on Student Affairs. AMCAS has been designed to assist in solving problems created by increasing applicant and application rates. This service became available for all applicants applying to 56 schools electing to participate for the class entering in September 1971. As the program continues to be modified and improved, the AAMC has expressed the hope that many more schools will enter the program in the near future.

Available Places

For 1969–70, two new schools (Louisiana State University at Shreveport and the Medical College of Ohio at Toledo) accepted their first classes. These schools added a total of 65 students to the number entering first-year medical school classes. In addition, existing schools increased their class sizes by 464 individuals, resulting in a total of 529 new places for the 1969–70 academic year. There were 68 schools which increased the number of students entering their first-year classes for the first time. Of that group, 38 schools reported increases of more than 5 students with 20 adding 10 or more. Those schools that added 10 or more include Albany, Bowman-Gray, University of Chicago, Colorado, Emory, Georgia, Illinois, Michigan, Nebraska, North Carolina, Ohio State, Oklahoma, Pennsylvania, Penn State, Puerto Rico, and Southern California. Noticeably larger increases were achieved by the following schools: Arizona, 33; Miami, 20; South Carolina, 27; and Texas-San Antonio, 48.

For 1970–71, the University of Massachusetts has begun operation, adding 16 students to the first year total. Moreover, the Physician Augmentation Program, funded by the federal government through the Department of Health, Education, and Welfare, and administered by the National Institutes of Health, has begun to provide important grants which should permit several existing medical schools to increase significantly the size of their 1970–71 entering classes.

Minority student enrollment has also expanded slightly as previously reported by Dove.[5] The number of Black Americans in first-year classes rose from 266 (2.7 percent) in 1968–69 to 440 (4.2 percent) in 1969–70. Comparable increases were from 3 to 7 for Indian-Americans, 20 to 44 for Mexican-Americans, 121 to 140 for Oriental-Americans, and 87 to 96 for Puerto Ricans. The total enrollment change in the above groups of students rose from 497 in 1968–69 to 727 in 1969–70, an increase of 230 or 46 percent.

It should be noted, however, that the above minority student growth of 230 entrants was accompanied by a total rise in first-year enrollees of 529. Thus 1969–70 ran an absolute increase in medical school matriculants from both the minority and the majority group population.

MCAT Examiners

There were 26,562 individuals taking the MCAT in 1968: 14,663 in May and 11,899 in October. This was an increase of 4,274, or 19 percent, over the 22,288 persons tested the previous year. As indicated previously, 24,465 individuals submitted one or more applications to U.S. medical schools for the fall of 1969—considerably above the 23,000 figure estimated in last year's study.[1] A total of 23,632 of these applicants took the MCAT either in 1968 or earlier, while the remaining 833 persons applied for admission to the 1969–70 freshman class without having taken the test.

In 1969, the total number of MCAT administrations rose to 28,896, although this was accompanied by a significant increase in the number of individuals taking the test for a second time. This increase in MCAT repeaters coincides with the release of scores to examinees initiated in 1968 and makes comparisons with past figures somewhat misleading. For this reason, future studies will break down the yearly examinee population into initial testing versus repeater groups.

The number of Canadian examinees continues to rise: 2,099 in 1969, compared with 1,687 in 1968 and 1,303 in 1967. Canadians comprised 5.8 percent of the total MCAT examinee population in 1967, 6.4 percent in 1968, and 7.0 percent of the total population in 1969—a steady increase.

All persons taking the MCAT during 1968 and 1969 completed a four-page questionnaire at the time of testing. Data resulting from the questionnaire are being analyzed and, when complete, will provide a rather comprehensive description of the total examinee population.

Female Applicants

In each of the years during the decade of the 1960's, between 40 and 45 percent of all individuals receiving baccalaureate degrees in U.S. colleges and universities were female. Of the total number of women graduating, less than 1 percent applied to medical school each year, compared with an average of 5 percent of all male graduates. The figures also disclose that less than 10 percent of the total medical school applicant pool in each of the years reviewed were women. In 1969–70, 2,289 women applied for places, constituting 9.4 percent of the applicant pool; 1,011 women, or 9.6 percent, of the total accepted group were offered one or more acceptances, while 929 actually matriculated, constituting 9.1 percent of all students entering medical school.

Many reasons have been suggested for this tremendous difference between the percentage of female college graduates and the percentage of female medical school applicants. In her book, *Women in Medicine*, Carol Lopate indicates that motivation is probably the greatest reason for the failure of women to be interested in medicine as a career. Women tend to be intimidated if they feel less than a total commitment to their career choice and elect not to follow a natural inclination to pursue medical careers. Women also tend to be counseled away from careers in medicine by high school counselors, parents, and college premedical advisers in many instances. Women tend not to be motivated to the same degree as men in such areas as earning a large income or being the head of a household. In the past, Mrs. Lopate speculates, the female egos were consumed with having children and running the family, thus leading them away from the long periods of training and service to the community which a career in medicine demands.[6]

Applicants by State of Residence

New York State contributed the largest number of applicants (3,350) to the 1969–70 total, constituting 14 percent of the applicant pool. This trend parallels the percentage reported for both 1967–68 and 1968–69. In contrast, Alaska once again contributed the smallest number of applicants (14). The same two states also demonstrate the extremes in number of applicants accepted. Alaska having 8 successful applicants and New York 1,439.

In 1969–70, only 12 states achieved applicant acceptance rates of 50 percent or better (Table 10), with only 5 states obtaining rates of more than 55 percent. Those 5 most successful states were Alaska, 57 percent (8 accepted applicants); Hawaii, 58 percent (52 acceptees); North Dakota, 62 percent (43 acceptees); South Carolina, 58 percent (149 acceptees); and Vermont, 64 percent (32 acceptees). In 1967–68, 32 states had acceptance rates of 50 percent or better; and in 1968–69, 22 states had similar rates. States having applicant acceptance rates of less than 40 percent numbered 12 in 1969–70, compared with 6 states in 1968–69 and 3 in 1967–68. The 1969–70 states in this category were California, 35 percent; Delaware, 38 percent; Florida, 38 percent; Idaho, 35 percent; Montana, 32 percent; Nevada, 25 percent; New Hampshire, 33 percent; Pennsylvania, 40 percent; Rhode Island, 38 percent; Utah, 28 percent; Wyoming, 34 percent, and Puerto Rico, 37 percent. Of those states, Florida will have two new state medical schools opening in 1971 (Florida State University and the University of South Florida), and Nevada will open a new institution in the same year (The University of Nevada). Of the other states with less than 40 percent acceptance rates, six have no state schools: Wyoming, Rhode Island, New Hampshire, Montana, Idaho, and Delaware. Although Rhode Island has Brown University and New Hampshire has Dartmouth University, both of these schools are private and attract students from a national applicant pool.

FOREIGN STUDENTS

First year acceptances of foreign students to U.S. medical schools for the 1969–70 academic year reached a total of 157, or 1.5 percent of the total entering class, the highest number ever recorded by the AAMC (13 Canadian entrants are not included in the total). The largest contributing geographic areas and countries for the past four years are summarized in Table 8. Whenever equal numbers were reported from two countries, both are identified. While foreign first-year acceptances recorded for 1966 and 1967 remained level (136 and 138 respectively), they declined sharply in 1968 to 110 and subsequently rose to a new plateau with 157 in 1969. Since the opening of new medical schools did not account for increases in foreign enrollment in the past, it may be reasonable to assume that the overall expansion of class sizes is responsible for the admission of more foreign medical students.

Repeating the trend of previous years, in 1969–70 the most frequently reported nationalities were from the Americas, with 26 from the West Indies, 14 from Cuba, 7 from Central America, and 7 from South America, amounting to 54, or 34.4 percent of the foreign total.

Asia followed with 46 students, of whom 18 were from Nationalist China, 9 from Hong Kong, 4 each from the Philippines and Thailand, plus others from Burma, India, Japan, Korea, Singapore, and Viet Nam.

Europe for the second time in 1969 contributed more students than Africa. Of the 28 European medical students, 11 were from England, 2 each from France, Germany, Greece, Hungary, and the Netherlands, and 1 each from Bulgaria, Czechoslovakia, Ireland, Poland, Rumania, Spain, and Sweden.

Although the figures for Africa indicate that accepted Nigerian nationals represent more than half of other accepted African nationals, the total of 8 is still far below the 14 enrolled in 1967. Cameroon and Rhodesia were represented by 3 students each; Ghana, 2; and Ethiopia, Kenya, Kuwait, Togo, and Zambia, 1 each.

Admissions from Middle Eastern nations remained at the 1968 level of seven accepted students. Iran accounts for three of the total, while 1 student each came from Iraq, Israel, Jordan, and Turkey.

From this data, it can be concluded that although most totals for the various geographical areas are somewhat higher than those established for previous years, the proportions of the major contributors differ only in the West Indies and Europe.

Footnotes at end of article.

Summary

This paper analyzes application activity for classes entering U.S. medical schools in 1969–70.

The most noteworthy finding that emerged upon examination of the data confirms not only that the percentage of applicants offered one or more acceptances continued to decline, but also that last year's percentage was the lowest recorded to date. The number of first-year places exceeded the total for the previous year, but the number of applicants and applications submitted rose markedly.

Other data summarized include the sex distribution of the applicant pool; MCAT score means; statistics by region; medical school and state of residence; and enrollment of foreign nationals.

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FOOTNOTES

[1] Stritter, F. T., Hutton, J. G., and Dube, W. F., Study of U.S. Medical School Applicants, 1968–69. *J. Med. Educ.*, 45:195–209, 1970.

[2] Potthoff, E. F. The Future Supply of Medical Students in the United States. *J. Med. Educ.*, 35:223–237, 1960.

[3] American Medical Association and Association of American Medical Colleges, Joint Statement on Health Manpower. *J. Med. Educ.*, 43:1009, 1968.

[4] Association of American Medical Colleges, Proceedings for 1968. *J. Med. Educ.*, 44:361, 1969.

[5] *Projections for Educational Statistics to 1977–78.* U.S. Office of Education, National Center for Educational Statistics. Washington, D.C.: U.S. Government Printing Office, 1969, P. 31.

[6] Dove, D. Minority Enrollment in U.S. Medical Schools, 1969–70 Compared to 1968–69. *J. Med. Educ.*, 45:179, 1970.

[7] Lopate, C. *Women in Medicine.* Baltimore, Maryland: The Johns Hopkins Press, 1968, Pp. 25–42.

TABLE 1.—COMPARISON OF ACCEPTED APPLICANTS, NONMATRICULANTS, AND ENROLLED 1ST-YEAR STUDENTS, 1962–63 THROUGH 1969–70

1st-year class	Total accepted applicant	Enrolled in 1st-year class: Nonmatriculants Number	Nonmatriculants Percentage	New entrants Number	New entrants Percentage	Others [1] Number	Others [1] Percentage	Total enrolled
1962–63	8,959	565	6.3	8,394	97.1	248	2.9	8,642
1963–64	9,063	498	5.5	8,565	96.9	277	3.1	8,842
1964–65	9,043	456	5.0	8,587	97.2	249	2.8	8,836
1965–66	9,012	458	5.1	8,554	97.6	206	2.4	8,760
1966–67	9,123	348	3.8	8,775	97.6	216	2.4	8,991
1967–68	9,702	385	4.0	9,314	98.3	159	1.7	9,473
1968–69	10,092	352	3.5	9,740	98.7	123	1.3	9,863
1969–70	10,547	278	2.6	10,269	98.5	153	1.5	10,422

[1] 1st-year students repeating the year or reentering after previously being enrolled.

TABLE 2.—SUMMARY OF APPLICATION ACTIVITY, 1961–62 THROUGH 1969–70

1st-year class	Number of applicants	Number of applications	Applications per individual	Accepted applicants	Number of applicants per acceptance	Percentage of total applicants accepted
1961–62	14,381	53,834	3.7	8,682	1.66	60.4
1962–63	15,847	59,054	3.7	8,959	1.77	56.5
1963–64	17,668	70,063	4.0	9,063	1.95	51.3
1964–65	19,168	84,571	4.4	9,043	2.12	47.2
1965–66	18,703	87,111	4.7	9,012	2.08	48.2
1966–67	18,250	87,627	4.8	9,123	2.00	50.0
1967–68	18,724	93,332	5.0	9,702	1.93	51.8
1968–69	21,118	112,195	5.3	10,092	2.09	47.9
1969–70	24,465	133,822	5.5	10,547	2.30	43.1

TABLE 3.—MEAN MCAT SCORES OF ACCEPTED, NONACCEPTED, AND TOTAL APPLICANTS 1960–61 THROUGH 1969–70

1st-year class	Mean MCAT scores: Verbal ability	Quantitative ability	General information	Science	Number taking MCAT	Percentage of total applicants	Total applicants
Accepted applicants:							
1960–61	527	533	527	533	8,500	99.3	8,560
1961–62	533	538	522	537	8,633	99.4	8,682
1962–63	544	537	541	545	8,920	99.6	8,959
1963–64	537	[1] 552	549	545	9,021	99.5	9,063
1964–65	540	[1] 567	561	556	9,015	99.7	9,043
1965–66	541	583	565	549	8,983	99.7	9,012
1966–67	549	584	566	550	9,109	99.8	9,123
1967–68	554	596	566	565	9,676	99.7	9,702
1968–69	556	600	570	577	10,010	99.2	10,092
1969–70	562	603	569	577	10,493	99.5	10,547
Nonaccepted applicants: [2]							
1960–61	464	453	473	449	5,462	93.6	5,837
1961–62	469	465	469	458	5,340	93.7	5,699
1962–63	475	464	485	460	6,515	94.6	6,888
1963–64	484	[1] 476	501	467	8,247	95.8	8,605
1964–65	481	[1] 492	509	473	9,802	96.8	10,125
1965–66	473	502	511	466	9,324	96.2	9,691
1966–67	488	510	516	478	8,781	96.2	9,127
1967–68	496	514	514	485	8,580	95.1	9,022
1968–69	497	526	519	495	10,433	94.6	11,026
1969–70	506	536	524	507	13,139	94.4	13,918
Total applicants:							
1960–61	503	501	506	500	13,962	97.0	14,397
1961–62	509	510	501	507	13,973	97.2	14,381
1962–63	515	506	517	509	15,435	97.4	15,847
1963–64	511	[1] 516	526	508	17,268	97.7	17,688
1964–65	509	[1] 528	534	513	18,817	98.2	19,168
1965–66	507	542	538	507	18,307	97.9	18,703
1966–67	519	548	541	515	17,890	98.0	18,250
1967–68	527	558	542	527	18,256	97.5	18,724
1968–69	526	562	544	535	20,443	96.8	21,118
1969–70	531	566	544	538	23,632	96.6	24,465

[1] Figure has been adjusted. See Hutchins, E. B., and Wallace, W. L. "The Effect of Practice in Norming the Quantitative Ability Section of the Medical College Admission Test," AAMC Office of Basic Research Technical report Number M662, 1966 (mimeographed).

[2] Figures include those who withdrew before any action was taken on any of their applications.

TABLE 4.—CLASSIFICATION OF U.S. MEDICAL SCHOOLS BY GEOGRAPHIC REGION AS OF JULY, 1970

Northeast:
- Albany
- Boston
- Brown
- Columbia
- Connecticut
- Cornell
- Dartmouth
- Einstein
- Hahnemann
- Harvard
- Jefferson
- Massachusetts [1]
- Mount Sinai
- New Jersey
- New York Medical
- New York University
- Pennsylvania
- Pennsylvania State
- Pittsburgh
- Rochester
- Rutgers
- SUNY-Buffalo
- SUNY-Downstate
- SUNY-Stony Brook [2]
- SUNY-Upstate
- Temple
- Tufts
- Vermont
- Medical College of Pennsylvania
- Yale

Southeast:
- Bowman Gray
- Duke
- Emory
- Florida
- Florida State [2]
- George Washington
- Georgetown
- Georgia
- Howard
- Johns Hopkins
- Maryland
- Miami
- North Carolina
- South Carolina
- South Florida [2]
- Virginia Medical
- Virginia, U. of
- West Virginia

North Central:
- Case Western Reserve
- Chicago Medical
- Chicago, U. of (Pritzker)
- Cincinnati
- Creighton
- Illinois
- Indiana
- Iowa
- Kansas
- Loyola (Stritch)
- Medical College of Wisconsin
- Michigan
- Michigan State
- Minnesota
- Missouri-Columbia
- Missouri-Kansas City [3]
- Nebraska
- North Dakota
- Northwestern
- Ohio State
- Rush [2]
- St. Louis
- South Dakota
- Southern Illinois [3]
- Washington-St. Louis
- Wayne State
- Wisconsin

South Central:
- Alabama
- Arkansas
- Baylor
- Kentucky
- Louisiana-New Orleans
- Louisiana-Shreveport
- Louisville
- Meharry
- Mississippi
- Oklahoma
- Tennessee
- Texas-Galveston
- Texas-Houston [2]
- Texas-San Antonio
- Texas-Southwestern
- Tulane
- Vanderbilt

West:
- Arizona
- California-Davis
- California-Irvine
- California-Los Angeles
- California-San Francisco
- California-San Diego
- Colorado
- Hawaii
- Loma Linda
- Nevada [2]
- New Mexico
- Oregon
- Southern California
- Stanford
- Utah
- Washington-Seattle

[1] New medical school which accepted its initial first-year class in the fall of 1970.

[2] New medical schools which will accept their initial first-year class in the fall of 1971.

[3] New medical school in planning state for which deans or program directors have been assigned.

TABLE 5.—GEOGRAPHICAL LOCATION OF ENROLLED MEDICAL STUDENTS, 1969–70

Region of medical school	Region of residence enrollee						
	Northeast	Southeast	North Central	South Central	West	U.S. possessions Canada and foreign	Total
Northeast	2,288	136	168	53	84	24	2,753
Southeast	322	1,057	92	47	60	12	1,590
North Central	317	41	2,271	60	189	14	2,892
South Central	83	97	87	1,358	49	9	1,683
West	78	39	110	42	966	22	1,257
Puerto Rico	4	3			1	86	94
Total	3,092	1,373	2,728	1,560	1,349	167	10,269

TABLE 6.—COMPARATIVE ADMISSIONS DATA FOR MEN AND WOMEN APPLICANTS, 1961–62 THROUGH 1969–70

1st-year class	Men			Women			Women as percentage of total accepted
	Number applicants	Number accepted	Percentage accepted	Number applicants	Number accepted	Percentage accepted	
1961–62	13,215	7,946	60.1	1,166	736	63.2	8.5
1962–63	14,646	8,242	56.3	1,201	717	59.7	8.0
1963–64	16,236	8,305	51.2	1,432	758	52.9	8.4
1964–65	17,437	8,219	47.1	1,731	824	47.6	9.1
1965–66	17,027	8,213	48.2	1,676	799	47.7	8.9
1966–67	16,554	8,267	49.9	1,696	856	50.5	9.5
1967–68	16,773	8,718	51.9	1,951	984	50.4	10.1
1968–69	19,021	9,116	47.9	2,097	976	46.5	9.7
1969–70	22,176	9,536	403.0	2,289	1,011	44.2	9.6

TABLE 7.—SUMMARY OF ACTIVITY TO INCREASE FIRST-YEAR MEDICAL SCHOOL ENROLLMENTS, 1960–61 THROUGH 1969–70

Year	Total number of new schools	Total number of new places in new schools	Total number of existing schools	Total number of new places in existing schools	Total number of 1-year places [1]	Percentage of increase
1960–61	1	40	84	46	8,069	1.1
1961–62	0		85	74	8,143	.9
1962–63	1	94	85	5	8,242	1.2
1963–64	0		86	323	8,565	3.9
1964–65	1	23	86	−1	8,587	.3
1965–66	0		87	−33	8,554	−.4
1966–67	2	40	87	181	8,775	2.6
1967–68	4	114	89	425	9,314	6.1
1968–69	5	219	94	207	9,740	4.6
1969–70	2	65	99	464	10,269	5.4

[1] 1-time entrants only.

TABLE 8.—SUMMARY OF GEOGRAPHICAL ORIGINS OF ENROLLED FOREIGN MEDICAL STUDENTS, 1966–67 TO 1969–70

Geographical area	1966–67		1967–68		1968–69		1969–70	
	Country	Number	Country	Number	Country	Number	Country	Number
Africa (largest contributors)	Nigeria	14	Nigeria	10	Nigeria	3	Nigeria	8
	Other	10	Other	14	Other	6	Other	13
	Total	27	Total	24	Total	9	Total	21
Americas (largest contributors)	West Indies	14	Cuba	15	Cuba	19	West Indies	26
	Other	24	Other	27	Other	33	Other	28
	Total	38	Total	42	Total	52	Total	54
Asia (largest contributors)	China inc. Hong Kong.	24	China inc. Hong Kong.	24	China inc. Hong Kong.	16	China inc. Hong Kong.	27
	Other	11	Other	14	Other	11	Other	19
	Total	35	Total	38	Total	27	Total	46
Europe (largest contributors)	Germany	9	England	3	England	3	England	11
			Germany	3	Hungary	3		
	Other	16	Other	14	Other	9	Other	17
	Total	25	Total	20	Total	15	Total	28
Middle East (largest contributors)	Iran	3	Iran	3	Israel	3	Iran	3
			Israel	3				
	Other	6	Other	5	Other	4	Other	4
	Total	9	Total	11	Total	7	Total	7
Oceania	Fiji	1	Australia	1			Fiji	1
			Micronesia	1				
			Total	2				
Stateless		1		1		0		0
Annual total		136		138		110		157

TABLE 9.—NEW 1ST-YEAR ENTRANTS AND APPLICATION ACTIVITY OF APPLICANTS TO EACH SCHOOL, 1969–70

Name of school	Total, 1st year, including repeaters	New entrants to 1st year class			Change from previous year	Total number of applicants to each school			Total applications by each school applicants	Average number of applications by each schoo applicants
		Male	Female	Total		Male	Female	Total		
Alabama	100	96	4	100	+9	609	41	650	5,340	8.2
Albany	81	73	6	79	+11	1,677	135	1,812	24,472	13.5
Arizona	65	57	8	65	+33	574	53	627	6,249	10.0
Arkansas	113	106	3	109	−1	514	28	542	3,687	6.8
Baylor	92	87	4	91	+6	1,227	88	1,315	11,784	9.0
Boston	97	78	15	93	+5	1,637	200	1,837	23,152	13.0
Bowman Gray	79	73	3	76	+15	1,519	73	1,592	18,013	11.3
Brown	14	12	2	14	+7	61	12	73	465	6.4
California-Davis	52	46	6	52	+4	949	93	1,042	10,557	10.1
California (Los Angeles)	129	124	3	127	0	1,341	136	1,477	14,298	9.7
California (Irvine)	65	59	9	64	0	1,226	113	1,339	13,005	9.7
California (San Diego)	54	48	6	54	+7	1,470	139	1,609	15,921	9.9
California (San Francisco)	132	112	19	131	+3	597	77	674	5,750	8.5
Case Western Reserve	88	75	13	88	−12	1,852	206	2,058	21,662	10.5
Chicago Medical	85	81	2	83	+1	1,737	73	1,810	22,860	12.6
University of Chicago (Pritzker)	90	78	12	90	+11	1,404	118	1,522	16,315	10.7

TABLE 9.—NEW 1ST-YEAR ENTRANTS AND APPLICATION ACTIVITY OF APPLICANTS TO EACH SCHOOL, 1969–70—Continued

Name of school	Total, 1st year, including repeaters	New entrants to 1st year class			Change from previous year	Total number of applicants to each school			Total applications by each school applicants	Average number of applications by each school applicants
		Male	Female	Total		Male	Female	Total		
Cincinnati	113	102	6	108	+2	1,595	79	1,674	19,151	11.4
Colorado	115	103	12	115	+11	1,468	137	1,605	14,825	9.2
Columbia	136	116	15	131	−2	1,479	193	1,672	17,542	10.5
Connecticut	32	27	5	32	0	1,237	148	1,385	18,215	13.2
Cornell	89	83	5	88	−2	1,471	179	1,650	18,433	11.2
Creighton	89	83	2	85	+3	2,108	90	2,198	23,670	10.8
Dartmouth	55	47	6	53	+1	788	65	853	10,326	12.1
Duke	86	81	4	85	−1	1,551	137	1,688	16,538	9.8
Einstein	109	95	14	109	+8	1,437	180	1,617	19,961	12.3
Emory	96	89	7	96	+15	1,214	65	1,279	12,209	9.5
Florida	64	57	5	62	−1	933	66	999	9,135	9.1
George Washington	117	104	11	115	+1	2,142	159	2,301	28,724	12.5
Georgetown	122	109	12	121	+1	2,057	170	2,227	27,530	12.4
Georgia	120	111	8	119	+15	391	25	416	1,506	3.6
Hahnemann	115	106	9	115	0	2,437	192	2,629	30,547	11.6
Harvard	140	127	11	138	+5	1,369	158	1,527	13,337	8.7
Hawaii	40	36	4	40	+7	106	12	118	898	7.6
Howard	90	75	15	90	−9	757	93	850	7,859	9.2
Illinois	216	196	20	216	+11	1,008	101	1,109	8,141	7.3
Indiana	227	208	19	227	+1	1,153	98	1,251	9,484	7.6
Iowa	131	117	13	130	+3	426	40	466	2,716	5.8
Jefferson	193	171	19	190	−2	2,796	248	3,044	33,404	11.0
Johns Hopkins	98	88	10	98	+5	1,071	127	1,198	11,324	9.5
Kansas	126	118	8	126	+1	701	60	761	6,656	8.7
Kentucky	89	77	11	88	+8	1,041	83	1,124	11,378	10.1
Loma Linda	108	97	11	108	+5	768	65	833	8,613	10.3
Louisiana (New Orleans)	144	135	5	140	0	445	30	475	2,021	4.3
Louisiana (Shreveport)	33	32	1	33	(33)	426	18	444	3,886	8.8
Louisville	100	92	7	99	+1	2,107	92	2,199	23,125	10.5
Loyola (Stritch)	109	99	10	109	+1	1,843	104	1,947	19,902	10.2
Medical College of Wisconsin	110	102	8	110	+1	2,276	125	2,401	26,729	11.1
Maryland	139	122	16	138	+3	936	96	1,032	11,105	10.8
Meharry	78	62	10	72	−10	951	68	1,019	10,880	10.7
Miami	105	97	6	103	+20	676	40	716	6,276	8.8
Michigan	228	208	17	225	+18	1,284	128	1,412	11,551	8.2
Michigan State	30	25	5	30	+4	597	55	652	5,443	8.3
Minnesota	164	142	20	162	−2	742	93	835	5,780	6.9
Mississippi	91	86	4	90	+4	470	31	501	3,461	6.9
Missouri	104	93	7	100	0	1,017	77	1,094	10,694	9.8
Mount Sinai	39	34	5	39	+3	1,207	190	1,397	18,827	13.5
Nebraska	115	107	5	112	+15	616	43	659	6,087	9.2
New Jersey	85	78	5	83	+3	1,370	131	1,501	19,307	12.9
New Mexico	36	32	4	36	0	248	19	267	2,279	8.5
New York Medical	142	130	8	138	+5	2,615	255	2,870	37,068	12.9
New York University	136	112	23	125	−1	1,839	254	2,093	25,052	12.0
North Carolina	85	78	7	85	+10	1,129	90	1,219	11,616	9.5
North Dakota	55	52	2	54	+8	143	7	150	994	6.6
Northwestern	144	130	14	144	+8	2,234	178	2,412	23,525	9.8
Ohio State	175	165	10	175	+16	1,007	55	1,062	8,212	7.7
Ohio at Toledo	32	29	3	32	(32)	366	20	386	3,880	10.1
Oklahoma	126	121	5	126	+16	656	40	696	5,881	8.4
Oregon	91	85	5	90	−2	706	52	758	6,508	8.6
Pennsylvania	153	136	14	150	+19	2,051	226	2,277	23,346	10.3
Pennsylvania State	65	57	6	63	+15	1,950	220	2,170	20,538	9.5
Pittsburgh	109	104	4	108	+5	1,771	147	1,918	23,406	12.2
Puerto Rico	91	71	19	90	+10	261	71	332	1,358	4.1
Rochester	79	69	8	77	0	1,315	131	1,446	17,074	11.8
Rutgers	16	14	2	16	0	640	86	726	9,493	13.1
St. Louis	134	131	2	133	+3	2,565	129	2,694	30,524	11.3
South Carolina	123	112	7	119	+27	510	30	540	3,678	6.8
South Dakota	50	49	1	50	+2	700	30	730	7,160	9.8
Southern California	86	68	16	84	+11	1,753	178	1,931	20,427	10.6
Stanford	73	71	2	73	+6	1,442	146	1,588	14,473	9.1
SUNY (Buffalo)	106	96	10	106	+1	1,876	201	2,077	25,965	12.5
SUNY (downstate)	202	180	20	200	+3	2,417	272	2,689	33,853	12.6
SUNY (upstate)	107	94	11	105	0	1,114	118	1,232	15,013	12.2
Temple	146	131	13	144	0	2,254	228	2,482	26,328	10.6
Tennessee	210	180	13	193	−11	1,027	39	1,066	6,293	5.9
Texas Galveston	169	145	19	164	+2	974	92	1,066	6,765	6.3
Texas San Antonio	105	94	10	104	+48	1,010	78	1,088	7,195	6.6
Texas Southwestern	107	97	8	105	+2	1,009	102	1,111	7,638	6.9
Tufts	122	107	13	120	+1	1,525	181	1,706	20,266	11.9
Tulane	141	123	14	137	+1	2,307	117	2,424	24,281	10.1
Utah	65	62	3	65	−1	545	25	570	5,634	9.9
Vanderbilt	60	60	0	60	+1	1,283	85	1,368	14,162	10.4
Vermont	76	72	3	75	0	1,413	120	1,533	18,294	11.9
Virginia Medical College	135	121	12	133	+6	1,411	94	1,505	16,366	10.9
Virginia, University of	89	85	3	88	+4	1,219	87	1,306	13,574	10.4
Washington (St. Louis)	102	89	9	98	+4	1,920	125	2,045	21,721	10.6
Washington (Seattle)	84	81	3	84	0	585	45	630	5,209	8.3
Wayne State	131	119	11	130	−5	1,665	123	1,788	19,067	10.7
West Virginia	73	64	9	73	+5	310	37	347	2,545	7.3
Wisconsin	107	98	6	104	−1	831	87	918	8,558	9.3
Medical College of Pennsylvania	69	2	66	68	+2	1	297	298	2,584	8.7
Yale	89	82	7	89	−2	1,417	154	1,571	15,203	9.7
Total	10,422	9,340	929	10,269		122,875	10,947	133,822		5.5

TABLE 10.—ACCEPTANCE DATA ON APPLICANTS TO U.S. MEDICAL SCHOOLS BY STATE OF RESIDENCE, 1969–70

State of residence	Applicants receiving 1 or more acceptances			Percentage	Applicants not accepted			Total number of applicants	Total number of applications
	Male	Female	Total		Male	Female	Total		
Alabama	122	7	129	46.6	136	13	149	278	931
Alaska	8	0	8	57.1	6	0	6	14	75
Arizona	76	8	84	41.0	108	13	121	205	1,040
Arkansas	90	3	93	45.8	104	6	110	203	403
California	665	65	730	35.2	1,202	144	1,346	2,076	13,581
Colorado	82	7	89	45.9	95	10	105	194	737
Connecticut	143	25	168	42.5	200	27	227	395	3,140
Delaware	19	2	21	37.5	35	0	35	56	310
District of Columbia	67	10	77	44.5	77	19	96	173	723
Florida	225	21	246	38.1	377	22	399	645	3,087
Georgia	184	16	200	40.9	270	19	289	489	1,563
Hawaii	49	3	52	58.4	34	3	37	89	469
Idaho	25	0	25	35.2	43	3	46	71	331
Illinois	536	55	591	45.5	653	55	708	1,299	7,160
Indiana	253	23	276	45.3	305	28	333	609	1,936
Iowa	132	15	147	49.3	137	14	151	298	1,015
Kansas	127	16	143	48.2	144	10	154	297	964
Kentucky	178	19	197	52.3	167	13	180	377	1,182
Louisiana	198	13	211	52.2	180	13	193	404	1,048
Maine	29	0	29	47.5	28	4	32	61	371
Maryland	216	32	248	49.8	223	27	250	498	2,611
Massachusetts	259	34	293	40.3	375	59	434	727	6,223
Michigan	351	36	387	41.2	507	45	552	939	3,909
Minnesota	188	25	213	47.4	210	26	236	449	1,691
Mississippi	110	12	122	50.4	113	7	120	242	565
Missouri	166	10	176	45.4	197	15	212	388	1,738
Montana	25	2	27	31.8	54	4	58	85	452
Nebraska	130	9	139	53.9	113	6	119	258	670
Nevada	9	0	9	25.0	26	1	27	36	215
New Hampshire	16	0	16	33.3	30	2	32	48	281
New Jersey	430	45	475	40.6	623	73	696	1,171	9,035
New Mexico	43	7	50	50.0	49	1	50	100	356
New York	1,275	164	1,439	43.0	1,725	186	1,911	3,350	30,649
North Carolina	157	18	175	46.9	185	13	198	373	1,460
North Dakota	39	4	43	62.3	24	2	26	69	154
Ohio	436	37	473	42.8	597	34	631	1,104	5,758
Oklahoma	137	9	146	43.7	177	11	188	334	1,142
Oregon	95	9	104	52.5	85	9	94	198	871
Pennsylvania	620	82	702	39.5	968	106	1,074	1,776	10,232
Rhode Island	27	6	33	38.4	47	6	53	86	661
South Carolina	139	10	149	58.2	100	7	107	256	666
South Dakota	36	1	37	50.0	32	5	37	74	210
Tennessee	210	18	228	54.6	176	14	190	418	1,131
Texas	435	51	486	46.8	509	43	552	1,038	4,264
Utah	60	2	62	28.3	154	3	157	219	1,168
Vermont	30	2	32	64.0	13	5	18	50	142
Virginia	185	17	202	47.1	211	16	227	429	1,804
Washington	112	7	119	40.9	161	11	172	291	1,317
West Virginia	78	12	90	49.2	77	16	93	183	578
Wisconsin	186	15	201	46.2	211	23	234	435	2,073
Wyoming	10	2	12	34.3	21	2	23	35	201
Puerto Rico	73	18	91	37.0	102	53	155	246	408
U.S. possessions	4	0	4	57.1	2	1	3	7	23
Canada	7	2	9	6.9	106	15	121	130	367
Foreign	32	6	38	20.0	135	17	152	190	731
Total	9,534	1,012	10,546	43.1	12,639	1,280	13,919	24,465	133,822

Mr. PELL. Mr. President, I believe that my amendment is actually a rather cheap way of increasing the number of doctors in the United States and keeping up the very high standards.

The problem is acute. For example, in my own State, 41 percent of the doctors licensed to practice in the last 5 years were trained abroad. We need doctors, no matter where they are trained, and I would hope that this amendment, which is a small amendment—not a controversial one nor an expensive one—might be accepted by the managers of the bill and that it would survive in the conference.

Mr. JAVITS. Mr. President, would the Senator give the Senate some comparison figures—I know what they are, but I think it would be useful to have them in the RECORD—of American nationals studying in foreign medical schools as contrasted with foreign nationals studying in American medical schools?

Mr. PELL. We have at this time 3,000 to 4,000 American citizens attending foreign medical schools, of whom 150 come from my State. This bill would help these students.

Mr. JAVITS. What about foreign medical students studying in American schools?

Mr. PELL. I do not know the answer.

Mr. JAVITS. Mr. President, we will seek to supply the answer for the RECORD. My recollection is that a very much larger number of Americans are studying abroad, simply because of the crowded conditions, the very difficult competition for places in the U.S. medical schools.

I introduced a similar measure in the 90th Congress, and the Senate passed the bill, but we lost it in conference.

I think this is a useful addition to the measure, and I hope very much that Senator KENNEDY might concur in that point.

Mr. PELL. The greatest compliment in the world is plagiarism, and I did not realize that I had unwittingly plagiarized my colleague.

Mr. JAVITS. The Senator has not plagiarized at all. I had my "shot" at it.

Mr. PELL. It shows that all sensible people think alike, I suppose.

I hope the amendment will be accepted and will survive the hurdle of the conference.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. PELL. I yield.

Mr. KENNEDY. As I understand the amendment, for an individual to be able to qualify for the various scholarship or other assistance programs, he would have to get some certification from a medical school that, based upon his academic record, he would have been accepted into a medical school, but because of the lack of available space, he was not admitted, and therefore attends a foreign university. Is my understanding correct?

Mr. PELL. The Senator is absolutely correct.

The amendment would provide a requirement of a letter from the medical school to the effect that a student met the standards of that school but was not admitted for lack of space.

Mr. KENNEDY. So that we would not be opening up these loan and scholarship funds to young people who may want to go to a nondescript medical school in a foreign country for frivolous reasons or because he was not qualified for a school in this country. As I understand the amendment of the Senator from Rhode Island, he has provided this requirement prior to the time the student would be eligible for obtaining the assistance of the Government. Is my understanding correct?

Mr. PELL. That is correct. He would have to receive a letter of certification from an accredited medical school in the United States if he wished to be eligible for American aid while at a foreign school. This would insure that the

student had ability and that a student going abroad for a frivolous reason would not receive aid.

Mr. KENNEDY. So we try to meet the problem of utilizing the features of the proposed legislation for frivolous purposes.

Second, do I correctly understand that after 2 years in which this student attends a foreign university, he would be required to take and pass the national boards?

Mr. PELL. That is correct. It would be after 3 years, actually, and he would be required to take the examination that is called part 1 of the board of national examiners; and he would also have to register for the coordinated transfer service of Association of American Medical Colleges.

Mr. KENNEDY. Then, if he failed to pass the boards, this would, in effect, terminate future assistance?

Mr. PELL. The Senator is correct. The legislative history should show that. The bill also sets it forth. Unless he met both of these requirements—the certification from the accredited medical school and, after 3 years, the passage of the part 1 examination—he would not be eligible to receive any assistance.

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

Mr. PELL. I yield.

Mr. COOK. I commend the Senator from Rhode Island for his amendment.

I do want to bring up some problems that I think will present themselves, and I invite the attention of manager of the bill, and the Senator from New York to these problems.

One of the problems I see in this matter is the situation I was involved in during a discussion with medical students not too long ago at the University of Guadalajara, Mexico. The tuition there for students from the United States is astronomical in relation to the tuition of the Mexican nationals. As a matter of fact, one of the greatest parts of their budget is the fact that approximately 1,000 of the students in the medical facilities there are Americans.

Another problem is that their wives cannot seek employment in Mexico because they are there on tourist visas.

I would suggest to the members of the Committee on Foreign Relations that they might seriously consider this in relation to extending loan guarantees to students in foreign countries.

Some method could conceivably be worked out to resolve this problem; because, if in fact we are going to guarantee these loans—again I commend the Senator—obviously, we are going to keep these tuitions at a tremendously high rate.

As Senators well know, the other problem we face is that even though the student may take his examination on what is considered the part 1 examination, he still faces the situation that, as a medical student of a very fine qualified medical school in North America, he must do a complete residency in Mexico, and he must then do a complete residency in the United States, before he can qualify to take his examination.

So I think we face many problems in this field. I believe that the involvement of Congress in this field, to show its ability to extend loan guarantees to the students in other countries who are well qualified to attend American medical schools, opens the door for us in the future to face these other problems and sit down and come to a conclusion as to how we can solve the other problems—first, that there is no opportunity for his wife to seek employment; second, that he must, pursuant to the regulations as they presently exist in this country, do a complete residency in that country and then qualify there, and then come to this country and do a complete residency, before he is qualified to practice medicine.

So I again commend the Senator from Rhode Island, because I think that, in fact, this constitutes the first step in solving many of the problems that plague students who find themselves with a strong desire to go to medical school.

For example, one of the problems that the students related to me down there was that they were in their late twenties, and they said there was hardly a medical school in the United States that would accept them because of their age. Yet, they had a strong and absolute desire to became physicians and were well qualified to do so.

I am very glad that the Senator from Rhode Island has opened up this door and I hope that in the future we may open that door further so that we can solve more of these problems.

Mr. PELL. I appreciate the comments of the Senator from Kentucky very much. I was not aware of the discriminatory treatment in Mexico, but I am aware that in the Universities of Columbia in Portugal and Bologna in Italy, where many of my students go, they are treated in an equal way. Since discretionary power will be left with the Secretary, perhaps he could utilize regulations which could lighten some of this type of burden put upon our young students, or perhaps we could take an amendment to the foreign aid bill in the future which would deal with a country that engages in these practices.

Mr. COOK. Believe me, that would solve many of their problems.

I thank the Senator from Rhode Island very much.

Mr. KENNEDY. Mr. President, I would hope that we would accept the amendment.

Mr. PELL. I thank the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GAMBRELL). All time having expired on the amendment, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRIFFIN. 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 as requested.

The text of the amendment is as follows:

On page 83, between lines and 3 and 4 insert the following new section and renumber succeeding sections accordingly.

SEC. 208. Section 6(a) of the Military Selective Service Act of 1967, as amended, is amended by adding at the end thereof a new paragraph as follows:

"(3) Doctors of medicine and osteopathy who agree, in accordance with such regulations as the President may prescribe, to engage in the practice of medicine for a period of not less than four years in physician-shortage areas of the United States, as defined by the Secretary of Health, Education, and Welfare, shall be relieved from liability for training and service under section 4 of this Act if they comply with the terms of an agreement entered into under this paragraph with the Secretary of Health, Education, and Welfare. No person shall be relieved of liability for training and service by virtue of this paragraph after a declaration of war or national emergency made by the Congress after the date of enactment of this paragraph."

Mr. GRIFFIN. Mr. President, I am very much pleased to note that the committee, in reporting the bill, has paid particular attention to the problem that exists in some areas of the country where there is a desperate shortage of physicians. That is true in many rural communities, as well as in the ghetto areas of the inner cities.

It will be recalled that when the draft bill was before the Senate, I offered an amendment providing for the exemption of doctors of medicine and osteopathic physicians who were willing to make a 4-year commitment, under regulations promulgated by the President of the United States, to practice in physician-shortage areas to be designated by the Secretary of HEW.

I pointed out that the President is the Commander in Chief of the Armed Forces, so he obviously will see to it that the armed services are adequately provided for in trying to strike the balance needed between the domestic shortage of physicians and the shortage of physicians in the Armed Forces.

This matter, of course, is just as important, and just as relevant in the legislation before us as it was to the draft legislation. We know that even though the conference committee has not reported yet, the committee has agreed on all provisions of the draft bill with the exception of the Mansfield amendment.

It is also known to me that the conference committee did not retain the pending amendment in that bill. Thus, I offer it again. I will not repeat the argument that was made earlier. The argument, I think is strong. It is a good

amendment. The Senate adopted it before. I would urge the Senate to adopt it and make it a part of this particular legislation and take it to conference and see if the conferees handling this particular bill may have better luck.

Mr. KENNEDY. Mr. President, the efforts of the distinguished Senator from Michigan (Mr. GRIFFIN), to correct the maldistribution of doctors is extremely commendable. One of the serious reservations I have had about this amendment on other occasions is that it might provide an opportunity for those interested in pursuing a medical profession to avoid the draft completely by obtaining a medical degree, and then serving in the urban or rural areas of the country. I am sure that there are other Members of this body that would say, that, as a matter of public policy, this would be satisfactory to them. I do not support that concept because I think that as long as we have a shooting involvement in Southeast Asia, all young people should be subjected to the same kind of risk. That is why I have supported the random selection system.

As I understand it—and I wish to be corrected by the Senator from Michigan if I am wrong—the Selective Service Act that passed the Senate and is now in conference provides that when a student's number comes up, he no longer is able to continue his educational deferment, and goes into the Armed Forces. If he goes into the Armed Forces and then continues his education in medical school, he is no longer subject to the draft. I believe I am correct on that. However, if his number does not come up and he completes medical school, he may, at this time, be subject to a doctor's draft. This means in effect that those who go into the medical profession are in double jeopardy. I believe that is a correct interpretation of the Selective Service Act as it will operate, if and when it is passed.

In light of this double jeopardy it seems to me that the issue of the fairness and equity of allowing physicians to serve in shortage areas in lieu of the draft is well resolved. It eliminates my major reservations about the amendment.

The sponsor of the amendment mentions doctors of medicine and osteopathy. As I understand it, we also draft dentists as well. I am not sure what others are drafted. Does the Senator have any information on that?

Mr. GRIFFIN. I would say to the distinguished manager of the bill that some say this amendment should include dentists. I think a good case could be made for expanding it; but, I think, on the basis of the information I have, the most acute need is for doctors. There are many small communities where there is no doctor at all to serve the population. In other areas the only doctor they have may be up in years and the people could be left without any medical care at all unless they travel 50 or 75 miles. Of course, there are large cities where there is a desperate shortage in the inner-city areas so far as doctors are concerned. I certainly would not oppose the extension of this plan to dentists. But I believe this would be an appropriate beginning. I think the justification is very clear in the case of doctors to consider at some point the inclusion of dentists.

Mr. KENNEDY. Mr. President, there is a shortage of dentists in this country at this time. Perhaps it is not as severe a shortage as in other fields. However, there is an unquestionable shortage.

Mr. GRIFFIN. Mr. President, if the manager of the bill wants to include dentists, I would be willing to accept that as an amendment.

Mr. KENNEDY. Mr. President, I would like to have the amendment modified to include dentists as well.

Mr. GRIFFIN. Mr. President, the Senator's subcommittee has held hearings on this matter, the Senator is very well equipped, I think, to make that kind of judgment.

Mr. KENNEDY. Mr. President, although I really do not have an objection to the amendment, and there are many features which I think are commendable in it, I do realize that it is a matter which was taken up on the floor, and that it very directly affects the Armed Forces of our country. Before moving to action on the matter, I think in fairness to the chairman of the Armed Services Committee that he ought to be notified. I would hope that we might have an opportunity to get his views on the matter, not that they will necessarily prevail. However, since he did have very strong views about it, I think that his views ought to be solicited.

I therefore ask unanimous consent that we set the amendment aside temporarily and I suggest the absence of a quorum.

Mr. PERCY. Mr. President, would the Senator yield for a moment before we set the amendment aside?

Mr. KENNEDY. I yield.

Mr. PERCY. Mr. President, I support the amendment and hope that it can be accepted. The distinguished Senator from Michigan is absolutely right. There are large ghetto and rural areas that are very short of doctors.

For example, on the south side of Chicago, an area that is some 30 square miles, we have 2,000 fewer doctor working and living there than we had in 1930 when the population was much smaller. And there are towns in Illinois with populations of 7,000 or 8,000 people that for years have been trying without success to get doctors to practice there. I think the amendment is a great step forward.

Mr. President, I also support the Pell amendment and am pleased that it has been accepted.

When I was in Brussels this year, I met with many medical students. Some told me that they could not afford to stay there, but that they also could not get into American medical schools because of a lack of space even though they qualified.

We need a many-faceted program as we expand our medical schools. This amendment would certainly help as a stopgap measure.

Mr. GRIFFIN. Mr. President, if I might point out, it should not be assumed that, if the amendment is agreed to, all graduates of medical schools will automatically go into the smaller communities and ghetto areas and practice there for 4 years. They will be free to exercise an option. They would be able to go in the military service for 2 years. Service in the military is good training for many young medical graduates. Many of them would prefer to do that. So there is that check in terms of possible abuse. However, beyond that there is the fact that this would apply only under the regulations to be promulgated by the President of the United States. There is every safeguard that it will not be abused.

Mr. PERCY. Mr. President, the Senator might be interested in this amusing, but very human and real story which I heard in Alviso, Calif., while I was visiting a newly dedicated neighborhood health center.

I asked them where they got their two doctors. They told me they had a very understanding judge who had indicted two doctors for income tax evasion. The judge gave them the choice of going to prison or moving into this Mexican-American community which desperately needed doctors to practice there. This was how Alviso got its doctors and solved its doctor shortage problem.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and 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. GRIFFIN. Mr. President, is there a time limitation on each amendment?

The PRESIDING OFFICER. There is a 30-minute limitation on each amendment.

Mr. GRIFFIN. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. Six minutes remain to the Senator from Michigan, and 8 minutes remain to the Senator from Massachusetts.

Mr. GRIFFIN. Mr. President, I thank the Chair.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendment of the Senator from Michigan (Mr. GRIFFIN) be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, am I correct in stating that when the amendment is again made the pending business, the limita-

tion of time indicated by the Chair would then apply?

The PRESIDING OFFICER. The unused time would then be available on the amendment.

Is there objection to the request of the Senator from Massachusetts to lay aside temporarily the amendment of the Senator from Michigan? The Chair hears none, and it is so ordered.

Who yields time?

Mr. PERCY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment as follows:

On page 61, line 5, strike out "and".

On page 61, line 12, strike out the period and insert in lieu thereof "; and".

On page 61, between lines 12 and 13, insert the following:

"(11) establish and operate programs at schools of medicine and osteopathy and where applicable at other health professions schools, providing increased emphasis on, and training and research in, the science of human nutrition and the application of such science to human health.

Mr. PERCY. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, first I wish to commend the manager of the bill, the distinguished chairman of the subcommittee, for an excellent job, and I particularly wish to commend our ranking minority member of the full committee, the senior Senator from New York (Mr. JAVITS) for his fine work through the years in nutrition education, a field of particular interest to me.

As I have said before, one critical aspect of our health crisis is the shortage and maldistribution of our health personnel. The unavailability of health care, particularly in certain geographic areas, is critical. Although the Middle Atlantic States have 190 physicians per 100,000 people, the East-South Central region has only 95 physicians per 100,000 people. And more than 130 counties have no private physicians at all.

To compound the problem, the majority of the Nation's medical schools are in critical financial condition. Of the Nation's 103 medical schools, 61 were so financially distressed last year that they had to request emergency grants from the National Institutes of Health. In 32 cases, the continued operation and accreditation of the schools were even threatened. There is no question that the subcommittee and full committee have done an outstanding job and deserve commendation for bringing forth legislation that would significantly improve our present health manpower situation and the financial status of our medical schools. However, on examining the bill, there seems to have been an oversight. Nowhere in either bill is there any mention of nutrition education.

The White House Conference on Food, Nutrition and Health had found the teaching of nutrition in medical schools to be most inadequate. In some schools it is almost nonexistent. Only a few schools have a separate division or department of nutrition, and there is generally little correlation between medical disciplines and nutrition when it is taught in our medical schools. Many medical students only learn about malnutrition when they take electives involving health problems in other countries. Confirming the White House Conference's finding, many medical schools have readily acknowledged the overriding need for the improvement of nutrition teaching in America.

Therefore, at this time I would like to offer an amendment to S. 934, the Health Professions Educational Assistance Amendment of 1971, to enable medical schools to develop curricula, to establish and operate training programs to deal with the science and application of human nutrition. This amendment would stimulate an expansion of nutrition education opportunities, give the positive role of good nutrition in the well-being of individuals of all ages its deserved emphasis, include nutrition science as an integral part of all health education programs, recognizing that nutritional care should be an integral part of total medical services.

Mr. President, I yield 2 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I want to go on record in support of the Percy amendment to S. 934. In addition, I want to commend the distinguished Senator from Illinois for this very important piece of legislation in nutrition education. Much congressional energy has been lent toward eliminating hunger and poor nutrition in America. But, unfortunately, little emphasis has been placed on nutrition education which I feel is an essential force in the fight against hunger and poor nutrition in this country. For many years now, we have known the crucial role which nutrition plays in proper physical development and good health. However, there has been a gross lack of training in basic nutrition to physicians, dentists, and other health personnel within the educational curriculum.

Medical schools across the country have acknowledged for some time the need for nutrition education and have criticized the absence of such training in the medical field, but these same schools have never really incorporated the teaching of nutrition as a meaningful component of their curriculum. America is known to be progressive in the field of medical science. However, we are backward in our training of medical professionals when one considers this lack within the school curriculums.

Without the Percy amendment, S. 934 cannot be truly considered a complete bill in the education assistance to health professionals, due to the fact that nutrition is an integral part of the total medical system.

I commend the Senator for his amendment.

Mr. PERCY. I thank my distinguished colleague who, together with the senior Senator from New York (Mr. JAVITS) and the senior Senator from Massachusetts (Mr. KENNEDY), served with me on the Select Committee on Nutrition and Human Needs.

We all recall the testimony given by Margaret Mead before the committee when she revealed that we have regressed in one area of knowledge while progressing in most other areas of knowledge. Before World War II the people of this country knew more about nutrition and were more conscious of nutrition than they are today. We are uninformed and unconcerned today compared with the 1940's when we made a conscious effort to seek out food of the highest nutritional quality. We need a renewed emphasis on nutrition education so that Americans will not have to suffer malnutrition from a lack of knowledge about nutrition.

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

Mr. PERCY. I am happy to yield to the Senator whatever time he may require.

Mr. JAVITS. I shall only need 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I hope the amendment is accepted because it represents the fruit of what we learned in the Special Committee on Nutrition and Human Needs.

Preventive medicine is one of the most sought after and desirable programs we have in health care It is absolutely amazing to me, as it is to all who are knowledgeable in the field, how little the concept of diet enters into the gaining of health, the keeping of health, and the regaining of health. For all of those reasons, and also for reasons directly related to poverty, because malnutrition comes from ignorance as well as absence of medical assistance in respect to nutrition, I hope the Chairman will see fit to join with us in the amendment.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I think this is a commendable addition to the legislation.

Under special project grants in the legislation we mention approximately 10 different areas where grants to improve education may be made.

Certainly this amendment is consistent with those aims and I welcome this addition to the legislation. I hope it will be included in the legislation.

I yield back the remainder of my time.

Mr. PERCY. I yield back the remainder of my time.

The PRESIDING OFFICER. all time having been yielded back the question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. JAVITS. Mr. President, if the

Senator from Michigan is not ready to proceed I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

At the end of title I of the bill, add the following new section:

ADVANCE FUNDING OF PROGRAMS

SEC. 211. Title VII of the Public Health Service Act is further amended by adding after section 799 the following new section and renumbering section 799A as 799B.

"ADVANCE OBLIGATIONAL AUTHORITY

"SEC. 799A. To the end of affording adequate notice of available Federal financial assistance under sections 306 and 309 of title III, title VII and this title, the Secretary may award, after January 1 of any fiscal year, grants, loans, or other payments under sections 306 and 309 of title III, title VII or this title, for the first quarter of the next fiscal year, in amounts that shall not exceed amounts awarded for the fiscal year in which such award is made. Amounts so awarded shall be charged to the appropriation for that purpose for the fiscal year for which made."

Mr. JAVITS. Mr. President, for the past several years the Department of Health, Education, and Welfare has requested as part of its annual appropriation request the authority for advanced funding for student assistance programs under the Health Professions Educational Assistance Act, the Nurse Training Act, the Allied Health Professions Personnel Training Act, and the authorities for public health training under sections 306 and 309 of the Public Health Service Act. This advanced funding authority is necessary, because schools must know by April or May the funds that will be available for student assistance in September. As we all know, the appropriations are frequently not made available to the Department of Health, Education, and Welfare until after September. Consequently, there is an urgent need to make funds available to the health manpower schools for student assistance early in the calendar year.

S. 1183, that I introduced on behalf of the administration to extend the authorities for the training of health manpower, included a provision in section 17 that authorized advanced obligational authority for grants, loans, and other payments for health manpower training under titles 3, 7, and 8 of the Public Health Service Act. The amendment I propose today would make permanent the authority for the advanced funding of student assistance for the training of health manpower. The legislation is identical to the proposal to the Department of Health, Education, and Welfare under S. 1183.

The amendment has the support of the American Public Health Association, the Association of Schools of Public Health, the Association of American Medical Colleges, the American Nursing Association, the American Dental Association, and the Association of American Dental Schools. One of the disciplines to be affected by this amendment is the schools of public health. I ask unanimous consent that a document entitled "Information on Graduate Schools of Public Health in U.S. Universities," describing the important role played by these schools in the field of health manpower, be inserted in the RECORD at the conclusion of my remarks.

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

INFORMATION ON GRADUATE SCHOOLS OF PUBLIC HEALTH IN U.S. UNIVERSITIES

One of the least publicized yet most important elements in the health structure of this country is comprehensive graduate public health education, which is conducted exclusively in the 17 schools of public health in 14 States and Puerto Rico.[1]

FEDERAL DEPENDENCE—AS ON MILITARY ACADEMIES

The graduate schools of public health are unique in higher education both as to mission and to makeup. The Nation's dependence upon them is complete. They constitute the only source of comprehensively trained professional personnel for key leadership in public and voluntary health agencies at all levels: for cities, counties, states, territories, and numerous Federal agencies. Without these university schools, the Federal Government would have to create and maintain a National Academy of Public Health equivalent to the military establishments at West Point, Annapolis and Colorado Springs.

MULTIDISCIPLINARY APPROACH

Public health evolved from the early combination of medical science and engineering for the control of environmental hazards to man's health. It has grown to embrace various facets of the biological, physical and social sciences as community aspects of health problems have become more complex and demanding.

Public health now depends upon the skills and knowledge of members of several professions. The role of the graduate schools of public health of today is to prepare individuals who will be concerned with health problems which lie outside the scope of any single discipline.

Only in the graduate schools of public health is it possible to find the faculties, the students, and the special curricula representative of the several disciplines and sciences relevant to the solution of today's health problems. Not only are physicians, dentists, nurses, and other basically trained health professionals involved, but also engineers, economists, statisticians, administrators, lawyers, urban planners and other experts representing the natural and social sciences.

A NEW KIND OF EXPERT

As sources of comprehensively trained public health *manpower*, the graduate schools of public health are indispensable to the Nation, but they also have another attribute to importance. They provide the best mechanism for development of the *brainpower* now urgently needed in devising and applying effective techniques for the mass prevention of disease and the provision of medical care for the population as a whole. The planning of satisfactory health services is difficult and changing circumstances calls for a new kind of expert—an expert who can adapt well-established principles to local situations and, equally important, an expert who has the spark of innovation—the capacity to find solutions to problems never before encountered. Such individuals are most likely to emerge from among the highly motivated, bright young physicians (and advanced degree holders from other professions) who elect careers in public health and who obtain the comprehensive preparation provided by the graduate schools of public health.

FINANCING TRAINING FOR PUBLIC SERVICE

Federal sharing in the cost of comprehensive public health training in university graduate schools of public health is essential because of their national character and function. Students in the 17 schools in 14 states are predominantly from out-of-State, the majority of them sponsored by the Federal Government. Only 25% of the graduates work in the States where they attended the school of public health. To the extent that the schools (or parent universities or supporting States) bear the cost of training Federally sponsored students, such institutions are subsidizing training for Federal service. Nearly all of the graduates enter public service.

HILL-RHODES FORMULA GRANTS

Congress in 1958 recognized the national contribution of the graduate schools of public health and the Federal responsibility to them. The Hill-Rhodes Act was sponsored in the House by Congressman George M. Rhodes (D., Pa.) and co-sponsored in the Senate by Senators Lister Hill (D., Ala.), John F. Kennedy (D., Mass.), Pat McNamara (D., Mich.), Irving Ives (R., N.Y.), and John Sherman Cooper (R., Ky.). It passed both legislative branches unanimously and was signed into law by President Eisenhower.

The Hill-Rhodes program, which has been continued with bi-partisan congressional support, provides formula grants "for comprehensive professional training in accredited schools of public health" . . . giving "primary consideration to the number of Federally sponsored students attending each school in the allocation of the funds."

Under the formula, one-third of each annual appropriation is allocated equally among the schools; two-thirds is allocated in proportion to the number of Federally sponsored students in the respective schools.

UNRESTRICTED FUNDS FOR TEACHING

Hill-Rhodes funds have met less than one-sixth of the schools' total costs for teaching and basic operations.

Hill-Rhodes grants have not kept pace with increases in teaching costs and in student enrollment, including the enrollment of Federally sponsored students.

Nevertheless, this unrestricted Federal money for teaching purposes has been of tremendous assistance in:

(a) Supplementing other funds for Faculty salaries.

(b) Providing seed money for new developments in the teaching program.

(c) Filling gaps appearing unexpectedly in the teaching budget.

(d) Fully supporting some teaching activities, otherwise impossible to conduct.

RETURNS FROM FEDERAL INVESTMENT

During the 11 years from 1958 to 1969, some $24 million in Hill-Rhodes funds were allocated to the schools of public health.

Currently, grants range from $644,900 to one school down to $112,000 for the lowest in enrollment of Federally sponsored students.

Average grant for the 15 schools this year is $281,812.

The returns from this investment are remarkable in terms of gains during the 11-year *post* Hill-Rhodes period compared to the previous decade. These include:

[1] Located at: Private universities: Columbia, Harvard, Johns Hopkins, Loma Linda, Pittsburgh, Tulane, and Yale.

Public universities: California (Berkeley), California (Los Angeles), Hawaii, Illinois (to be opened in 1971–72), Michigan, Minnesota, North Carolina, Oklahoma, Puerto Rico, Texas, and Washington.

An 82% increase in the number of students enrolled (19,860 compared with 10,805).

A 59% increase in the number of graduate degrees awarded (10,250 compared with 6,454).

525 new faculty positions made possible by formula funds—an increase of 50% while total faculty positions increased from 721 to 1,777 over the 1958–69 period.

A 300% increase in Federally sponsored students; presently 2,115 or about two-thirds of total enrollment in the 17 schools.

Addition of hundreds of courses in fields not adequately represented in several of the schools—notably in medical care administration, environmental health and population problems.

An increase from 11 to 17 in the number of schools of public health accredited to provide comprehensive graduate training.

PUBLIC HEALTH TRAINEESHIPS FOR STUDENTS

The impressive increases in enrollment in schools of public health in recent years are due, not only to Federal funds for physical facilities and project and formula grants for teaching, but also to the availability of Public Health Traineeships providing tuition and living stipends to physicians and other graduate students in public health. Despite young physicians' growing interest in the community aspects of medicine, there is strong evidence that relatively few would take graduate training for public health careers, if traineeships were not available.

Only 25% of 1,800 students currently holding traineeships would have enrolled without such financial assistance, according to a recent survey. An overwhelming proportion—97%—are preparing for public service, rather than the more remunerative practice of medicine.

The typical student, requiring a traineeship as for graduate public health education, is already heavily in debt for college and medical education, has a dependent family and foresees the relatively modest salaries in public and private health agencies.

MUTUAL DEPENDENCE

Just as the Federal government depends exclusively upon the schools of public health for comprehensively trained health manpower, so do the schools depend upon the Federal government for a vital portion of the cost of such training of personnel for public service. Cessation of such support would force the schools to drop substantial numbers of Faculty members and courses, to curtail enrollment and to abandon plans for expansion and improvement of teaching programs. Results would be fatal to at least one school, the dean of which has stated:

"If (Hill-Rhodes) funds ceased during one month, the school would have to close down the following month."

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. PASTORE. Has any thought been given to better utilization of the medics in the Army who have been released after doing a tremendous job? They have been doing a marvelous job, and all they would need is some training in our hospitals to be of great assistance to our doctors. Has any thought been given to that?

Mr. JAVITS. We have expressly dealt with that in the bill. There is provision for institutional support to schools of medicine, osteopathy, and dentistry to deal exactly with that subject. In addition, in another bill going through the legislative mill, we are doing our utmost to develop a pilot plant operation to encourage schools to consider the establishment of assistant doctors for a given specialty. That especially refers to medical corpsmen, because we believe today that such a man has the choice of being either a doctor or an orderly, and that does not lend dignity to an individual. We are trying to develop a system which would slot him into a position with more dignity as a result of the training he received in the Armed Forces—not merely as an orderly or as a doctor. We believe there is a potential in the 30,000 who are annually discharged from all our Armed Forces with training and experience in providing health care.

So I can assure the Senator that the Senator from Massachusetts and I, and all of our committee, are really deeply interested in that subject and are putting it into legislation.

Mr. PASTORE. I am happy to hear that.

Mr. JAVITS. It will require a change in the licensure requirements in various States, again with the idea of seeing where we can slot these particular men into.

Mr. PASTORE. I am very happy to hear that, because it has been established that these young men are well trained and are doing a magnificent job in the field, taking care of their comrades, and it would be a waste to have that training go to no use, unless we can have an avenue of pursuit by making it gainful.

Mr. JAVITS. I would like to draw the Senator's attention to page 19 of the report on the bill. I ask unanimous consent to have printed at this point in the RECORD the paragraph headed "Physician Assistants Capitation."

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

PHYSICIAN ASSISTANTS CAPITATION

The bill provides funds to schools of medicine, osteopathy, and dentistry for the training by those schools of physician's assistants, dentist's assistants, or other health professions assistants so that the training of such assistants could be provided in the same educational milieu in which physicians and dentists receive their education. A school would be entitled to receive $1,350 for each full-time student (or the equivalent thereof) who is enrolled in a program offered by a school of medicine, osteopathy, or dentistry to train such assistants.

Since the Committee recognizes these programs are still in the developmental stage, no attempt was made to define legislatively the scope of duties of a physicians' or dentists' assistant nor the duration of his training. Their intention is to cover both the short term training (one year or less) such as in the Medex program at the University of Washington, and the longer term (two year) such as at Duke or the four year program, such as at Alderson Broaddus. The Committee notes with interest and approval the definition of physicians' assistants divided into three categories in the report of the Board on Medicine of the National Academy of Sciences. These are the Type A Assistant, distinguished by his ability to integrate and interpret findings on the basis of general medical knowledge and to exercise a degree of independent judgment, the Type B Assistant, highly specialized in one clinical procedure, and the Type C Assistant, who is generally proficient in medical procedures but without the ability to use independent judgment to the degree of the Type A Assistant. Over 50 programs are being developed throughout the nation producing support personnel in these three categories. The costs vary depending on the degree of training, and the previous experience of the student, but in general, costs are in the range of the training of other health professionals.

Mr. KENNEDY. Mr. President, as a comment on the amendment of the Senator from New York, there is a most interesting program at the State University of Washington. It is one of the first universities that has developed such a program. It was done at the instigation of the medical society. The medical society should be commended for this—we have frequently enough criticized medical societies. The university has developed an extremely imaginative program. One hundred and sixty men have received training. At one point there were 3,000 applications for 65 positions, which indicates the interest of many corpsmen in wanting to continue in the field of medicine. It has been a small program, but it has been very imaginative in matching the particular backgrounds of medical corpsmen to their training. For example, if a corpsman was needed in a city hospital, they would take one who had actually been involved in a combat situation. If they were looking for one to go into a rural area, they might take a corpsman who had been stationed at a remote radar installation. I have had an opportunity to talk with corpsmen, and they are extremely interested in this program.

We should have similar programs for dental assistants. We are losing the services of 1,000 a year of these men who had been trained in the armed services.

Mr. PASTORE. And this bill provides for it?

Mr. KENNEDY. We have a number of relevant provisions as indicated by the Senator from New York. I think many things will have to be done in addition to these grants. There will have to be licensing changes, and we will need the cooperation of the medical society much more than we have had it. This bill makes an important start. I think the Senator's point is very well taken.

Mr. PASTORE. I read an interesting story not long ago which had to do with such a program in the State of Washington. The general practitioner was almost on the verge of a state of collapse and a nervous breakdown from exhaustion. He was so busy that he could not cope with it. He was on the verge of giving up his practice. Another doctor recommended a medic, and as a result that first doctor can now take a little vacation and it has made him happy and it is serving the people.

I think we ought to use these men where we can. I know there has been a great inhibition on the part of States in granting licenses, and I think that should be cured, too.

Mr. KENNEDY. Mr. President, with

respect to the amendment offered by the Senator from New York, it is useful legislation and has been endorsed by the administration. It has been supported by many organizations in the medical field, and was included in the Allied Health Professions Act. I think it is a welcome addition and I hope the amendment will be adopted. I commend the Senator from New York.

Mr. JAVITS. Mr. President, I yield back my time on the amendment.

Mr. KENNEDY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. GRIFFIN. Mr. President, earlier we laid temporarily aside the amendment which I had called up, in order to give the distinguished Senator from Mississippi, chairman of the Armed Services Committee, an opportunity to come to the floor.

Now I ask that the amendment be called up again.

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

Mr. GRIFFIN. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. Six minutes to the Senator from Michigan and 8 minutes to the Senator from Massachusetts.

Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, without the time being charged to either side.

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

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. 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. GRIFFIN. I yield the distinguished Senator from West Virginia (Mr. BYRD), the majority whip, 1 minute.

Mr. BYRD of West Virginia. I thank the Senator.

AUTHORIZATION OF APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION — UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, with respect to the AEC authorization bill, which will be considered on next Tuesday, that time on each of the four amendments which are to be offered by the distinguished Senator from Alaska (Mr. GRAVEL) to be limited to 1 hour, the time to be equally divided between the mover of the amendment (Mr. GRAVEL) and the manager of the bill (Mr. PASTORE).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER THAT IT BE IN ORDER TO ORDER THE YEAS AND NAYS ON H.R. 9417

Mr. BYRD of West Virginia. I ask unanimous consent that it be in order to order the yeas and nays at any time on H.R. 9417, the Department of Interior appropriation bill.

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

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 934) to amend title VII of the Public Health Service Act to expand and improve our Nation's resources for the training of physicians, dentists, optometrists, pharmacists, podiatrists, veterinarians, and professional public health personnel, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, how much time remains?

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. Five minutes to the Senator from Michigan, 8 minutes to the Senator from Massachusetts.

Mr. KENNEDY. And how much time on the bill, Mr. President?

The PRESIDING OFFICER. On the bill, 29 minutes to the Senator from Massachusetts and 48 minutes to the Senator from Colorado.

Mr. GRIFFIN. Mr. President, I yield 3 of the 5 minutes I have remaining to the Senator from Mississippi.

Mr. KENNEDY. I am glad, from the time remaining on the bill, to yield 15 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. President, let me say this to the Senate: I think this is a very dangerous matter we are taking up here. It involves a legal situation, and I did not know anything about this amendment, frankly, until a few minutes ago, when I was called out of a committee meeting. I appreciate the time now given me, but I have had no time for preparation.

This amendment would exempt from the draft a doctor who was otherwise going to be drafted for military service upon his serving 4 years in a physician-needy area. That is a very laudable purpose, but—and I ask the attention of the Senate, and request quiet of those who are not Senators—here is what is involved:

Doctors and dentists are the only professional groups that are drafted as such. Everyone else takes his chances in the general draft, but they are drafted because of their skills and their professions. Such a draft has been upheld by the Supreme Court of the United States in the face of very sharp challenge. That is for military service, and that is the only basis for it, under our law, that has been determined so far.

Now this amendment would turn around and say "No, we are not drafting you for military service; that is not true. We are putting you under the gun of the draft, though, to get you to serve over yonder in some place that is not of your choice."

It seems to me, to be fully fair about it to the doctors and fair to everyone else, that we just have a bill brought in here providing that we draft doctors, not for military service—because that is not what is sought here—but to serve in areas that do not have enough doctors to serve the people.

I do not believe that will get very many votes. It would probably get mine, but I do not believe that it would get anything like a majority of the votes of this body, until there has been a survey of what the facts are, how many doctors are needed, and so forth.

Now we are coming in here with something that is a military draft in disguise. We jerk the doctor up as a member of the only group that could be called. Called for what? For service in the military. That is the only handle we have on him. Then, after using that device, we would turn around and say, "Well, if you do not want to serve in the military, go serve in Community X, and that will be in lieu of the military."

I say we are violating a basic principle here. Furthermore, we are just throwing out of all manageability the program for the calling of doctors for military service. Many of these men—I do not know how many—they get into the medical schools on a special basis, and there are certain Federal funds that go toward their education. It is all mixed up in there.

Moreover, how would the draft boards know, if they need a thousand doctors, how many to call, and how would they know where they were with reference to any of these matters, how many they were going to get and how many were going to qualify to be exempt? Perhaps the facts would be such that they could all qualify to be excused. No one knows. As far as I know, there have been no hearings here, and there has been no determination of it. This is a matter of principle that violates the rights of these doctors, just brought up here on the floor of the Senate as a floor amendment. Nobody knows what it would mean to them, nor what it would mean to the military. I suppose we are going to pass it anyway, because it is popular, and there are many communities that do need additional doctors. I will go as far as anyone in trying to meet that need, but this is basically wrong.

The President has a right to grant deferments, as far as that is concerned, on a skill and professional basis, and I do not know what he might do with reference to deferring some of the doctors on that basis, but that would be a more reasonable and more scientific and practical way of getting at it. I just do not know whether that would work, because this has not been worked out. It has not been studied.

I warn the Senate against tampering with the idea that we are going to call men for military service, and then say to them, "We do not mean it after all; it is not military doctors we are after. We just want to get our hooks on you, and then, if you will go into something else we want you to do, we will excuse you from the military."

I think that is just downright false, in dealing with a man, to act as though you want him for the military and then give him some kind of an alternative not connected with the military. I hope the amendment will be overwhelmingly defeated, and that the good faith authors of it will start in a more proper way to meet this problem. I hope they will not try to draft men for the military and then put them to something else.

Our committee will work with them as to our part of the problem, and others can work with them as to the other parts of the problem, and we will see how we can get some doctors for these areas that need them; but I am really very much concerned about this matter of people being drafted for military service and then turned into something else. I hope there will be a good, sound, second thought, Mr. President, and that the Senate will reject the idea that we are going to have something good and easy for everyone, which is not going to solve the problem.

I thank the Senator for yielding.

Mr. GRIFFIN. Mr. President, I yield myself my remaining 2 minutes.

This amendment reflects a very deep concern about the dire shortage that we have in the small rural communities and the ghettos of the inner cities of doctors and dentists, as the amendment will be modified.

As much as I respect the distinguished chairman of the Committee on Armed Services, I disagree with his view of this amendment. It does not automatically relieve doctors of military obligation. There still would be the requirement of 2 years' service in the military, and many medical graduates would opt for that choice. They would go into the military and take 2 years perhaps because the training in the military in many cases is valuable to a young doctor. But this would also give them the option, if they want to take it, of making a 4-year—not a 2-year—commitment to serve in a doctor shortage area designated by the Secretary of Health, Education, and Welfare.

I think the national interest is being served here and that an appropriate balance between the requirements at the domestic level will be balanced against the requirements of the military, because, as I have pointed out, this amendment will operate under regulations to be promulgated by the President of the United States.

So this is not going to be abused. It is a good policy, and I think the amendment should be adopted.

Mr. President, since the yeas and nays have not been ordered and I have the opportunity to modify this amendment, I want to modify it to include the amendment suggested by the manager of the bill, to make it apply to dentists as well as doctors of medicine and osteopathy. I send the modification to the desk.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I yield, if I have time.

Mr. STENNIS. Does not the Senator know—if he does not know, I am putting it in the form of a question—that the Selective Service law provides that every person inducted shall be given proper and adequate medical care? Under the Senator's amendment, that turns them loose. How is every man in the service going to be guaranteed that he will be given medical care, without having doctors to do it? That is why doctors are drafted. That is why the Supreme Court said they were subject to draft, as a group.

Now we are going to draft them and turn them loose for something else. How are we going to get any doctors to serve if they all happen to wish to serve in some other way? That is literally cutting the heart out of the guarantee to a man that he will be given proper medical care.

The Senator is flirting with a dangerous situation, and if his amendment is adopted and it is taken advantage of, there will be no way in the world to carry out the mandate of this law.

I think the Senator had better go the other route. I respectfully suggest that he go the other route on this problem.

Mr. GRIFFIN. Mr. President, may the ruling on the modification of my amendment be made?

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, reads as follows:

On page 83, between lines 3 and 4 insert the following new section and renumber succeeding sections accordingly.

SEC. 208. Section 6(a) of the Military Selective Service Act of 1967, as amended, is amended by adding at the end thereof a new paragraph as follows:

"(3) Doctors of medicine and osteopathy and dentists who agree, in accordance with such regulations as the President may prescribe, to engage in the practice of medicine or dentistry for a period of not less than four years in physician-shortage or dentist-shortage areas of the United States, as defined by the Secretary of Health, Education, and Welfare, shall be relieved from liability for training and service under section 4 of this Act if they comply with the terms of an agreement entered into under this paragraph with the Secretary of Health, Education, and Welfare. No person shall be relieved of liability for training and service by virtue of this paragraph after a declaration of war or national emergency made by the Congress after the date of enactment of this paragraph."

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the name of the Senator from New Hampshire (Mr. COTTON) be added as a cosponsor of the amendment.

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

Mr. DOMINICK. Mr. President, what is the time situation on the amendment? How much time do I have remaining on the bill?

The PRESIDING OFFICER. The Senator from Michigan has 1 minute on the amendment. The Senator from Massachusetts has 8 minutes on the amendment.

The time remaining on the bill is 48 minutes for the Senator from Colorado and 21 minutes for the Senator from Massachusetts.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield me 2 minutes?

Mr. KENNEDY. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. If the Senator from Michigan would like more time, I can give him some of my time on the bill.

Mr. President, because of conflicting committee meetings and other meetings, I have not had the opportunity to comment on the bill itself. Since I was given some of the time on the bill, as the ranking member of the subcommittee, I think I should speak briefly on Senator GRIFFIN's amendment.

I do not know of anyone for whom I have higher respect. He has courage and brains and imagination. But I must confess that I am opposed to this amendment.

I think it is extremely difficult at this point for us to take a position, in a health manpower bill, to say that we are going to provide a method of exemption from the draft for doctors and dentists, when we have already decided that we are not going to give occupational deferments to policemen, firemen, Peace Corps members, VISTA members and other groups which are performing services of great value to the public. To single out at this point just one or two of them, without doing anything in the way of hearings as to what effect this might create, and without having hearings as to why these occupations should be selected as opposed to other very important and necessary occupations, is, I think, a mistake.

So I shared the opposition expressed by the Senator from Mississippi, and I hope that the amendment will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I yield 2 minutes on the bill to the Senator from New York.

Mr. JAVITS. Mr. President, I think we are all impressed by the arguments of both distinguished Senators, and I should like to make this suggestion.

I will support the amendment which Senator GRIFFIN has offered. I supported it before. But I should like to assure Senator STENNIS that as one Senator—I will be a conferee—I take his views extremely seriously. I believe that it is possible to give the President the necessary authority to see that this matter is not abused. I assure the Senator that even if the amendment is adopted, I will do my utmost to work it out in confer-

ence, to try to work out a practical solution which will result in vesting the fundamental authority in the President, so that our armed services will not be prejudiced, and that if they are, they will have the priority; but if they are not prejudiced, that this plan then may have a chance to show whether it has any usefulness.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. GRIFFIN. I yield back the remainder of my time, if I have any.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Michigan. All those in favor will signify by saying "Aye." All those opposed will signify by saying "No."

The ayes appear to have it. The ayes have it and the amendment is agreed to.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. GRIFFIN. I ask unanimous consent that the time be charged equally against both sides on the bill.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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. I ask for third reading, Mr. President.

HEALTH MANPOWER PROGRAMS WILL BRING TRAINED PEOPLE INTO MEDICAL SERVICE

Mr. RANDOLPH. Mr. President, the bill before the Senate is one step of many that need to be taken if this Nation is to face its responsibility to create a condition of health that matches its wealth.

As a cosponsor of S. 934, and as a fervent supporter of all it seeks to do, it is my duty and privilege to urge my Senate colleagues to cast an "aye" vote for this measure.

The underlying reasons for this legislation, as I see it, are to bring more people into the medical and allied health professions, and to accelerate the teaching process so that more professionals can get into practice earlier than is now the case. Such programs as the shortening of curricula and reducing the period of time required for internships and residencies should help accomplish this acceleration as well as allowing more students to use the same educational facilities.

As the able floor manager of S. 934 (Senator KENNEDY) has explained, the bill authorizes grants of $200 million in the first year for the construction of health teaching, research and library facilities, as well as loan guarantees and interest subsidy. Student loans of $60 million in the first year are provided for most of the health professions, and there are provisions for deferral of loan repayment. There is also forgiveness of loans for those who practice primary care in medically underserved areas. Institutional support for medical, dental, osteopathic and other schools is provided on a capitation basis in the total amount of $426 million the first year. Such support is keyed to innovations such as curriculum improvement, development of training methods to facilitate team health care delivery, and the training of new types of health personnel such as physician assistants. Special project grants of $150 million the first year are also authorized, again for the purpose of providing incentives for innovation in the health care field.

The training of physician assistants and nurse practitioners has deep significance for rural areas such as are prevalent in our State of West Virginia. It is my belief that these personnel, if turned out in significant numbers, will have a favorable impact on the existing health personnel shortage. Another provision authorizes scholarship grants of up to $5,000 per student per year for those who agree to practice in a physican shortage area.

The health personnel shortage is the factor behind two of my three amendments to S. 934 that were accepted by the Committee on Labor and Public Welfare, and incorporated into the bill.

The first of these, section 208, establishes a National Health Manpower Clearinghouse. There is not now in existence any central facility which provides an information exchange between communities and groups which need health professionals and professionals seeking employment in shortage areas. My amendment requires the Secretary of Health, Education, and Welfare to establish such a facility.

My second amendment will, if implemented by the Secretary, plug a shameful gap in the delivery of health care, particularly to rural areas. According to the American Medical Association there are 134 counties in the country which do not have a single resident physician. There is reason to believe that this estimate is low. Section 210 requires the Secretary of HEW to use his best efforts to place Public Heath Service doctors in counties without them. The Secretary is to fully act on this essential project within 1 year and is to report to Congress within that same period, concerning implementation of this provision.

It is contemplated that only a shortage of PHS doctors, resulting from the essential nature of their work on ongoing projects within the Service, would in any degree relieve the Secretary from his responsibility to give these needy counties their only doctor. Further, the fact that currently employed PHS doctors are working on essential projects should not deter the Secretary from hiring new physicians in order to comply with this section.

My third amendment, bill section 209, should save the Federal Government and the taxpayers a substantial amount of money. It would require the Comptroller General to make a study of construction costs for federally supported health facilities. It has been brought to my attention that, were innovative techniques and new materials used in such construction, and if certain unnecessarily stringent Federal standards were waived or eliminated, construction costs might in many cases be reduced by as much as 50 percent.

Mr. President, S. 934, if enacted, will be of enormous benefit to the Nation's health, and well worth every cent we provide to support the bill's programs.

Mr. JAVITS. Mr. President, I seek recognition.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The assistant legislative clerk read the amendment, as follows:

On page 86, line 17, insert the following new section:

"SEC. 211. Section 4(4)(B) of the Federal Employees Health Benefits Act of 1959, P.L. 86-382, 5 U.S.C., sec. 8903, is amended by striking out ', and which plans are offered by organizations which have successfully operated similar plans before approval by the Commission of the plan in which employees may enroll' ".

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I hope that the chairman of the subcommittee, the manager of the bill, will accept this amendment.

Section 4 of the Federal Employees Health Benefits Act describes four basic types of health benefit plans for which the Civil Service Commission may contract to provide medical coverage for Federal employees: First, services benefit plans; second, indemnity benefit plans; third, employee organization plans; and fourth, comprehensive medical plans. Two types of "comprehensive medical plans" are authorized—group practice prepayment plans and individual practice prepayment plans.

The difference between the two is, of course, whether it is a closed panel or an open panel.

With respect to individual practice prepayment plans, the act limits the organizations which may contract with the Civil Service Commission to those which have "successfully operated similar plans." This "successful experience" requirement applies only to individual practice prepayment plans. It does not apply to group practice prepayment plans.

The Civil Service Commission has construed the "successful experience" requirement to require 1 year of prior experience with a plan where first, individual physicians agree to accept payments on a prepaid basis as full payment for

covered services, and second, the individual physicians bear the risk in the event that the costs of providing covered medical services exceed the prepayments. Thus, organizations with experience operating plans underwritten by insurance companies have been ruled ineligible by the Commission on the ground that this second criterion was not met.

To my knowledge, only the Government requires that the participating physicians themselves bear the risk that costs of medical services covered by an individual practice prepayment plan may exceed prepayments. For that reason, most non-Government individual practice prepayment-type plans are underwritten by insurance companies, so that the individual physicians do not bear this risk. The result is that few organizations are able to meet the experience requirement of the statute as construed by the Civil Service Commission.

This amendment would put individual practice plans on an equal basis with group practice plans by eliminating the experience requirement. In addition to removing a seeming discrimination against individual practice-type plans, I think the amendment would stimulate innovation in methods of delivering good health care at minimum cost. Aside from possible increased administrative costs to the Civil Service Commission, this amendment would have no effect on the Federal budget.

I sincerely hope that the chairman of the subcommittee will accept the amendment.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. There is some difficulty in getting an exact understanding of what the Senator has in mind and I should like to ask him a few questions.

By an individual physician plan, does the Senator mean an individual physician has a roster of patients who are Government employees and they subscribe to a plan to which the Government makes certain contributions in terms of premiums.

Mr. DOMINICK. No. What I am really talking about is a prepaid comprehensive program where the person who accepts it can go to the individual doctor of his choice.

Mr. JAVITS. Exactly, but does the individual person buy a plan from an insurance company or does he contract only with that individual doctor.

Mr. DOMINICK. The individual practice plan, or foundation, contracts with the Civil Service Commission to provide comprehensive medical coverage to Federal employees. The employees subscribe to the plan, and pay a fixed fee in advance for medical coverage.

Mr. JAVITS. So that it is really, in a sense, a cooperative rather than a group practice unit, which does the same thing.

Mr. DOMINICK. That is correct.

Mr. JAVITS. And he buys services from a nonprofit organization.

Mr. DOMINICK. That is correct.

Mr. JAVITS. Now the experience factor would not then obtain in respect of that particular entity and the reason I gather for that is, it is an artificial standard and the Senator feels that the doctors have been long established and feel qualified to render the services which are being contracted for.

Mr. DOMINICK. The Senator is correct. Initially, the bill came out in 1959 with a 5-year "successful experience" requirement which applied to both individual and group practice type plans.

Between then and the time it got to the floor, the 5-year prepractice experience ratio was dropped insofar as group practice plans concerned, but left insofar as individual practice plans were concerned.

This change was not discussed on the floor. As a matter of fact, none of the legislative history indicates why the "successful experience" requirements were originally in the bill. The only relevant discussion indicates that there was no intent to distinguish between individual and group practice type plans in that regard, and that competition between the various types of plans was to be encouraged. My amendment would encourage such competition by eliminating the unexplained discrimination against individual practice plans.

Mr. JAVITS. This is a practice which has developed in the Senator's State of Colorado.

Mr. DOMINICK. True, but it is not restricted to us. There are medical foundations and individual practice plan all over the United States.

Mr. JAVITS. I understand that. It may be a very good idea to be adopted by other States. The Senator wants to strike the shackles from its wrists, so to speak.

Mr. DOMINICK. That is right. They would have the same opportunity as group practice plans have.

Mr. JAVITS. Neither the manager of the bill nor I fully understood exactly what the Senator was after by this amendment, so we have had—at least I have had—no opportunity, really, to run it down. Personally, I will be willing to take it to conference. The Senator will himself be a conferee. So that, with the understanding that if it creates any complications which we do not see now, the Senator will be right there and will not feel that we are fixed in concrete on this particular amendment.

Mr. DOMINICK. I would be perfectly willing to accept that because I am positive that it will stand up on its merits.

One of the things people have been talking about is the question of whether individual doctors would still bear the risk in the event the cost of covered medical services exceeded the amount of the premiums paid. They would, under this. As I understand it, they would have to in order to meet the criteria of the Civil Service Commission. My amendment would not affect that. The only thing it eliminates, is the "successful experience" requirement established for some unknown reason about 11 or 12 years ago.

Mr. JAVITS. For myself, as the ranking Republican on the Labor and Public Welfare Committee, I would be willing to take it to conference, with the understanding that as we have not had the opportunity to check it out even with the appropriate departments, the Senator would understand that we will do our best to hold it, but it will be subject to checking out with all concerned.

Mr. DOMINICK. I appreciate that.

Mr. KENNEDY. Mr. President, I would be glad to take the amendment to conference. The Senator from Colorado has expressed what the impact of this amendment would be in terms of Colorado. As the Senator from New York has pointed out, it is not completely clear what the impact might be in other parts of the country, but it is worthwhile to take the amendment to conference and I would urge that the amendment be agreed to.

Mr. DOMINICK. I thank the Senator from Massachusetts. I want to say that although this originally was brought to my attention by the Metropolitan Denver Foundation in Colorado which administers comprehensive prepaid plans, the pending amendments, if adopted, will apply equally around the country.

Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. 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 of the Senator from Colorado.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, the health care crisis in America has only recently emerged into the public consciousness. We have begun to realize that our health care system does not do an adequate job of keeping Americans healthy. The health crisis affects every American. For those who are very poor, health care is unavailable because of cost. For those who live in our inner cities or in our rural areas, health services are too far away. For the average American family, health care is a problem because costs are rising at alarming rates; routine health care drains our pocketbooks, and serious health care can mean economic catastrophe to a family

These are some of the stark facts:

Between 1966 and 1980, the number of workers who cannot work due to illness will climb from 13 million to 21 million.

Seventy-five thousand newborn babies die in the United States each year.

The number of general practitioners has declined 35 percent since 1957—and foreign physicians now constitute more than 25 percent of our Nation's doctors.

One hundred 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 sky-

rocketed 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 average family 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 our parents—our children—our friends and our fellow citizens.

As chairman of the Health Care Subcommittee of the Senate Committee on Aging, I held hearings in California during May to see what kind of health care our older citizens are receiving under the medicare and medicaid programs. The hearing clearly demonstrated that because of rising costs and because of poorly designed systems, literally tens of thousands of older Americans receive poor health care or no health care at all. Part of this is due to cutbacks in medicare and medicaid that put even the most basic health care beyond the reach of our elderly citizens. Part of this is a result of rigid and short-sighted regulations of the medicare and medicaid programs.

But the hearing made clear that even if the regulations were changed and finances made available, we still would not be able to have decent health care for our older Americans because we do not have the institutions that can deliver it. In minority communities, there are not enough doctors nor clinics. There are not the kind of people who can communicate with the community and earn their sense of trust. There are no means for getting older people to the doctors or, even better, the doctors to the older people.

To remedy this health crisis we need a medical bill of rights for all Americans.

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 upon reform by halfway measures and halfhearted 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.

Senator KENNEDY is leading the battle for this legislation and I support his efforts in every way. National health insurance will mean that all Americans, no matter what their means, no matter what their needs, can afford quality health care. When this legislation is passed, it will be a landmark in the history of social justice in our Nation.

The second medical right of all Americans is care within their reach. For 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.

So health insurance alone is not enough. We need enough doctors and related medical personnel to treat those who will be able to afford decent health care under national health insurance. And we must provide the institutions to bring that health care to every American. We will need special health clinics and out-reach efforts for our inner cities. In rural areas, different systems for health care delivery must be developed. For the aged, we must create home health care teams that can move doctors to the elderly, when the elderly cannot move to the doctors. And we must devise the techniques to insure that every family in America can and will utilize health care facilities for its children.

Finally, the third medical right is health care on a regular basis so that everyone can receive the benefits of preventive medicine. We must provide enough health education, supervision, and periodic checkups so that health problems are caught in the beginning, when they can be cured, rather than in the end, when it is too late for cure. Not only is this health care maintenance approach vastly more economical than our system today, but it is also the only humane way to provide for health care treatment.

These tasks will require great changes. They will require great imagination. They will require great resources. But they must be done, if we are to guarantee to every American a healthy life. I plan to contribute to this effort by offering various proposals to increase our health manpower and to create new institutions for health care delivery. Today the Senate is considering legislation that will allow us to overcome some of these health manpower problems.

First, we need more doctors and more medical personnel. By 1980 our estimated shortage of doctors will be 26,000, of dentists 56,000, of nurses 210,000, and of allied health manpower 432,000. We simply do not have enough people being trained today to provide the health care for America tomorrow. In fact, we are losing ground, because the increase in the number of medical personnel has not kept up with the increase in our population.

Second, we must reorient our medical training so that doctors are trained in those types of medical practice where we have critical manpower shortages. The largest such category is the "primary care" area. This includes the practice of family medicine—a new kind of general practitioner—internal medicine, pediatrics, obstetrics, and gynecology. An estimated 90 percent of the health care needs of Americans can be handled by these doctors. It is only the unusual case, on a statistical basis, that requires the medical specialist. Yet, only one-third of medical students are now being trained in these areas. It does not make sense to train only one-third of our new medical personnel to take responsibility for about 90 percent of our health care needs.

Third, as I mentioned above, we must directly focus on the problem of training medical personnel to work in our inner cities and rural areas.

Fourth, we must take immediate steps to train ancillary medical personnel. These physicians' assistants and nurses should be trained to assume the routine tasks of examination and medical practice so that doctors will be free to spend more time to use their special skills. If we don't use our doctors more efficiently, we will never be able to provide decent health care for everyone.

Fifth, we must begin to introduce into our medical schools more training for interdisciplinary care and the health team approach. The physician and the supporting personnel must be prepared to work together effectively on a single health problem so that we can break down the fractured, disjointed approach to the health care of particular individuals that too often prevails today.

Finally, we must increase the number of minority and disadvantaged group members into medical training at all levels. Without these people we will never be able to fully serve the communities from which they come. Only they can establish the trust and communication with medical consumers which will introduce health care into many of our communities.

The legislation now being considered in the Senate begins to remedy many of these problems. I support this legislation. Last month, Senator Eagleton and I offered an amendment containing proposals that we both felt would substantially improve the bill now under consideration. The Health Subcommittee and the Labor and Public Welfare Committee adopted these proposals.

These proposals now in the bill provide for:

First. Construction Grants:

Under Part B of Title VII of the Public Health Services Act for the construction of new health teaching facilities, Section 722(b) requires that all the funds needed to complete each construction project will be held in reserve from the funds available in the first year that the grant for construction is awarded. This means that a project that will take three or four years to complete takes three or four times the amount of money out of the appropriated funds than is actually spent.

Since the program began in 1965 only about 40 percent of the appropriated funds have actually been spent. As a result there is now a backlog of 79 approved but unfunded construction projects. Of these projects, 19 already have local matching funds—usually 40 percent to 50 percent of the cost of the project—ready and waiting.

To reduce this backlog, our provision changes section 722(b) to require the Secretary of HEW to reserve only a portion of the funds appropriated for the construction of health education facilities. This will allow us to immediately begin construction of health teaching facilities that are needed today and that will be even more desperately needed tomorrow.

Second. Grants for resident training.

The program for training medical residents needs help. The quality of education provided to residents in various institutions varies tremendously. We need

good educational programs, programs that take time and money in additions to the already fine practice of medicine in these hospitals. Now the cost of educating these residents is borne either by medical schools or by the patients in the hospitals involved. This is unfair. All Americans should help pay for the decent education for the next generation of practitioners.

We also have the problem of balance between training in primary care and in specialities, that I spoke of above. It must be remedied by balanced training of residents. Finally, postgraduate training in medicine is too long. The development of shorter training for our doctors must be encouraged.

Our provision tries to remedy these problems by authorizing per capita grants to public and private accredited schools for payment of the educational costs of approved resident postgraduate training. This will set a baseline for quality education and relieve some of the burden of this training for the hospitals and patients involved.

The bill provides for a grant to such institutions of $3,000 for each full-time resident being trained in primary health care or in any other speciality in which there is a shortage of physicians. A grant of $1,500 is provided for other residents. In this way, we will help correct the serious imbalance of health manpower training. In addition, institutions applying for grants must also undertake a program to encourage doctors to enroll in training in primary health care and must assure the Secretary that they will increase the number of resident training slots in that area.

Finally, no training institution will receive such grants for residency training for more than 3 years. This will encourage the movement to shorten the years of postgraduate medical training consistent with recent initiatives by organized medicine.

I believe these sections of the bill are solid contributions to the remaking of our health care system. They will allow us to begin building more medical schools at once, expanding the pipeline that supplies tomorrow's doctors. They will upgrade our residency programs. And they will help more doctors into those fields where we now have severe shortages. I believe that the sections of the health manpower bill will be a good start in curing the shortage and imbalance in our health manpower training.

S. 934: STABILITY AND PROGRESS IN HEALTH PROFESSIONS EDUCATION

Mr. CRANSTON. Mr. President, the distinguished chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS) and the distinguished chairman of the Subcommittee on Health (Mr. KENNEDY) are deserving of great praise for the substantial contributions they have made both in terms of initiative and leadership, to the development of the Health Professions Educational Assistance Amendments of 1971 as reported from the committee.

The ranking minority members of the committee (Mr. JAVITS) and the subcommittee (Mr. DOMINICK) also made significant contributions to this legislation and showed outstanding bipartisan cooperation during our deliberations.

As a member of the Subcommittee on Health, I participated in the deliberations on this bill in both subcommittee and in full committee. I believe that through the direction and flexibility of the respective chairmen, we have produced a bill which will enable this Nation to take steps essential to meeting one of the major problems facing our health system: the shortage, maldistribution, and to a certain extent, poor utilization of health professionals.

There are three major provisions in this bill, which I would like to comment on in particular: First, the system for institutional support, second, the programs for increased student financial assistance, and third, the provisions for recruitment and retention of minority and disadvantaged students in schools of the health professions. I am extremely gratified that the bill contains amendments I offered in each of these areas.

INSTITUTIONAL SUPPORT

The bill extends authorities for programs to support health professions education, with major modifications. I feel we have produced an approach to institutional support which will encourage medical schools and other schools of the health professions to undertake steady expansions in enrollments, to improve curriculums, and to undertake innovative educational programs. The method to achieve this end embodies an amendment I offered in subcommittee to condition capitation payments—per student institutional entitlements—on enrollment expansion, curriculum improvement, educational innovations, shortened curriculums, and other priority areas.

Most medical schools and other health professions institutions are undergoing a serious financial crisis, costs are rising at a rate far beyond the amount which can be met by individual student tuition, endowments, and other nontuition income. At the same time, it is evident that national needs for the health professionals trained by these institutions are so critical that some form of Federal subsidization is essential. This conclusion was also reached by the Carnegie Commission on Higher Education in its special report, "Higher Education and the Nation's Health."

With present levels of institutional support, institutions are experiencing great difficulty in increasing the numbers of students they train, reforming curricula, and improving training, all essential to the graduation of health professionals and new types of health personnel capable of meeting the greater and increasingly complex demands being made on them today. Such improvement and reform could include additional training in the prevention and treatment of drug abuse, narcotics addiction, alcoholism, and training in the family practice of medicine, as well as new methods of rendering health services, such as the team concept, among others.

To meet these problems, my amendment, which is included in the institutional grants provisions of the proposed new sections 770 and 771 of the Public Health Service Act, would provide for a basic institutional capitation award consisting of $50,000 for each institution plus three types of capitation grants or bonuses as follows: a capitation grant for each full-time enrolled student or equivalent thereof, a bonus capitation for first-year enrollment increases, and an incentive capitation grant for each 3-year graduate.

The committee determined that the national interest is deeply involved in the ability of these institutions to meet the demands placed upon them, and determined that a reasonable Federal degree of support should be equivalent to roughly one-third of the average per student cost incurred nationally by such institutions.

This one-third support would be met through the utilization of the capitation procedure I have outlined:

BASIC ENROLLMENT CAPITATION

This grant would consist of $50,000 plus a specified amount for each enrolled student—or equivalent—in the several disciplines as follows: schools of medicine, osteopathy, and dentistry, $4,000; schools of optometry $1,000; schools of pharmacy $600; schools of podiatry $900; and schools of veterinary medicine $2,000.

BONUS CAPITATION FOR ENROLLMENT INCREASE

As a means of encouraging schools of the health professions to increase enrollment and at the same time maintain or improve their standards of excellence, the bill would provide bonus awards for each member of certain expanded first-year classes for each year such class is enrolled at the school. Schools of the respective disciplines would be entitled to the following amounts for each student in such a "bonus" class: Schools of medicine, osteopathy, and dentistry: $2,000; schools of optometry: $400; schools of pharmacy: $300; schools of podiatry: $400; and schools of veterinary medicine: $1,000. These bonus awards would be provided if the school increased according to a steady progression or a fixed number spread over a 3-year period.

To avoid placing insurmountable barriers in the way of schools unable to increase their enrollment incrementally each year, and to avoid imposing special hardships on those schools which have already undergone exceptional growth in class size in recent years, schools are given the option of spreading excellent increases backward either to years now past or to future "past" years over a period of 2 or 3 years rather than being required to increase at a set percentage of number each year. Thus, a school could have a substantial increase in 1 year preceded or followed by a year in which the increase is smaller without losing its eligibility for a bonus for increased enrollment.

However, requirements for eligibility would be met only if the school achieved over each 3-year period an increase in its first year places of 15 percent or 15 students, whichever is greater—or an increase of 10 percent or 10 students over a 2-year period. Our intent is also that in the future, schools would increase their enrollment from year to year or at least not reduce enrollments in any particular year when using the spread-back provision.

INCENTIVE CAPITATION TO SHORTEN CURRICULUM

This bonus would offer incentives to shortening the education and training period of students at schools of medicine, osteopathy, or dentistry by making a payment of $6,000 for each third year graduate, $2,000 more than the $4,000 the school would have received if that student had continued into the fourth year.

SUBMISSION OF A PLAN

With this very substantial financial support offered health professions schools, I felt it essential that the schools should also make every effort possible to develop programs responsive to other national needs and priorities. For this reason, I proposed that before a school could be eligible for any institutional—$50,000 per school—or capitation award, it must submit a plan to the Secretary of Health, Education, and Welfare setting forth the manner in which the school intends to continue, expand, or initiate improvements in at least three areas of recognized national need.

CAPITATION CONDITIONS

Nine categories of recognized national need are listed in the legislation to health manpower training expansion and improvement. They are similar to the categories in the special project and initiative grant categories in section 122 of the bill—new section 772 of the Public Health Service Act—which are designed to support larger scale innovations. The capitation condition categories themselves are largely self-explanatory in terms of their aims: First, curriculum improvements and shortening; second, interdisciplinary training; third, training for new roles, types, and levels of health personnel; fourth, teaching organization and provision of health care; fifth, increasing the supply of health professionals; sixth, training in clinical pharmacology and drug and alcohol abuse; seventh, in pharmacy, stress on clinical pharmacy; eighth, increases in minority group enrollment and retention; and ninth, special emphasis on training in primary care and family practice.

CAPITATION PENALTIES

I would like to draw particular attention to the fact that three of the capitation condition categories are identical to the situation for which capitation bonus incentives payments are awarded: increased enrollment, curriculum shortening, and the training for new roles, types, and levels of health personnel—thereby giving health professions institutions a double incentive to establish such priority programs.

My amendment put teeth into the plan requirement by requiring the institution to carry out satisfactorily the three programs included in its plan in order to receive the next year's full capitation to which it would otherwise be entitled. Penalties would be levied in the form of a 10- to 30-percent reduction in the years subsequent to the year in which the award was made for those institutions which, by failing satisfactorily to carry out their plans, indicate a lack of response to the national needs.

This reduction would be made at the rate of 10 percent for each failure to institute or carry out satisfactorily one of the three programs specified in the plan submitted by the institution. Thus, an institution which met the basic prerequisite of submitting a qualifying plan would receive its entitlement for the next year. It would also be guaranteed a minimum grant representing approximately 70 percent of the potential amount to which it would be entitled in the following year. Upon satisfactorily carrying out at least the three capitation condition programs in the plan, the school would be entitled to the full 100 percent capitation award for the next year. As I have indicated, any reductions—up to 30 percent—necessitated by failure to carry out the minimum number of capitation condition programs would be made in the subsequent year's award. No repayment of the award already made for the current school year would be required. A special provision permits the Secretary to waive recovery in extreme hardship cases—once every 5 years per school—but I would hope this provision would be used sparingly.

INCENTIVES TO ESTABLISH TRAINING PROGRAMS FOR CLINICAL PHARMACISTS

I would like to draw particular attention to the special emphasis which has been placed on the need to train clinical pharmacists in schools of pharmacy. The bill provides that each school of pharmacy, in order to receive 100 percent of its capitation award, must include in its plan and carry out a program for emphasizing such training among its three planned capitation condition programs. In addition, the bill provides that failure to carry out such a program would result in the school's ineligibility to qualify for the first-year enrollment increase bonus, which I described previously.

As the number and complexity of available prescription and nonprescription drug products increases, and the use, abuse, misuse, and overuse of drugs is also on the rise, the need for additional supportive personnel in the field of clinical pharmacy is becoming more apparent. Clinical pharmacy training prepares the pharmacist for greater responsibility in direct relationships with the patient in drug misuse, abuse, toxicity and nonprescription drug advice as well as in closer working relationships with physicians, dentists, and other health professionals. For example, a community pharmacist is the first contact in the health system for many patients simply because the patients come to him first. The specialized training of the clinical pharmacist will enable him to relieve a great many of the demands made upon the health professional, as well as providing an alternative to the possible misuse of emergency health facilities.

Dr. Margaret McCarron, associate professor of medicine and pharmacy at the University of Southern California, has written an excellent paper on the education of the patient-oriented pharmacist. Mr. President, I ask unanimous consent that this paper be set forth in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. There being no objection, it is so ordered.

(See exhibit 1.)

I believe Dr. McCarron dramatizes the potential contribution of the fully utilized clinical pharmacist to the provisions of health care when he functions as a fully recognized member of the medical community. I feel she explains cogently the reasons for the special incentives in my amendment for clinical pharmacy—and pharmacology, where appropriate—training at pharmacy schools.

CAPITATION AWARD FOR TRAINING OF PHYSICIANS' OR DENTISTS' ASSISTANTS

There is one additional capitation award which I would like to highlight—the procedure whereby each school of medicine, osteopathy, and dentistry having a program for the training of physicians' or dentists' assistants would receive an award of $1,350 for each full-time student enrolled in such a program. I offered this amendment to encourage the training of these individuals in the same educational setting as physicians and dentists, thereby, as an additional benefit, to foster the development of the health team training concept as well.

The role of the physicians' and dentists' assistants in the provision of health care is one of the most promising developments on the horizon in alleviating the severe shortages of health manpower. This well-trained new type of health professional extends the ability of the physician or dentist to provide the highly skilled treatment for which he has been trained to more individuals, saving him the precious time which can be consumed by routine tasks in the care of patients.

Where physicians' assistants have been functioning in a clinical situation, or in a doctor's office, they have had a high degree of acceptance by patients. In many cases, the patients have, on returning to the clinic or office, asked for appointments with the physician's assistant rather than the physician. These assistants have been extremely adept at establishing a relationship of trust with the patient, enabling the assistants, in many cases, to develop a history of the patient's illness and its contributing factors in more depth than had been possible where a patient felt reticent about monopolizing a busy doctor's time or was unable to identify with a doctor to the extent possible with a physician's assistant.

Since I recognize these training pro-

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grams are still in the developmental stage, no attempt was made in the legislation to define either the scope of duties of a physician's or dentist's assistant, or the duration of his training, in order to cover both the short-term training—1 year or less—such as in the Medex program at the University of Washington, the Charles Drew Post Graduate School of Medicine at the Martin Luther King Hospital in Los Angeles—incidentally, the only current application of the Medex program to an urban situation—and the University of Alabama, among others, and the longer term—2 years—such as at Duke University, or the 4-year program, such as at Alderson Broaddus.

I feel all three categories of physicians' assistants described in the report of the Board on Medicine of the National Academy of Sciences should be covered. These are: the type A assistant, distinguished by his ability to integrate and interpret findings on the basis of general medical knowledge and to exercise a degree of independent judgment; the type B assistant, highly specialized in one clinical procedure; and the type C assistant, who is generally proficient in medical procedures, but without the ability to use independent judgment to the degree of the type A assistant.

Over 50 physicians' assistants programs are being developed throughout the Nation producing support personnel in these three categories. The costs vary, depending on the degree of training and the previous experience required of the student, but in general, costs are not out of line with the costs of training health professionals. I would expect that the requirement I suggested in the bill for a systematic program for retrieving all facts and figures regarding actual physicians' assistants program costs will provide much needed valuable information, not now available.

STUDENT SCHOLARSHIPS AND LOANS

In the bill's provisions for student scholarships and loans, I was pleased that so many of the recommendations of S. 372, the Health Professions Assistance Amendments of 1971, which I introduced with the bipartisan cosponsorship of Senators WILLIAMS, KENNEDY, JAVITS, HUGHES, EAGLETON, and NELSON, were adopted in S. 934. The purposes of these amendments were to make important improvements in the health professions student loan and scholarship programs, to encourage greater representation of the educationally and economically disadvantaged in the health professions, and to provide incentives for health professionals to practice in urban and rural poverty areas.

I am particularly pleased with the expansion of the scholarship and loan provisions contained in S. 934. As I proposed in S. 372, the bill extends for 5 years present authorities for the student loan programs and raises the amount a student may borrow in any year from $2,500 to $3,500.

In addition, provision is made for special consideration for guaranteed loans to students of the health professions under the guaranteed loan program of the Higher Education Act. Benefits of the guaranteed loan program may not be readily available to many students who have difficulty in obtaining loans from private sources. However, I believe the committee is wise in making this source of financial support available, although I share in the reservations expressed in the committee report with respect to the danger of permitting too much reliance on this form of financial aid to meet the needs of students, especially the disadvantaged.

Another provision which I believe offers a partial solution to the problem of maldistribution of health professionals is the new authority provided for forgiveness of loans for certain kinds of service in shortage areas. The types of service encouraged by this incentive would be general, family, internal, or pediatric medicine, as well as those areas of practice the Secretary by regulation may determine to be essential in certain geographical shortage areas. This provision parallels the forgiveness provision I proposed in S. 372, and I am delighted that the committee accepted my amendment, with Senator EAGLETON, to increase annual forgiveness to 50 percent of the total loan, which should benefit those students with the greatest loan.

Whereas, currently, extra loan forgiveness is provided for service only in a rural area, the bill reported from committee adopts my S. 372 proposal to expand extra loan forgiveness for practice in urban areas with severely inadequate medical service.

In addition, as in S. 372, the bill amends the scholarship program to extend its authority for 5 years and raise the maximum scholarship amount available per student from $2,500 to $3,500. Scholarships would be limited to students of exceptional financial need and to students from low-income or economically disadvantaged families who need such financial assistance to pursue a course of study.

Furthermore, the schools would receive a substantial increase in the amount of scholarship funds available to them. The present formula provides schools $200 for each student enrolled; S. 934 would change the formula so that this amount would be equivalent to $300 per student.

Moreover, as an incentive to the enrollment of students from economically or educationally disadvantaged environments, the bill includes an amendment I offered—based on my S. 372—to add $3,000 to a school's scholarship fund for each such student enrolled in fiscal years 1974, 1975, and 1976.

FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE HEALTH PROFESSIONS

This brings me to the third major change made by this legislation which I wish to emphasize—the recruitment and retention of minority and disadvantaged students in medical and other health professions schools.

I am delighted the committee adopted my amendment containing this new program in virtually the same form I proposed it last Congress and again this year in S. 372. The only difference from my original proposal is a slight reduction in the authorization of appropriations in the last 2 years.

Mr. President, this new outreach program when combined with a number of the important changes in the health professions loan and scholarship programs, which I described earlier, would provide long overdue special assistance to disadvantaged students to enter the health professions. In addition, to provide special encouragement to students from low-income or otherwise disadvantaged families to enter the health professions, and to help alleviate their concern that a loan might be an impossible burden if they should not complete their course of study, the bill would also authorize the Secretary to cancel loans, in whole or in part, in such situations.

An important facet of the overall shortage of health professionals is the disproportionately low representation of minority groups in such professions; their representation falls far short of the proportions which such groups represent in the population as a whole. For example, although blacks make up 11.2 percent of our population, only 2 percent of the medical profession is black. There are only 6,000 black physicians in the entire Nation; one out of every 560 whites is a physician while the rate for blacks is one out of every 3,800. Although comparable nationwide data is not available, and representation of Chicanos, Indians, and those of oriental descent is estimated to be even lower proportionately. For example, although the most recent estimates indicate that Chicanos comprise approximately 13 percent of the total population in the southwestern States, Chicanos comprise only 1 percent of the medical student bodies in those States.

An October 1970 report by the Carnegie Commission on Higher Education stresses the need to train minority group health professionals:

> The need to train more minority-group physicians and dentists is crucial. They can play a leadership role in stimulating more emphasis on adequate health care services and health education for minority groups, and they can undoubtedly relate to patients of their own races more effectively than white practitioners.

I feel the unequal representation of minority students in the health professions is due in large part to two things: the lack of effective counseling to encourage and assist minority students to enter the health professions, and the inadequacy of existing financial aid programs to provide assistance at levels which would enable the disadvantaged to meet the enormous, exploding costs of undergraduate and graduate education in the health professions.

It is my opinion that S. 934 meets both these major impediments to the enrollment of minority and disadvantaged students.

First, the bill would add a new section 724 to title VII of the Public Health Service Act to provide for grants and contracts to schools and other public or nonprofit organizations for the purpose

of identifying, encouraging, and assisting disadvantaged individuals with a potential for education or training in the health professions. Specifically included are those returning veterans with training or experience in the health field. Individuals would be assisted in enrolling, or in qualifying to enroll, in postsecondary education or training, including health professions schools. The Outreach program would also provide for broad dissemination of information on sources of financial aid available for such postgraduate or postsecondary education and training.

To this extent, the bill's outreach provisions are similar to those contained in section 204 of the Health Training Improvement Act of 1970, Public Law 91–519, enacted November 2, 1970. However, my provision goes further and specifically would authorize the Secretary to fund such other programs as he determines would enhance the enrollment, pursuit, and completion of study by such disadvantaged persons once they are enrolled in medical and other health professions schools.

Mr. President, in closing, I would like to pay special tribute to the generosity of both Dr. Philip Lee, chancellor of the University of California Medical Center in San Francisco, and Dr. Edward Rosinski, vice-chancellor there, who devoted a considerable portion of their valuable time and talent to providing me with expert advice and guidance in the preparation of my amendments to this bill and the nursing education bill, S. 1747.

Mr. President, I believe the Labor and Public Welfare Committee has produced an excellent bill.

I again congratulate Senator KENNEDY for his leadership and effectiveness as the new Health Subcommittee chairman, and I wish to thank his highly able staff and that of the minority for their cooperation in working with me to perfect my amendments to this bill and S. 1747, which we are scheduled to take up next this afternoon. I urge all my colleagues to support this measure.

EXHIBIT 1

AN APPROACH TO THE EDUCATION OF PATIENT-ORIENTED PHARMACISTS

(By Margaret M. McCarron, M.D.)

The curriculum at the University of Southern California School of Pharmacy has been changed recently to emphasize the application of drug knowledge to the care of patients—or the study of clinical pharmacy. In this sense clinical pharmacy is not a course or a clinical experience but a new direction in pharmaceutical education. The aim of the program is to educate "patient-oriented" drug specialists to assume meaningful roles in the delivery of health care.

We believe that the traditional roles of the pharmacists should be upgraded, that professional responsibility and judgment should be increased, and that time consuming mechanical tasks should be delegated to assistants. New roles should be developed as patient needs are demonstrated; these roles should be logical in terms of utilizing the pharmacist's full potential as a drug specialist, practical so there is an immediate benefit from his services, and economically feasible. The activity will vary with variations in the clinical setting. The validity of each role should be judged according to the pharmacist's contribution toward supplying health care or improving its quality.

There is a need for the pharmacist to be the first contact in the health care delivery system simply because many patients come to him first. For years patients have been consulting retail pharmacists regarding drug treatment. This role of the pharmacist has been largely neglected in schools of pharmacy and ignored or criticized by physicians. As a consequence, pharmacists are not adequately trained to assess the patient's symptoms and advise him regarding further care. A very important part of the clinical pharmacy program at U.S.C. is devoted to teaching the pharmacist to understand the patient's problems. The pharmacy student is taught mechanisms of disease and combinations of symptoms that represent serious problems requiring medical care so that he may be able to function in a screening capacity. He is trained to detect and to recognize disease states based on gross symptomatology and then, when appropriate, supply advice and over-the-counter medication, or if indicated, to direct the patient further into the health care system. Under present circumstances then, a well-trained pharmacist could handle many problems in the community pharmacy rather than referring patients with minor problems to crowded emergency rooms in hospitals or to over-burdened physicians.

A "patient-oriented" pharmacist should be concerned with the consequences of drug therapy. He should be aware of drug related problems and make an effort to solve them. The following are a few of these problems and the approach we have taken in an effort to solve them.

1. The error rate in drug administration in hospitals is very high. Several studies (1,2,3) have shown that from 2 per cent to 8 per cent of all drug doses given in hospitals are in error. This is only including errors related to wrong drug, wrong dose, wrong route of administration, wrong patient, or prescribed drug not given. Errors in time of administration and prescribed dosing intervals add significantly to the error rate. The present drug distribution systems in hospitals are not only inadequate but depend on nursing staffs that are undermanned. The pharmacist could improve the quality of patient care and contribute significantly to the health manpower pool by assuming complete responsibility for drug administration in hospitals, from receiving the physician's order to supervising technicians in administration and charting of medications.

2. Adverse drug reactions account for a significant number of patient admissions to hospitals, (4) and an unknown number of serious adverse reactions—many of them preventable—occur while patients are hospitalized (5,6,7). It appears that "drug-induced illness" is in itself a major problem—this is exclusive of illegal and legal drug abuse.

Many adverse drug reactions are not recognized and often the symptoms and findings of drug reactions mimic a change in the patient's disease. Although we do not teach our students to diagnose patient illnesses, we do teach them to diagnose adverse drug reactions, to document them clinically, to report them promptly to the physician, and to be able to advise the physician regarding the specific treatment of the reaction and alternate therapy if indicated. These reactions are reported in writing by the student and become a permanent part of the patient's record to protect the patient from further insult from that drug or similar compounds.

3. Drug Interactions. Drugs may be physically, chemically, or biologically incompatible with each other, with the patient's diet, or with changes in the patient's body chemistry. They can accumulate to toxic levels or be inactivated when their absorption, metabolism, distribution, or excretion are effected by disease processes.

The problem of drug incompatability in I.V. admixtures is just beginning to be appreciated. Drug interactions (8,9) and drug interference with proper evaluation of clinical laboratory tests are new problems which are being studied now. How many patients suffer increased morbidity or mortality because of these factors is unknown.

In order to use modern potent therapeutic agents properly with a minimum of risk to the patient, knowledge of the inter-relationships between the chemical and physical properties of drugs, the biological effects of drugs, and the effects of disease or metabolic disorders on the fate of drugs is needed. We teach the pharmacy student biopharmaceutics and pathophysiology of the organ systems involved with pharmacokinetics. The student is taught to apply this knowledge in recognizing actual or potential drug interactions, to determine if the interaction is clinically significant, and to take corrective action.

4. Evaluation and interpretation of drug information. Although many sources of drug information are available, practicing physicians in this country receive most of their knowledge regarding drugs from pharmaceutical salesmen and various forms of drug advertising (10). Assuming that the quality of the individual items of information is acceptable, the physician would have to contact representatives of each drug company in order to get a comprehensive view of available drugs. This is a time-consuming and inefficient system which often results in incomplete information.

Many pharmacists have been trained to accumulate, retrieve, and communicate drug information through drug information centers. This is a real contribution to patient care. Evaluating and interpreting drug information, especially in view of the patient's clinical condition, is a function that has been traditionally reserved for the physician. A pharmacist who has been trained in biological and clinical application of drug therapy as well as in the chemical and physical properties of drugs, has the potential for contributing vital health care information to the physician. If the pharmacist is working closely with the physician and helping to monitor the patient's response to drug treatment, the flow of information is facilitated.

We are not training the pharmacist to be a second-class physician or to be a physician's assistant. We are also not training the undergraduate pharmacy student to be a therapeutic consultant to the physician specialist—the U.S.C. School of Pharmacy is developing a graduate program leading to a Ph.D. in clinical pharmacology for students with an M.D. or Pharm. D. degree who want to pursue this role—we are training our students to be able to speak the physician's language and to communicate with him as a colleague.

5. Patient Education. Patients have remarkably little insight regarding the proper use of drugs. They medicate themselves according to the latest T.V. ad, or a recommendation of a friend. Wives take medication prescribed for their husbands, and vice versa; and people give medicines that have helped them to their friends who seem to have a similar need.

Patients obtain prescriptions from physicians, ask the pharmacist how much each item costs, and readjust their therapy by buying some of the prescribed drugs and not others. Even when patients have all of their prescriptions filled, they often do not comply with the instructions for using them. Some patients buy medicine and do not use it—medicine cabinets throughout the country contain unused prescription drugs; others use up a month's supply in a few days. Also many patients do not know how to ad-

minister drugs properly. They often misuse certain preparations such as inhalers, nose drops and suppositories.

Medications are not stored adequately or safely at home—thousands of cases of poisoning by drugs occur each year in children who have ingested their parent's medication. Improperly stored or outdated drugs deteriorate and toxic products may be formed.

We believe that the pharmacist should be concerned about the patient's use of drugs. He should tell the patient what the drug is for, using judgment so he will not frighten the patient, and the importance of its use. Instructions should be clear and understandable. They should not be so simple that the patient misinterprets them.

We attempt to teach the pharmacy students how to communicate with patients, to give intelligent clear instructions, and to determine that they are understood. The students are required to take a behavioral science course which provides for an understanding of human behavior at the pharmacist/patient interface and also at the pharmacist/health team interface. It is intended that this course should also provide the pharmacy student with an understanding of the pervasive and significant inter-relationships between the disease state and its treatment, the social environment and the behavioral responses of the patient.

The courses required in our new curriculum are not treated as isolated fragments of knowledge. Their design is intended to create a coordinated learning process whereby theory, fact, skill and clinical application will be integrated, for and by the student, within and between disciplines, and implemented in practice at the patient care level.

An example of the change in course content and presentation, let me cite the microbiology course at our school which is taught in the second year, using the team teaching approach. The student studies the organisms, the mechanisms by which they produce disease, the clinical manifestations of the diseases they cause, and the pharmacology of the drugs used to treat them. The chemistry of the anti-microbial agents and their structure-action relationships as well as the immune responses and the use of biological products in the prevention and treatment of infectious disease, is taught in this course.

The patient-contact portion of our program is taught by specially trained clinical pharmacy instructors and by physicians and nurses. The clinical pharmacy instructors, who are not preceptors but are full time faculty members, are responsible for supervising the student's activities on the wards and for teaching the medical principles the students must know. The faculty members show the students how to evaluate the clinical cases and how to apply principles of pharmacy, pharmacology, and pharmacokinetics to the assessment of drug therapy.

A portion of the student's time is then spent in working as a clinical pharmacist on the wards. His duties are:

(a) To determine through patient interviews, patient compliance in taking prescribed medication, the patient's use of over-the-counter drugs, known allergies, and other important aspects of the patient's drug history, and any important social or behavioral problems that are important to the patient's drug therapy.

(b) To accept drug orders from physicians; to evaluate the order for correct dosage, route of administration, incompatabilities, or possible interaction with other therapy or diet.

(c) To evaluate possible alterations in drug absorption, metabolism, and excretion due to the patient's clinical condition.

(d) To evaluate the patient's response to drug therapy and monitor for adverse drug reactions.

(e) To prepare I.V. admixtures.

(f) To provide and interpret drug information.

The students work closely with the patient's physician and report all of their observations and suggestions to him. They also work closely with the ward nursing staff, medical students, and nursing students.

Our education department and the curriculum planning council of the U.S.C. School of Pharmacy are hard at work determining where we are, where we are going, and what paths to take to get there. We will know that we have arrived when our students are recognized as first-class pharmacists who are vital and indispensible members of the health care team.

The PRESIDING OFFICER. The bill is open to further amendment. If there are no further amendments, the question is on the committee amendment.

Mr. MAGNUSON. Mr. President——

Mr. KENNEDY. I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. MAGNUSON. Mr. President, I join the several Senators, particularly the members of my Subcommittee on Appropriations on HEW, in complimenting the subcommittee on reporting this bill.

I have some statements here which I shall shortly ask unanimous consent to have printed in the RECORD and merely want to say that if there is a health crisis in the United States, it is the failure to deliver health care to the people who need it. That means manpower. That means training. That means all of the aspects contained in the pending legislation.

We are very short of meeting the needs for solving the health problems of this Nation and transferring to them the benefits of all kinds of good research today.

I am optimistic about our research in health. I think that we have been pressing a lot of buttons. However, I think that delivery is another matter. That is what the pending bill is intended to do.

During our hearings, in which we are now in the process of hearing testimony on the health portion of the HEW bill, no one fact came out stronger than the need for the types of manpower to do the job that should be done. Preventive medicine is most important.

This morning we had testimony concerning the incidence of measles and rubella. Rubella occurs amongst the poor people and the blacks something like 500 percent times the incidence of the disease in other parts of the country that do not have many members of the minorities or people committed to the ghetto centers.

This means more trainees. This means a help program for the returning veterans. We are trying to get orderlies to continue in this work.

We are short 50,000 doctors and many thousands of dentists and nurses. We will never catch up unless we can transfer some auxiliaries or assistants to this type of job. In that fine institution that is mentioned, in Chicago, we do not have the people that are necessary.

Mr. President, I wish to join in complimenting the members of the Senate Labor and Public Welfare Committee—especially those on the Health Subcommittee—for the excellent job they have done in recommending these two bills that will help to meet the health manpower needs of our Nation.

There is no more important single domestic area of concern nor one that is more complicated than this. I am well aware of the serious questions that were posed by the various recommendations before them, and they have presented the Senate with a package I feel we can all support.

There are any number of problems in the health field. Many that approach such proportions and that are of such magnitude that they can justifiably be called a crisis. To me, the real crisis in health is our lack of being able to deliver the best in health care and treatment to all of those in need.

The reason this is true is that we do not have sufficient numbers of trained people who can do all that could now be done to deliver quality health care to the American people.

This shortage is a national problem that requires a coordinated national plan, but not one that is so rigid that it will not allow us to meet new needs, requirements and challenges as they might develop along the line. This is a national problem that requires a substantial Federal contribution, but not a Federal "take over" and dictation.

These two bills, which cover all of the health professions—allied health, public health, paraprofessionals, and nursing—chart a sound course for meeting these shortages of highly skilled people. They do this without imposing upon the individuality and freedoms, academic and otherwise, that have been the hallmark of these institutions.

For a number of years, the Federal Government has participated in these efforts to increase the supply of health manpower, to improve the number and quality of teaching programs, to build the necessary facilities, and assist qualified applicants in these programs meet their personal costs in being "students" in what is often a very costly and lengthy educational program.

Although the Federal expenditures have helped to meet these goals and have been substantial over the past 8 years, they have not been reliable. These Federal expenditures have accomplished a great deal: buildings have been constructed for multiple purposes of teaching, research, care, treatment, and the continuing educational activities of all the health professions, nursing and allied health; thousands of students have been assisted through loans and scholarships; hundreds of faculty members have been brought along to help staff new schools and colleges, and expand existing training programs.

All this and more has been accomplished, but it has not been enough. More importantly, that Federal support has not been reliable. These institutions that are on the front lines of this national effort to increase the numbers of highly trained and qualified men and women for the health fields have not been able to rely upon past Federal programs. Performance has not equaled promise.

These two bills are improvements over past legislation because they do provide

for greater reliability upon continuing Federal expenditures for these programs. The establishment of "entitlements" under institutional grants will go a long ways toward meeting this requirement. I hasten to add, this will still require current and future Presidents, administrations, and Congresses to be more responsive to meeting these needs in annual appropriations and budgets.

These measures provide far better ways and means of providing institutional support for all these health related programs. It is increasingly clear that the gap between what the students can reasonably pay and the costs of education and training, cannot be filled with erratic contributions from the private sector or disaster grants from the Federal Government.

The recommended levels of support for the various training and educational programs involved appear to be reasonable. I use that word "appear" as even the committee recognizes the complexities involved in the operation of these schools and the highly complicated fiscal arrangements within these institutions.

Although the Congress has requested formally, and many of us have called informally, for detailed studies of these problems, we have yet to have such reliable information available to us. S. 934 again calls for a "cost of education" study and recommends that the National Academy of Sciences, Institute of Medicine be called upon to conduct that review. I hope that they will accept this challenge and fill this void that makes it impossible for us to proceed with greater certainty.

Bricks and mortar are equally important if program support is to be effective. The construction support programs called for in this legislation are a great improvement over past measures because the complex needs involved are more adequately and realistically recognized. Not only the dollar levels of authorizations are increased, but greater flexibility is allowed.

Flexibility in construction programs, whether for renovation or replacement, new or major expansion is needed. Equally important, past distinctions between health manpower teaching facilities, research and medical library facilities have been discarded. Under these bills, the multipurpose needs and requirements of these institutions can be met.

New types of facilities could also be supported, and the comprehensive health manpower teaching facilities for interdisciplinary training, or for the particular needs of a given geographic area could be met. Perhaps we were too specific in past legislation. If so, we must allow for greater flexibility and these bills do just that.

Eligibility for assistance under these institutional support and construction programs is dependent upon a definition of the role, and acceptance of that role by the individual institutions, of the part they are to play within the total health resources of our Nation. Board goals and objectives have been set forth, without being too specific. Only those institutions, colleges and schools that are conducting educational and training programs for health personnel can help reduce these shortages. Only they can improve the quality of their programs and in turn graduate more highly skilled and qualified people.

Under the flexible provisions of these measures, all of those schools are left the responsibility of charting their individual courses of action. They will be required to chart such a course. They will be held responsible to follow their plans, and they will be held responsible if they fail to meet their self-established goals.

I feel this is only right and fair. These institutions, all of the schools and colleges involved in health training and education programs are national resources. At the same time they are primarily supported by State, local, and private resources, or combinations thereof, and the Federal contribution in the past has been that of a "junior" partner. Although that Federal contribution must become more significant, we must not attempt to become a "managing' partner. We should require all parties to be more responsible partners.

These bills do require all concerned to be more responsible, and they will help to achieve greater levels of financial support for all of these programs from the Federal Government. They will help achieve that without the assumption of control and direction at the Federal level that could prove to be fatal. We have not established here, in some Federal agency, a super board of regents that is going to attempt to dictate the curriculum, the teaching methods of procedures, the research directions, or anything else that should be followed.

While we need far more men and women in those traditional white coats who are able to deliver quality health care, we don't want them turned out in stereotype with straitjacket minds.

We must retain the diversity of programs that have helped to foster all of the improvements in health care that are now possible. More people who might wear some distinctive uniform in a hospital, clinic, laboratory, classroom or outpatient facility is our goal—not uniformity, or conformity to some standard of mediocrity.

Student financial aid is just as vital as institutional assistance, and these bills recognize those needs. The package of student assistance programs contained in these bills is most important if we are going to allow the participating institutions to have a truly "open door" policy for all qualified applicants.

Today, far too many admissions committees are being forced to consider the personal financial ability of applicants to pay ever-increasing student fees and tuition. Today, few institutions can actually admit all of those qualified students, from low income families, who seek entrance into health education and training programs. Today, far too many graduates who would prefer to go out into rural areas, or into an urban/suburban depressed area are being forced to forgo such a commitment because they must immediately start to repay their personal indebtedness.

For student financial aid, this legislation is preferable to some recommendations I've seen because it again is not too specific and it is flexible. As my Appropriations Subcommittee pointed up in our report on the Office of Education Appropriations last month, it was our conviction that middle income families were fast becoming the forgotten Americans.

The Department of Health, Education, and Welfare, through regulations, guidelines and advisory letters, have redirected student aid funds in a totally unrealistic manner. Gross family income more often than not has no relationship to what might be available to assist a son or daughter embarked upon a costly educational program. What might be a reasonable formula today, becomes an impossible restriction due to inflation or changing circumstances within a family tomorrow. Student financial aid officers, who can best make these determinations of actual need upon an individual basis, are presently denied such discretion, and too often only delegated the job of attempting to explain why there are no funds available to assist worthy students.

The controlling factors in student financial aid must always be first, a qualified student with the ability and desire to participate in a demanding educational program. Then, if he or she is in financial need, taking into account other financial resources that are actually available to them on an individual basis, and the determination that they could not participate in the given educational program because of financial need, a program of adequate assistance must be available. I personally feel that such programs are best administered by the participating educational institutions, and these measures provide more ample support for those types of programs.

In the past, students and institutions have not been able to rely upon these programs of student financial aid. We have documented cases where second and third year medical students were forced to withdraw from schools because they were unable to secure financial assistance. Again, this legislation provides for greater reliability in these programs. I would repeat: this carries with it the challenge that future Presidents, administrations, and Congresses must see that annual appropriations are truly adequate to meet these needs.

I am pleased this legislation recognizes the important role that could be played by the Public Health Service and hospitals in achieving these goals. I hope that the Secretary and others will see to it that this potential is not dissipated and that we more fully utilize these valuable resources.

I will not detail all my reasons for supporting these bills, but again I compliment the Labor and Public Welfare Committee for presenting us with an excellent package that will help to meet these complex needs.

If, as a nation, we are truly serious about taking effective action to meet the massive health care crisis that besets us, then we must be willing to pay the costs of assuring enough of the right kinds of health manpower to do the job.

These bills will assure us that the educational and training programs are

developed; that they receive basic support from the Federal Government; that we will help stimulate the production of new types of health personnel needed; that new schools and programs are developed and supported; and that qualified students will find an open door.

These measures must be enacted by the Congress, and then all of us must see that future appropriations and actual expenditures more adequately meet these needs.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, I do not want to delay the Senate. However, I want to ask one brief question. I have been privileged to have served as a member of the subcommittee of the Senator from Washington. I have sat through hearings. I am deeply impressed with the need for this legislation.

The thought occurred to me some time ago that we have a surplus of 30,000 or 40,000 engineers today because of cutbacks in the space program, the military programs, and the aviation programs.

We have a shortage of 50,000 doctors, 20,000 dentists, and 10,000 nurses.

I wondered if it were not possible, particularly with young men who come out of engineering school and are unable to find employment, if an accelerated program could be worked out so that these young engineers could be trained for some sort of medical work, such as radiology.

Mr. MAGNUSON. Also bioengineering, which will help to develop all the devices so vital to quality health care.

Mr. PERCY. The Senator is correct. I put that question to the dean of a university in Chicago. I was told that an engineer, having been trained to the engineering discipline, could be trained much more rapidly to be a radiologist and would find immediate employment. I wondered whether there was a provision that could be developed to place special emphasis on relieving the hardship among the unemployed and having them serve in the medical profession.

Mr. MAGNUSON. The bill is broad enough to cover that subject.

Mr. KENNEDY. The Senator is correct. There is a special provision to provide special project grants and manpower initiative awards to cover this situation. It is included in the bill. It has also been described in the report.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I have had an opportunity to travel with members of the subcommittee, including the chairman, and discuss the problems throughout the country concerning the distribution of health care. It has become perfectly obvious that we have problems in the urban and in the rural areas. It has become a matter of a choice as to where the doctors, the dentists, and the veterinarians want to work and live. It is a very difficult problem to solve. I think we have taken a pretty good step in the direction of solving the problem by trying to increase the numbers and provide incentives to move into the areas of need. However, I do not want to pretend that this is all a matter of beer and skittles.

I think we ought to keep in mind the fact that we are dealing with a bill that will spend, if the full amount is appropriated, some $6 billion over the next few years. That is a lot of money. A good deal of it goes into the medical schools and institutions. In addition our committee is presently considering a bill which contains almost $21 billion for higher education. So, we are dealing with enormous figures and many programs which have not really been fully tested.

I will not object to the pending bill for that reason. However, I think it is wise to keep these points in mind when we are considering authorizations and later on appropriations.

We have an entitlement with respect to capitation grants. The entitlement language, in effect, tries to supersede the judgment and the discretion of the Appropriations Committee which will be ruling on how much money will be appropriated within the authorizations provided here.

We did try to get some language in with respect to pro rata reductions in the event the full appropriations were not made. The committee as a whole decided that it would prefer to stick with the entitlement language.

The Senator from New York was able to get in the bill an amendment which would indicate that if the Secretary were to make less of a grant than the money authorized, he would be subject to suit.

So, we have that as a safeguard against suits by institutions eligible for capitation grants. However, what we are trying to do is to dictate in an authorization bill how much must be appropriated, and the executive department to spend the entire amount.

I am not sure that we have the legal right to do that. But we will probably find out before we are through.

We have the basic capitation grant for the health professions schools of about one-third of the actual educational costs. The difficulty, as explained by the administration when they came up to testify at the hearings, is that we do not have uniform accounting procedures. Therefore, we do not have reliable cost data, and do not know what the actual educational costs are.

I bring this up, Mr. President, simply because I believe that over the next year or the next year and a half we will have to develop methods by which we can judge what the costs are that the Federal Government should become involved in by way of participating in the sharing of those overall costs.

Furthermore, Mr. President, we have not taken into account, as far as I can see, the normal attrition involved. The normal attrition in any university exceeds 54 percent of the total students enrolled. In the first or second year of college, 54 percent do not finish. They transfer to another school or go to another job or do something different.

In like manner, I doubt that we have considered this rate of attrition in determining what the proper grants ought to be to the various schools. I think we will have to exercise a good deal of oversight on that. We have not included in the bill the administration's proposals for area health education centers which I personally thought were extremely valuable, because of their potential for improving health care delivery and distribution, and the continuing education features which would enable the medical profession to keep abreast of medical technology. That was omitted.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 2 additional minutes.

Mr. President, we have a few other things of concern, but I am not going to dwell on them at length.

I am saying we are dealing with a major impact in a field of extraordinary significance and sensitivity to the American public. It behooves us on the Subcommittee on Health for the next 2 years to do a great deal of monitoring to make sure that whatever bill comes from conference actually operates to fulfill whatever is deemed to be the need of the country in terms of improving health care.

This is a start. It is not necessarily the right start. We have to follow this through to make sure we do not go too far down a path that proves unfruitful.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 934) was ordered to be engrossed for a third reading and was read the third time.

Mr. KENNEDY. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 8629.

The PRESIDING OFFICER laid before the Senate H.R. 8629, to amend title VII of the Public Health Service Act to provide the increased manpower for the health professions, and for other purposes, which was read twice by its title.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 8629.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill (H.R. 8629).

Mr. KENNEDY. Mr. President, I move to strike out all after the enacting clause of H.R. 8629, and to insert in lieu thereof the language of S. 934, as amended.

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

The motion was agreed to.

ORDER FOR YEAS AND NAYS ON S. 1747

Mr. JAVITS. Mr. President, will the Senator yield for 1 minute so I may ask a question?

Mr. KENNEDY. I yield.

Mr. JAVITS. We have another bill after this, the nursing bill. If the Senator is going to ask for a rollcall vote I suggest he make it now so that Senators will know the schedule.

Mr. KENNEDY. Yes, I hope we have a rollcall vote.

Mr. JAVITS. Mr. President, I ask that it be in order——

Mr. BYRD of West Virginia. That request has been made already.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the nursing bill.

The yeas and nays were ordered.

AMENDMENT OF TITLE VII OF THE PUBLIC HEALTH SERVICE ACT TO PROVIDE INCREASED MANPOWER FOR THE HEALTH PROFESSIONS

The Senate continued with the consideration of H.R. 8629.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the pending bill.

The yeas and nays were ordered.

Mr. KENNEDY. I yield back the remainder of my time.

Mr. DOMINICK. I yield back the remainder of my time on S. 934.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order for the yeas and nays on S. 934 be vacated.

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

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on the final passage of H.R. 8629. The yeas and nays have 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 Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Wyoming (Mr. MCGEE), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Idaho (Mr. JORDAN), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

The Senator from New York (Mr. BUCKLEY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 88, nays 0, as follows:

[No. 139 Leg.]

YEAS—88

Aiken	Fong	Moss
Allen	Fulbright	Muskie
Allott	Gambrell	Nelson
Anderson	Goldwater	Packwood
Baker	Gravel	Pastore
Beall	Griffin	Pearson
Bellmon	Gurney	Pell
Bennett	Hansen	Percy
Bentsen	Hart	Prouty
Bible	Hartke	Proxmire
Boggs	Hollings	Randolph
Brock	Hruska	Ribicoff
Burdick	Hughes	Roth
Byrd, Va.	Humphrey	Saxbe
Byrd, W. Va.	Inouye	Schweiker
Cannon	Jackson	Scott
Case	Javits	Smith
Chiles	Jordan, N.C.	Sparkman
Cook	Kennedy	Spong
Cooper	Long	Stennis
Cotton	Magnuson	Stevens
Cranston	Mansfield	Stevenson
Curtis	Mathias	Taft
Dole	McClellan	Talmadge
Dominick	McGovern	Tunney
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Williams
Ellender	Miller	Young
Ervin	Mondale	
Fannin	Montoya	

NAYS—0

NOT VOTING—12

Bayh	Harris	Mundt
Brooke	Hatfield	Symington
Buckley	Jordan, Idaho	Thurmond
Church	McGee	Tower

So the bill (H.R. 8629) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent to indefinitely postpone S. 934.

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

Mr. KENNEDY. Mr. President, I move that the Senate insist upon its amendment to H.R. 8629, and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. DOMINICK, Mr. JAVITS, Mr. PROUTY, Mr. SCHWEIKER, Mr. PACKWOOD, and Mr. BEALL conferees on the part of the Senate.

Mr. MATHIAS. Mr. President, I wish to commend the Senate Labor and Public Welfare Committee and particularly the distinguished members of its Health Subcommittee for reporting out such enlightened and far-reaching health manpower legislation. The proposals we have before us today will go a long way toward alleviating the desperate financial crisis which, for some time now, has confronted many of our Nation's medical schools. The production of greatly increased numbers of doctors, dentists, nurses, and other health personnel cannot be accomplished unless the Congress is prepared to unleash vastly increased amounts of Federal support.

Equally in need of expansion, Mr. President, are the present Federal arrangements for student assistance—both loans and scholarships. Since earlier in this Congress I made a proposal relating to forgiveness of health study loans, I am particularly pleased with this legislation's treatment of loan cancellation. The very attractive provisions we have before us today go so far in fact that they obviate the need for me to introduce now my own proposal. The legislation passed by the House on this point, however, is far from satisfactory and, for this reason, I call upon my Senate colleagues to stand firm on these and indeed all the other fine provisions of this legislation.

In recommending these new loan cancelation provisions, the committee has demonstrated a great awareness and appreciation of the need to stimulate changes in the distribution—as well as the absolute numbers—of health personnel. The Nation's health manpower, we all know, are distributed very unevenly throughout the country. There are striking differences among the States. For example, New York has a ratio of 219 active—non-Federal—physicians per 100,000 population, while South Dakota has only 77. Even those States with a relatively good supply of physicians often have serious shortages in inner cities and in rural areas.

In my own State of Maryland, the medical society estimates that, at the very least, an additional 200 physicians are needed. In Baltimore there are communities of up to 30,000 people without a single doctor. And well over half the counties in Maryland are listed by the Department of Health, Education, and Welfare as doctor shortage areas.

Real and viable incentives are thus needed to get graduating doctors and other health professionals to take up service in these areas of acute shortage. The necessity of repaying educational debts, often at high commercial rates of interest, has for too long eclipsed the idealism of our young medical graduates. Service in shortage areas must be made financially as well as philosophically attractive. Adoption of the provisions in this legislation would, for the first time, make it economically feasible for young medical personnel to give vent to their burgeoning sense of social commitment, to move into the inner city or out into rural areas—to break through the cycle of poverty and illness which year after year continues to submerge millions of Americans in an almost subhuman plight.

The legislation before us should provide the framework for a critical new release of health care energy into those areas where it is most desperately needed.

The loan forgiveness provision, of course, aims at alleviating only one aspect of the Nation's mounting health crisis—the maldistribution of medical manpower. Many other remedies are re-

quired. The manpower legislation we have before us today contains many of those remedies. Again, I commend its authors and urge its prompt passage.

NURSE TRAINING AMENDMENTS OF 1971

The PRESIDING OFFICER (Mr. BYRD of Virginia). Pursuant to the previous order, the Chair lays before the Senate S. 1747, which the clerk will state.

The assistant legislative clerk read as follows:

The bill (S. 1747) to amend title VIII of the Public Health Service Act to extend, expand, and improve the various programs thereunder relating to nurse training, and for other purposes.

The Senate proceeded to consider the bill, which had been reported by the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Nurse Training Amendments of 1971".

TITLE I—AMENDMENTS TO TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT

GRANTS FOR CONSTRUCTION OF SCHOOLS OF NURSING

SEC. 101. (a) The heading to part A of title VIII of the Public Health Service Act is amended to read as follows:

"PART A—GRANTS, LOANS, AND INTEREST SUBSIDY PAYMENTS FOR SCHOOLS OF NURSING

"SUBPART I—CONSTRUCTION GRANTS TO SCHOOLS OF NURSING"

(b) Section 801(a) of such Act is amended (A) by striking out "and" after "1970", and (B) by inserting immediately before the period at the end thereof the following: ", $40,000,000 for the fiscal year ending June 30, 1972, $45,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974".

(c)(1) Section 802(a) of such Act is amended—

(A) by striking out "Surgeon General" and inserting in lieu thereof "Secretary"; and

(B) by striking out "1970" and inserting in lieu thereof "1973."

(2) Subsections (b) and (c) of section 802 of such Act are each amended by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

(3) Section 802 of such Act is further amended by striking out "this part" wherever it appears therein and inserting in lieu thereof "this subpart".

(d) Subsection (a) of section 803 of such Act is amended by striking out "66⅔ per centum" wherever it appears therein and inserting in lieu thereof "75 per centum".

(e) Sections 803 and 804 of such Act are each amended—

(1) by striking out "this part" wherever it appears therein and inserting in lieu thereof "this subpart"; and

(2) by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

CONSTRUCTION LOAN GUARANTEES AND INTEREST SUBSIDY PAYMENTS

SEC. 102. Part A of title VIII of such Act is further amended (1) by striking out sections 805, 806, 807, and 808, and (2) by inserting immediately after section 804 the following:

"SUBPART II—CONSTRUCTION LOAN GUARANTEES AND INTEREST SUBSIDY PAYMENTS

"Loan Guarantees

"SEC. 805. (a) In order to assist public and non-profit private schools of nursing to carry out needed projects for the modernization of construction of facilities for such schools, the Secretary, during the period commencing July 1, 1971, and ending June 30, 1974, may, in accordance with the provisions of this subpart, guarantee to non-Federal lenders making loans to such schools for such projects, payment of principal of an interest on loans, made by such lenders, which are approved under this subpart. The Secretary is also authorized to make commitments on behalf of the United States to make such guarantees prior to the making of such loans.

"(b) No loan guarantee under this subpart, with respect to any modernization or construction project may apply to so much of the principal amount thereof as, when added to the amount of any grant under subpart I with respect to such project, exceeds 90 per centum of the cost of such project.

"(c) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this subpart as will promote efficiency and economy thereof.

"Applications for Loan Guarantees

"SEC. 806. (a) For each project for which the guarantee of a loan to a public or nonprofit private school of nursing is sought under this subpart, there shall be submitted to the Secretary an application by such school. Such application shall (1) set forth all of the data and information and contain or be supported by all the assurances required under section 802 with respect to applications for grants under subpart I of this part, and (2) contain such other information as the Secretary may require to carry out the purposes of this subpart.

"(b) The Secretary may approve such application only if—

"(1) he makes the findings which are required by clauses (1) through (5) of section 802(b) for the approval of projects under subpart I of this part;

"(2) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require; and

"(3) he also determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan for which a guarantee is sought are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(d)(1) In the case of any loan to a school of nursing under this subpart, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee of such loan under this subpart, unless the Secretary for good cause waives its right of recovery, and upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees of loans to schools of nursing under this subpart shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this subpart will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent determined by him to be necessary or proper by him for the protection of the financial interests of the United States.

"(e) Any guarantee of a loan to a school of nursing made by the Secretary pursuant to this subpart shall be incontestable in the hands of the applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST SUBSIDY ON LOANS

"SEC. 807. (a) Subject to the provisions of subsection (b), in the case of a guarantee of any loan to a school of nursing under this subpart with the respect to any project, the Secretary shall pay, to the holder of such loan and for and on behalf of such school amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. The Secretary is also authorized to pay such an interest subsidy with respect to a loan (which is not a guaranteed loan) but which would be eligible (except for section 808) to be guaranteed under this subpart.

"(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriation Acts.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED

"SEC. 808. (a) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this part may not exceed such limitations as may be specified in appropriation Acts.

"(b) In any fiscal year no loan guarantee may be made and no agreement to make interest subsidy payments may be entered into under this part if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

(1) the principal of the loans guaranteed under this part in such fiscal year, and

(2) the principal of the loans for which no guarantee has been made and with respect to which an agreement to make interest subsidy payments under this part is entered into in such fiscal year,

to exceed the amount of grant funds obligated under this part in such fiscal year; except that this subsection shall not apply if the amount of grant funds obligated under this part in such fiscal year equals the sums appropriated for such fiscal year for construction grants.

"LOAN GUARANTEE FUND

"SEC. 809. (a) There is hereby established in the Treasury a loan guarantee fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, (i) to enable him to discharge its responsibilities under guarantees issued by him under this subpart, and (ii) for payment of interest subsidy on loans pursuant to section 807. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital required for the fund. To the extent authorized from time to time in appropriation Acts, there shall be deposited in the fund amounts received by the Secretary any moneys, property, or assets derived by him from his operations under this subpart, including any moneys derived from the sale of assets.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this subpart—

"(i) to make payments of interest subsidy on loans to schools of nursing; and

"(ii) otherwise to comply with guarantees issued by him under this subpart;

he is authorized to issue to the Secretary of the Treasury, but only in such amounts as such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury notes or other obligations in

may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by The Secretary of the Treasury, taking into consideration the current average market yield on outstanding maturities of the United States of comparable marketable securities during the month preceding the month of the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.".

SPECIAL PROJECT GRANTS

SEC. 103. (a) Part A of title VIII of the Public Health Service Act is further amended by adding after section 809 (as added by section 102 of this Act) the following:

"SUBPART III—SPECIAL PROJECT GRANTS; INSTITUTIONAL GRANTS; AND FINANCIAL DISTRESS GRANTS

"SPECIAL PROJECT GRANTS

"SEC. 810. (a) From appropriations under subsection (d) the Secretary is authorized to make grants to assist public schools of nursing and other public or nonprofit private agencies, organizations, and institutions, and combinations thereof, and to make contracts with public or private schools, agencies, organizations, and institutions, and combinations thereof, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section), (A) to plan, develop, or establish new programs or modifications of existing programs of nursing, (B) to effect significant improvements in curriculums of any such schools, (C) for research in the various fields related to nursing education, (D) to develop training programs, and train for new roles, types, or levels of nursing personnel, including programs for the training of pediatric nurse practitioners or other types of nurse practitioners, (E) to assist such schools of nursing which have special need for financial assistance to meet accreditation requirements, (F) to assist any such schools to meet the costs of planning experimental teaching facilities or experimental design thereof, (G) to increase educational opportunities for disadvantaged students, (H) to provide continuing education for nurses, (I) to provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession, (J) otherwise strengthen, improve or expand programs to train nursing personnel, or (K) to help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care. In determining eligibility of any such school to receive a grant under this section and the amount of such grant, the Secretary shall consider the individual needs of such school, the nature and scope of the Nation's health manpower needs, and the relative capability of alternative programs for helping to fill these needs.

"(b) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications for grants under this section for any fiscal year must be filed.

"(c) A grant under this section may be made only if the application therefor—

"(1) is from a public or nonprofit private school of nursing, or a public or nonprofit private agency, organization, or institution;

"(2) in the case such application is for a grant to a school of nursing, contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(3) contains such additional information as the Secretary may require to make the determination required of him under this section and such assurances as he may find necessary to carry out the purposes of this section; and

"(4) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may reasonably require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) There are authorized to be appropriated, for special project grants under this section, $20,000,000 for the year ending June 30, 1973, and $30,000,000 for the fiscal year ending June 30, 1974.

"(e) Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)."

(b) The amendments made by subsection (a) of this section shall be effective with respect to grants from appropriations for fiscal years ending after June 30, 1971.

CAPITATION GRANTS TO INSTITUTIONS

SEC. 104. (a) Part A of title VIII of the Public Health Service Act is further amended by adding after section 810 (as added by section 103 of this Act) the following:

"CAPITATION GRANTS TO INSTITUTIONS

"SEC. 811. (a)(1) It is the intent of the Congress that the criteria established under this subsection for determining the amount of the grants to which schools of nursing will be entitled under this section provide approximately one-third of the costs incurred by such schools (based on average costs of all such schools in the Nation) in providing nursing education programs, if such schools make satisfactory progress in increasing enrollment and in reducing the time period required for the completion of studies by students enrolled therein (or in providing nursing specialty training). The sums appropriated under subsection (e) for any fiscal year shall be distributed to schools with approved applications as follows: Each school shall receive $20,000, plus—

"(A) the product obtained by multiplying the number of full-time students enrolled in such school (or the equivalent thereof, as determined by the Secretary) in the school year beginning in such fiscal year by $550; and

"(B) the product obtained by multiplying—

"(i) $250 by the number of students of such school who graduate during such school year under a program of such school under which students complete their studies in a period consisting of not more than two years, if the Secretary (after consultation with the appropriate accreditation body or bodies) is satisfied that there is reasonable assurance that such program will meet the accreditation standards of such body or bodies; and

"(ii) $750 by the number of students of such school who graduate during such school year under a program of such school under which students complete their studies in a period consisting of more than two years, if, under such program, there is included training in a nursing specialty or as a nurse practitioner; and

"(iii) $250 by the number of first-year enrollment bonus students (as defined in paragraph (2)) enrolled in such school for such year.

"(2) For purposes of paragraph (1)(B)(iii), a student enrolled in any school shall be deemed to be a first-year bonus student of such school for any year, if for the year in which such student is or was a first-year student in such school, the first-year enrollment for such school exceeded the first-year enrollment for such school for—

"(A) the preceding school-year by not less than 5 per centum, or by not less than five students, whichever is the greater; or

"(B) the second preceding school-year by not less than 10 per centum, or by not less than ten students, whichever is the greater; or

"(C) the third preceding school-year by not less than 15 per centum, or by not less than fifteen students, whichever is the greater.

"(b)(1) For the purposes of this section regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular school year, or in a particular year-class in a school, or the number of graduates in a particular year-class in a school, or the number of graduates from a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular school year, or in a particular year-class in a school, or were graduates from a school in earlier years, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

"(2) For purposes of this section, and part D, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study in an accredited program in a school of nursing.

"(c)(1) Notwithstanding any other provision of this section, the amount of the grant to which any school would (except for this subsection) be entitled for any year, as determined under subsection (a), shall be reduced as provided in this subsection if—

"(A) for the preceding year such school received a grant under this section, and

"(B) the Secretary determines, after notice and opportunity for a hearing to such school (as provided under subchapter II of chapter 5 of title 5, United States Code), that there has been a failure on the part of such school, during such preceding year, satisfactorily to carry out the specific programs or projects in at least three of the categories (as specified in subsection (d)(3)(D)) contained in the plan submitted by such school under such subsection in connection with its application for a grant under this section for the preceding school year.

"(2) If such failure is with respect to—

"(A) all of the categories contained in such plan, the reduction under this section shall be equal to 30 per centum of the amount of such grant (as determined under subsection (a));

"(B) all but one of the categories con-

tained in such plan, the reduction under this subsection shall be equal to 20 per centum of the amount of such grant (as determined under subsection (a)); or

"(C) all but two of the categories contained in such plan, the reduction under this subsection shall be equal to 10 per centum of the amount of such grant as determined under subsection (a)).

"(3) The Secretary may waive all (or any part of) the reduction provided by the preceding provisions of this subsection in the case of any school, if he determines that the imposition of such reduction would work a dire financial hardship on such school; except that the Secretary shall not waive such reduction in the case of any school for any year if, during the preceding five-year period, such school has received a waiver under this paragraph.

"(4) In order to determine whether any school which has received a grant under this section is satisfactorily carrying out the specific programs or projects contained in the plan submitted by such school (pursuant to subsection (d)(3)(D)) in connection with its application for a grant under this section, the Secretary is authorized to the extent deemed necessary by him, to conduct on-site inspections of such school, or to require that such school provide him with appropriate assurances, or furnish him with appropriate information, relating to such programs or projects.

"(d) (1) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications under this section for any fiscal year must be filed.

"(2) The Secretary shall not approve or disapprove any application for a grant under this section except after consultation with the National Advisory Council on Nurse Training.

"(3) A grant under this section may be made only if the application therefor—

"(A) is from a public or nonprofit private school of nursing;

"(B) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures for a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

"(C) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend for the support of its teaching programs, for the fiscal year with respect to which the application is filed, an amount from State, local, or other non-Federal sources that is not less, in the aggregate, than the amount expended from such sources for such programs for the preceding fiscal year; and that any grant paid under this section will be used to supplement and, to the extent practicable, to increase the level of non-Federal funds that would otherwise be made available for such programs, and will not supplant such non-Federal funds;

"(D) contains a plan, approved by the Secretary, to carry out or to establish and carry out, by the end of the school year with respect to which such application relates, specific programs or projects in at least three of the following categories:

"(i) to assist in—

"(I) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(II) affiliation agreements with hospitals or academic institutions,

leading to the establishment of nurse training programs;

"(ii) to train, for new roles, types, or levels of nursing personnel, including programs for the training of pediatric nurse practitioners or other types of nurse practitioners, in cooperation with schools of medicine, osteopathy, or dentistry;

"(iii) to establish cooperative intradisciplinary training among schools of nursing with a view toward establishment of interchangeable curriculum;

"(iv) to establish cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the team approach to the delivery of health services;

"(v) to assist in increasing the supply of adequately trained nursing personnel and to promote the full utilization of nursing skills;

"(vi) to effect significant improvements in the curriculums of schools of nursing with a view toward the assumption of greater patient care responsibilities;

"(vii) to provide in-service and other training and education to upgrade the skills of licensed vocational or licensed practical nurses, nursing assistants, and aides, and other paraprofessional nursing personnel; or

"(viii) to increase admissions to, and enrollment and retention in, such schools of qualified individuals who, due to socioeconomic factors, are financially or educationally disadvantaged.

"(E) contains such additional information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this section; and

"(F) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may reasonably require to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(e) (1) There are authorized to be appropriated, for grants under this section, $157,200,000 for the fiscal year ending June 30, 1972, $160,400,000 for the fiscal year ending June 30, 1973, and $164,400,000 for the fiscal year ending June 30, 1974.

"(2) There are hereby authorized to be appropriated for each fiscal year to the Secretary such sums (which shall be in addition to the sums authorized to be appropriated under paragraph (1)) as may be necessary for administration purposes in connection with grants under this section.

"(f) (1) Each new public or nonprofit private school of nursing with an approved application under this subsection shall, in addition to any other grant to which it is or may be entitled under this section, be entitled to a grant of $40,000 for each year that it is a new school.

"(2) For purposes of paragraph (1), a school of nursing shall be deemed to be a new school for any year if such year is—

"(A) the year preceding the year in which such school first has students enrolled therein; or

"(B) a year after the year referred to in clause (A) but before whichever of the following first occurs: (i) the year in which such school first has a graduating class, or (ii) the year in which such school would, if it were a four-year school, first have a graduating class.

"(3) No grant may be made under this subsection unless application therefor has been submitted to, and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(4) There are authorized to be appropriated to carry out this subsection $4,000,000 for the fiscal year ending June 30, 1972, and a like amount for each of the next two fiscal years. Sums appropriated under this paragraph shall remain available until expended."

(b) The amendments made by subsection (a) of this section shall be effective with respect to grants from appropriations for fiscal years ending after June 30, 1971.

FINANCIAL DISTRESS GRANTS

SEC. 105. Part A of title VIII of the Public Health Service Act (as amended by the preceding sections of this Act) is further amended by adding after section 811 (as added by section 104 of this Act) the following new section:

"FINANCIAL DISTRESS GRANTS

"SEC. 812. (a) There are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1972, $20,000,000 for the fiscal year ending June 30, 1973, and $10,000,000 for the fiscal year ending June 30, 1974, for grants under this section to assist any schools of nursing which are in serious financial straits to meet their costs of operation.

"(b) Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress and to conduct a comprehensive cost analysis study in cooperation with the Department of Health, Education, and Welfare, and (2) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or other relevant information."

TRAINEESHIPS FOR ADVANCED TRAINING OF PROFESSIONAL NURSES

SEC. 106. (a) Section 821(a) of the Public Health Service Act is amended by striking out the matter beginning with "the fiscal year ending June 30, 1970" and ending with "to cover the cost of traineeships" and inserting in lieu of the matter stricken the following: "the fiscal year ending June 30, 1970, $19,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, $22,000,000 for the fiscal year ending June 30, 1973, and $24,000,000 for the fiscal year ending June 30, 1974, to cover the cost of traineeships".

(b) Subsections (b) and (c) of section 821 of the Public Health Service Act are amended by striking out the words "Surgeon General" wherever they appear and inserting in lieu thereof the word "Secretary".

NURSING STUDENT LOANS

SEC. 107. (a)(1) Effective with respect, to academic years (or their equivalent as determined under regulations of the Secretary of Health, Education, and Welfare under section 823 of the Public Health Service Act) beginning after the date of enactment of this Act, subsection (a) of such section is amended by striking out "$1,500" and inserting in lieu thereof "$2,500".

(2) Section 823(a) of such Act is amended by striking out "$6,000" and inserting in lieu thereof "$10,000".

(b) Effective with respect to any year of service ending after the date of the enactment of this Act for which cancellation of all or part of a loan made under part B of title VIII of the Public Health Service Act is authorized under section 823(b)(3) of such Act, such section is amended to read as follows:

"(3) an amount up to 100 per centum of any such loan (plus interest thereon) shall be canceled for full-time employment as a professional nurse (including teaching in any of the fields of nurse training and serv-

ice as an administrator, supervisor, or consultant in any of the fields of nursing) in any public or nonprofit private agency, institution, or organization (including neighborhood health centers), at the rate of 20 per centum of the amount of such loan (plus interest) unpaid on the first day of such service, for each complete year of such service, except that the rate shall be 33⅓ per centum for each complete year of service for any person who engages in the practice of nursing or any specialized aspect thereof in an area in a State determined in accordance with regulations of the Secretary prescribing criteria for such determinations by such agency or organization as the Secretary may designate, to have a shortage of and need for the practice in which he engages and such designated agency or organization certifies in such manner and at such time or times as the Secretary may prescribe that such practice helps to meet the shortage of and need for such practice in the area where the practice occurs.

(c) The first sentence of section 824 of such Act is amended by striking out "and $21,000,000" and all that follows up to, and including, the word "education", and inserting in lieu of the matter stricken the following: $21,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for the fiscal year ending June 30, 1974, and such sums for the fiscal year ending June 30, 1975, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1974, to continue or complete their education".

(d) Section 826 of such Act is amended by striking out "1975" each place it occurs and inserting in lieu thereof "1977".

(e) The first sentence of section 827(a)(1) of such Act is amended by striking out "next four fiscal years" and inserting in lieu thereof "next six fiscal years"

NURSING SCHOLARSHIP GRANTS

SEC. 108. (a) Effective with respect to scholarship grants made under subsection (a) of section 860 of the Public Health Service Act for fiscal years beginning after June 30, 1971, subsection (b) of such section is amended to read as follows:

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1972, and for each of the next two fiscal years to each such school shall be equal to $3,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending before July 1, 1974."

(b) Effective with respect to scholarship grants made under subsection (a) of section 860 of the Public Health Service Act for fiscal years beginning after June 30, 1971, subsection (c)(1) of such section is amended (A) by striking out "1970, and the next two fiscal years" in clause (A) and inserting in lieu thereof "1972 and the next two fiscal years", (B) by striking out "1972" in clause (B) and inserting in lieu thereof "1974", and (C) by striking out "1973 and each of the three" in such clause and inserting in lieu thereof "1975, and each of the two."

FEDERAL ASSUMPTION OF REPAYMENT OF OBLIGATIONS OF NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 109. Part B of title VIII of the Public Health Service Act is further amended by adding after section 829 thereof the following new section:

"REPAYMENT BY SECRETARY OF LOANS TO NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 830. (a) Upon application by any person who received, and is under an obligation to repay, any loan made by a school of nursing from loan funds established pursuant to this part, the Secretary shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations prescribed by him establishing criteria therefor, that the applicant—

"(1) failed to complete the nursing studies with respect to which such loan was made;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms are defined by regulations of the Secretary; and

"(4) has not resumed, or cannot reasonably be expected to resume, such nursing studies within two years following the date upon which the applicant terminated the nursing studies with respect to which such loan was made.

"(b) There are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1972, such funds as may be necessary to carry out the provisions of this section."

GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE NURSING PROFESSION

SEC. 110. Section 868 of the Public Health Service Act (together with the heading thereto) is amended to read as follows:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE NURSING PROFESSION

"SEC. 868 (a) To assist in meeting the need for additional professional personnel in the nursing professions, the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts (without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)) for the purpose of—

"(1) identifying individuals with a potential for education or training in the nursing profession (including veterans of the Armed Forces of the United States with training or experience in the health field, particularly those who due to socioeconomic factors are financially or educationally disadvantaged) and encouraging and assisting them (A) to enroll in a school of nursing which is accredited as defined in section 843(f); or (B) if they are not qualified to enroll in such a school to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school;

"(2) publicizing especially to licensed vocational nurses existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

"(3) establishing such programs as the Secretary determines will enhance and facilitate the enrollment pursuit and completion of study by individuals referred to in clause (1) in such schools.

"(b) For the purposes of carrying out the provisions of this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $7,000,000 for the fiscal year ending June 30, 1973; and $9,000,000 for the fiscal year ending June 30, 1974.

TITLE II—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO NURSING STUDENTS

SEC. 201. (a) Section 425(a) of the Higher Education Act of 1965 is amended (1) by inserting "(1)" after "(a)", (2) by inserting "(other than a student at a public or other nonprofit school of nursing (as defined in section 843(b) of the Public Health Service Act))" after the word "student" where it appears in the first and second sentences of such subsection, and (3) by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a student at a public or other nonprofit school of nursing as defined in section 843(b) of the Public Health Service Act in any academic year or its equivalent (as determined under regulations of the Commissioner) which may be covered by Federal loan insurance under this part may not exceed $2,500. Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a nursing student."

(c) Clause (A) of section 428(b)(1) of such Act is amended by inserting after "loans to any individual student" the following: "(other than a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act), and not less than $1,000 nor more than $2,500 in loans to any individual student at a public or other nonprofit school of nursing (as so defined),".

(c) Clause (A) of section 328(b)(1) of such Act is amended (1) by inserting after "insured loans made to any student" the following: "(other than a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act)", and (2) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a student at a public or other nonprofit school of nursing (as defined in section 843(b) of the Public Health Service Act)"

EXTENSION OF REPAYMENT PERIOD FOR NURSING STUDENTS

SEC. 202. (a) Clause (B) of section 427(a)(2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service, nor more than twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act, may not exceed twenty-five years)".

(b)(1) Clause (B) of section 428(b)(1) of such Act is amended by inserting after "at least six academic years of 'study'" the following: "(or, in the case of a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act, at least eight academic years of study)".

(2) Clause (D) of section 428(b)(1) of such Act is amended by inserting after "nor more than ten years" the following: "(or, in the case of a student at a public or other nonprofit school of nursing, as defined in section 843(b) of the Public Health Service Act, nor more than twenty years)".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF NURSING STUDENTS WHO PRACTICE IN HEALTH CARE SHORTAGE AREAS

SEC. 203. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO NURSING STUDENTS WHO PRACTICE IN HEALTH CARE SHORTAGE AREAS

"SEC. 438. (a) If any person who, after June 30, 1971, received any loan insured under this part—

"(1) engages in the practice of nursing, or any specialized aspect thereof, in an area in a State determined, in accordance with regulations of the Secretary prescribing criteria for such determinations by such agency or organization as the Secretary may designate, to have a shortage of and need for the practice in which he engages; and

"(2) such designated agency or organization certifies in such manner and at such time or times as the Secretary may prescribe that such practice helps to meet the shortage of and need for such practice in the area where the practice occurs;

then 33⅓ per centum of the total of such loan or loans, plus accrued interest on such amount, which are unpaid as of the date that such practice begins, shall be paid thereafter by the Commissioner for each year of such practice, up to a total of 100 per centum of such total, plus accrued interest thereon.

"(b) If any person who, after June 30, 1971, received a loan insured under this part, engages in full-time employment as a professional nurse (including teaching in any of the fields of nurse training and service as an administrator, supervisor or consultant in any of the fields of nursing) in any public or nonprofit private institution or agency (including neighborhood health centers) then 20 per centum of the total of such loan or loans, plus accrued interest on such amount, which are unpaid as of the date such employment begins, shall be paid thereafter by the Commissioner for each year of such employment, not to exceed a total of 100 per centum of such principal, plus accrued interest thereon.

"(c) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment paid under subsection (a) or (b) of this section, upon the declaration of such borrower, at such times and in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described in paragraphs (1) and (2) of subsection (a) or by subsection (b), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by subsection (a) or (b) for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) or (b) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection".

(b) Clause (2) of section 421(b) of such Act is amended by inserting "and section 438" after "section 437".

(c) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof, "portion of the principal or interest on the note which is payable by the Commissioner"; and (B) by inserting before the comma at the end of the clause "or section 438".

(d) Clause (B) of section 428(b)(2) of such Act is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 204. (a) Part B of title I of the Higher Education Act of 1965, as amended by this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO NURSING STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a student at a public or other nonprofit school of nursing (as defined in section 843(b) of the Public Health Service Act to enable him to study nursing, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of nursing within one year following the date upon which he terminated such study."

(b) Clause (2) of section 421(b) of such Act, as amended by this Act, is further amended by striking out "and section 438" and inserting in lieu thereof a comma and "section 438, and section 439".

(c) Clause (E) of section 427(a)(2) of such Act, as amended by the foregoing provisions of this Act, is further amended by striking out "or section 438" and inserting in lieu thereof a comma and "section 438 or section 439".

(d) Clause (B) of section 428(b)(2) of such Act, as amended by this Act, is further amended by striking out "section 438" and inserting in lieu thereof a comma and "section 438 or section 439"

"DIRECT LOANS TO NURSING STUDENTS

SEC. 205. Part B of title IV of the Higher Education Act of 1965, as amended by this Act, is further amended by adding at the end thereof the following new section:

DIRECT LOANS TO NURSING STUDENTS

"SEC. 440. (a) The Commissioner may make a direct loan to any student who would be eligible for an insured loan for study at a public or other nonprofit school of nursing (as defined in section 843(b) of the Public Health Service Act) under this section if (1) in the particular area in which such student resides, loans which are insurable under this Act are not available at the rate of interest prescribed by the Secretary pursuant to clause (D) of section 427(a)(2) for such area, or (2) the particular student has been unable to obtain an insured loan at a rate of interest which does not exceed such rate prescribed by the Secretary.

"(b) Loans made under this section shall bear interest at the rate prescribed by the Secretary under clause (D) of section 427(a)(2) for the area where the student resides, and shall be made on such other terms and conditions as the Secretary shall prescribe, which shall conform as nearly as practicable to the terms and conditions of loans insured under this Act.

"(c) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for the two succeeding fiscal years, to carry out this section."

LIMITATION ON LOAN GUARANTEES TO NURSING STUDENTS UNDER HIGHER EDUCATION ACT

SEC. 206. Part B of title IV of the Higher Education Act of 1965, as amended by the foregoing provisions of this Act, is further amended by adding at the end thereof the following new section:

"LIMITATION ON LOAN GUARANTEES TO NURSING STUDENTS UNDER HIGHER EDUCATION ACT

"SEC. 441. In any fiscal year no loan guarantee may be made to nursing students under part B of title IV of the Higher Education Act of 1965 if the making of such guarantee would cause the total of the principal of the loans guaranteed in such fiscal year to exceed the amount of direct loan funds obligated under section 823 of the Public Health Service Act in such fiscal year; except that this paragraph shall not apply if the amount of direct loan funds obligated under this part in such fiscal year equals the sums appropriated for such fiscal year for direct loans."

Mr. KENNEDY. I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8630.

The PRESIDING OFFICER laid before the Senate H.R. 8630, an act to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses, which was read twice by its title.

Mr. KENNEDY. I ask unanimous consent that the Senate proceed to consider the bill.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. KENNEDY. Mr. President, I ask unanimous consent to substitute the language of S. 1747 as reported by the Committee on Labor and Public Welfare for the language of the pending House bill.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Does that cut off any amendments to the measure which has now been substituted for the House bill?

Mr. KENNEDY. Mr. President, could I ask unanimous consent that it be considered as original text for the purpose of further amendment?

The PRESIDING OFFICER. The Senator may so request. Is that the Senator's request?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Without objection, the text of S. 1747, as reported from the committee with an amendment in the nature of a substitute, will be substituted for the text of H.R. 8630, and the bill as thus amended will be open to amendment.

Mr. JAVITS. Mr. President, the Senator from Massachusetts has, I think, one amendment.

Mr. KENNEDY. Mr. President, for the benefit of the membership, I think we probably ought to be able to vote on this measure in 5 or 6 minutes. There are only one or two amendments. One will be offered by the Senator from Maryland and the Senator from Michigan which follows the pattern of the amendment we accepted to the Health Manpower Act, and the other will be a technical amendment, and then I think we will be ready to vote on passage.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays were ordered on the Senate bill, but not on the House bill.

Mr. KENNEDY. I ask for the yeas and nays on H.R. 8630.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the yeas and nays on S. 1747 be vacated.

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

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, I have the honor of acting as floor manager for another major piece of legislation, which is the prod-

uct of the Labor and Public Welfare Committee; S. 1747, the Nurse Training Amendments of 1971.

The health crisis, of which I have spoken earlier, is further aggravated by a marked shortage of trained nurses to staff our hospitals, outpatient clinics, and health centers. There is an estimated shortage of nurses amounting to 150,000 at the present time—a shortage which will grow to 300,000 by 1975 if we are unable to increase the rate at which we train these nurses. There is a great need for public health nurses, specialized nurse practitioners, and other types of nurse specialists.

Well-trained nurses can relieve much of the burden currently being placed upon physicians by working in cooperation with doctors to increase their efficiency. The shortage has been made more severe by relative as well as absolute changes in the requirement for nurses.

First of all, our population has increased rapidly in this country—with a higher proportion of people at either extreme of the age scale—very young people as well as very old people.

Each of these groups requires greater amounts of nursing care then those in the middle-age range. Expectations for adequate health care by the American people have been rising at an accelerating rate over the past several years this was clear from our health care hearings all across the country. Nursing skills have increased in capacity over the past few years—new types of nursing training are required—intensive care nurses, cardiac care nurses, specialized new types of operating room nurses, public health nurses, pediatric nurse practitioners, home health nurses, and so on.

All of these skills require an increase in the number of nurses and in the training received by each nurse. But this type of specialization pays off in terms of a broadly expanded role of and value of the nursing profession.

This type of capability requires resources, both human and financial. S. 1747 contains provisions which will help to stimulate both types of resources.

Mr. President, if we in the Federal Government do not act decisively, the already overburdened schools of nursing will be unable to respond to national need by producing sufficient numbers of nurses of adequately high quality. The shortage in nursing talent is already of crisis proportions, and will grow worse if we do not act. During our field hearings, we saw wards at Lincoln Hospital in New York which had 25 or 30 patients—without a single nurse all night.

We saw operating rooms which could not be kept open because of a shortage of nurses, while the patients lined up outside. We saw a beautiful new hospital, constructed with Hill-Burton funds, in Kingwood, W. Va., which could not operate above 30 percent capacity because of inadequate staff. We saw orthopedic wards a block long at Cook County Hospital with only one nurse on night duty for 50 or 60 patients.

Mr. President, the crisis is real and it is now. I believe this bill will provide a step in the right direction toward alleviating some of the problems in nurse training.

Mr. President, the Nurse Training Amendments of 1971 amend title VIII of the Public Health Service Act to extend, expand, and improve the various programs thereunder relating to nurse training.

Definition.—The term "school of nursing" as used throughout this report means a collegiate, associate degree, or diploma school of nursing.

CONSTRUCTION OF TEACHING FACILITIES

If high quality nursing education is to be provided, if enrollments are to be maintained and increased, and if new programs are to be established, there must be renovation and replacement of current inadequate teaching facilities and construction of new facilities to accommodate the larger number of students and the new technology in education.

Thus far in the program, existing schools of nursing have received the largest proportion of construction grant funds mainly for replacement of obsolete facilities. Almost half of the Federal money expended was used for replacement; about one-quarter of the funds were for major and minor expansion of enrollment and another quarter were expended for new schools. During the fiscal years 1966–71 a total of 145 construction grants totaling $88,727,772 were awarded to schools of nursing. Forty of these grants were for new schools.

In a recent DHEW study schools of nursing were surveyed to determine the existing conditions of teaching facilities and the needs for renovation, replacement and new construction. Of those surveyed, 1081 responded to a question on need for construction; 50 percent indicated a need for new buildings, additional space, major repairs and improvements in all areas, and 31 percent indicated a need for teaching space.

Federal grants are imperative for existing schools of nursing to enable them to replace old, unsafe and inadequate facilities in order to maintain current enrollments or to undertake major expansion of enrollments; they are also needed to enable new schools to open in areas where there is demonstrated need for the program, potential for recruitment, academic resources, and community interest but, which lacks physical facilities for a new nursing education program.

The committee is aware that both public and private schools have had difficulty in obtaining funds. This fact, plus escalating costs, and the time lag before funds become available all impose great hardships on schools undertaking renovation or new construction.

The bill, therefore, provides authority for a Federal share of up to 75 percent of the costs of new school construction and for major expansion of existing schools or in unusual circumstances for other construction. The committee believes that these provisions will measurably improve this assistance to schools.

In addition to the authority for direct grants, the bill also provides new authority for Federal guarantee of loans by non-Federal lenders and for the payment of interest subsidies. The combination of grants plus loans can equal up to 90 percent of the cost of a construction project. In combination, these financing mechanisms should permit substantial increases in the construction of these badly needed nursing education facilities.

SPECIAL PROJECT GRANTS

The committee intends that the basic institutional assistance awards to nursing schools be used to stabilize the finances of educational institutions. These awards alone are not adequate for undertaking new initiatives.

To encourage such initiatives in curriculum reform, retraining, development of and training in more efficient patterns of care, and in other important areas, this bill broadens the types of special projects that may be covered.

In the past, funds set aside for purposes of special projects have been largely drained off as "financial distress" grants. Special projects are too important for their funds to be diverted to basic institutional assistance. Ultimately, the Institutional Assistance Awards authorized by this bill should relieve the need for such "financial distress" grants. However, to insure that such grants do not divert special project funds in the initial years of institutional assistance, the committee has eliminated the authority to make such grants from funds authorized for Special Projects and Manpower Initiative Awards. A separate authorization with decreasing levels has been established for financial distress grants.

The Special Project Grants for Improvement in Nurse Training have been useful in carrying out the objectives of the nurse training legislation. Grants for projects awarded thus far to schools and other public and nonprofit private institutions and agencies have assisted with the planning and development of new nursing education programs, the development of programs for special groups and for career mobility, and the strengthening of curriculum; the latter often incorporating new educational technology. They have also demonstrated how effectively a number of programs of the same and different types can participate in a single project and extend the benefits of the Federal grant to many nursing students who would not otherwise have the opportunity to be exposed to these educational improvements.

There is need for continued improvement, for revision of nursing curriculum to reflect the changes in care and in the delivery of health services, and for the development of programs to prepare nurses to assume new and expanded functions and responsibilities in the provision of health care.

S. 1747 extends the present improvement grant authority and gives special emphasis to training new types, roles, or levels of nursing personnel, including pediatric and other types of nurse practitioners; planning of experimental teaching facilities; increasing educational opportunities for disadvantaged students; providing continuing education and retraining for nurses; and improving the supply and distribution, by geographical area or specialty group, of adequately trained nursing personnel to meet the Nation's health needs, including those to increase availability of per-

sonal health services and promote preventive health care.

In recent years there have been significant changes in care patterns, and in the duties and responsibilities of the registered nurse and all members of the health team. Only those institutions with knowledgeable staff and resources have been able to experiment, to initiate and implement changes or to adapt findings and improvements to their own situations. Changes in nursing curriculum have not always kept pace with developments and improvements in practice.

Through special projects, the most effective combinations of the skills of registered nurses with variously prepared assistant nursing personnel, physicians, and other members of the health team, including recently developed specialists can be identified. These grants enable nursing education programs to work with hospitals and health agencies to develop and provide the specialized graduate education for nurses and the training, retraining and continuing education programs needed for the various members of the nursing care team. This assistance should significantly improve nursing care through better preparation and utilization of nursing personnel resources.

The effectiveness of interdisciplinary training programs has been a strength of other health professions schools. This ability needs to be extended to schools of nursing. Nursing also needs to demonstrate and evaluate the effectiveness of new and improved teaching methods and/or curricula in the practice setting. The efficacy of training different levels of nursing personnel and nursing assistants together should be tested. This should improve ultimate working relationships, reduce inservice orientation, and identify content and methods to foster career mobility.

Educational and service institutions and agencies should be encouraged to undertake broader and more comprehensive training and service projects, particularly in developing means to assist the registered nurse in new ways and equipping the nurse with additional knowledge and skills to assume different responsibilities in the total health care environment.

Developing core curricula for all nursing personnel would provide more opportunity for mobility, and provide a sounder basis for demonstrating and establishing interrelations among institutions to facilitate training, retraining, or greater utilization of nurse manpower.

Nursing education cannot undertake these studies, demonstrations and training activities without substantial assistance. The grants authorized by this bill are designed to provide that assistance.

INSTITUTIONAL SUPPORT

Currently, legislation authorizes combined appropriations for special project grant support and institutional (formula) grant support with the additional requirement that the first $15 million appropriated each year be awarded for special project grants. Since appropriations in 1970 and 1971 were less than $15 million each year, there has been no opportunity to award formula grants to nursing schools in these years.

At the same time, the costs of nursing education have risen, as have the costs of all other health professions training. Nursing schools are particularly affected by their inability to budget adequate funds for faculty. This in turn, limits their ability to increase enrollment to a level which can meet projected needs or to make other reforms in curricula such as training for new roles, types and levels of nursing personnel, effecting significant improvements in the curricula with a view to nurses assuming greater patient care responsibilities, as well as providing training to utilize and upgrade the skills of paraprofessional nursing personnel.

It is the committee's conviction that the current financial crisis among nursing schools precludes effective action on their part in response to national needs. These institutions can respond to these needs only if they are assured of a predictable amount of Federal funds sufficient to stabilize their finances—and assured that education remains within the financial reach of the student without forcing the school to the point of financial disaster.

The committee feels that the national need for health services and the extraordinary costs of education in nursing justifies decisive action by the Federal Government to underwrite the costs of training for nursing schools and nurse training institutions.

The bill therefore entitles each school of nursing and nurse training institution to an award intended to cover approximately one-third of the average per student cost incurred nationally by such institutions if the institution makes a reasonable effort to respond to the national need by increasing enrollments, and improving educational programs.

The committee construes this award as an "entitlement"—consistent with eligibility requirements set forth in the bill and not contingent on the amounts authorized or appropriated by Congress or obligated by the executive branch. Only as an "entitlement" can such an award provide the requisite stability to educational institutions which are responsive to national needs. However it is the committee's intent and understanding that nothing in this section shall be construed as conferring any legally enforceable right upon any school to funds appropriated under this section.

This one-third entitlement consists of capitation payments for (1) all enrollees in schools which submit a plan setting forth their intention of carrying out three programs of national need; (2) all graduates of 2-year programs; (3) all graduates of programs of more than 2 years' duration provided the schools in question include in their program training in a nursing specialty. The committee intends by this breakdown of capitation payments to provide incentives to institutions to respond to national needs while providing assurance of basic support to schools making a reasonable effort to respond to the national need to increase the supply and improve the distribution of nursing personnel.

Further incentives are provided by requiring the institution to carry out satisfactorily the three programs included in its required plan in order to receive the full capitation to which it would be entitled. Penalties would be levied in the form of a 10- to 30-percent reduction in the years subsequent to the year in which the award was made for those institutions which have failed satisfactorily to carry out their plans. The reduction would be made at the rate of ten percent for each failure to institute or continue to carry out one of at least three programs specified in the plan submitted by the institution. Thus, an institution which met the basic requirement of submitting a plan would be guaranteed a minimum grant representing approximately 70% of the potential amount to which it would be entitled. Upon satisfactorily carrying out at least three programs described in the plan, the school would be entitled to the full 100% capitation award. It should be noted, however, that any reductions (up to 30%) necessitated by failure to carry out the minimum number of capitation condition programs would be made in the subsequent year's award, not by requiring repayment of the award already made for the current school year.

Each element of the capitation award is explained in more detail below.

BASIC ENROLLMENT CAPITATIONS

Under the bill each eligible school which submits an approved application (including a capitation condition plan) for a capitation grant would be entitled to receive $20,000, plus $550 for each full time enrolled student (or equivalent thereof).

INCENTIVE CAPITATION FOR TWO-YEAR GRADUATION

In addition, in the case of a school in which students complete their training in a period of not more than 2 years, the school would be awarded $250 for each graduate.

The intent of this provision is to provide an incentive to two-year graduation (A.A. degree) of students trained with the basic skills of registered nurses.

INCENTIVE CAPITATION FOR INCLUDING TRAINING IN A NURSING SPECIALTY OR AS A NURSE PRACTITIONER IN CURRICULUM

In the case of schools in which students complete their training in a period of more than 2 years, $750 would be awarded for each graduate if the school satisfied the following requirement. The school would be entitled to this payment only if its nursing program included training in a nursing specialty.

The committee recognizes that many specialty programs, including that of nurse practitioner, are offered in post graduate training. However, many schools offer courses which are preparatory to these advanced programs, and the committee wishes to encourage more schools to do so.

This provision is intended to insure that funds from these health training grants are spent for health programs rather than for general educational development, and that the nursing student in a 3- or 4-year program will have optimum access to a greater degree of specialized training than the 2-year graduate.

BONUS CAPITATION FOR ENROLLMENT INCREASE

As a means of encouraging schools of nursing to expand their enrollments and to provide additional resources to the eligible schools for such enrollment increases, the bill would provide funds for "bonus" students enrolled in the schools. An award of $250 will be made for each year in which the "bonus" students are enrolled in their course.

A "bonus" student is defined as a student enrolled in any of the eligible schools if, for the year in which the student is or was a first-year student in the school, (a) the first-year enrollment for that school exceeded its first-year enrollment for the preceding school year by not less than 5% or not less than five students, whichever is greater, or (b) the first year enrollment for that school exceeds enrollment at that school for the second preceding year by not less than 10% or not less than 10 students, whichever is greater, or (c) the first year enrollment for that school exceeds enrollment at that school for the third preceding year by not less than 15% or not less than 15 students, whichever is greater.

This provision ensures that the school would continue to receive a financial benefit from an increase in a first year class' enrollment for the life of that particular class in the school. To avoid placing insurmountable barriers in the way of nursing schools unable to increase their enrollment incrementally each year, and to avoid imposing special hardships on those schools which have already undergone exceptional growth in class size in recent years, nursing schools are given the option of spreading increases over a period of 2 or 3 years rather than being required to increase at a set percentage or number each year.

Thus, a school could have a substantial increase in 1 year preceded or followed by a year in which the increase is smaller without losing its eligibility for a bonus for increased enrollment. However, requirements for eligibility would be met only if the school achieved over each 3-year period an increase in its first year places of 15% or 15 students, whichever is greater (or an increase of 10% or 10 students over a 2-year period).

For example, a school which adds 10 students to its first-year student enrollment of 50 students would satisfy the formula and would receive for the first year a $15,000 bonus payment (60 students x $250) and a comparable amount for each year that class is enrolled (based on the number of students enrolled each particular year.) If the school finds it cannot increase its enrollment the following year, it would have the alternative of maintaining the entering class at the same size (which would satisfy the formula with respect to the second preceding year) thereby entitling it to bonus payments for the entering class, or of increasing at a rate of five students rather than the 10 of the preceding year. Thus, a school would be encouraged to increase enrollment in 1 year above the minimum increase level since the excess will carry over toward meeting its 3-year enrollment increase quota of 15% or 15 students (or 2-year enrollment increase quota of 10% or 10 students), whichever is greater.

PLAN REQUIRED AS A CONDITION FOR INSTITUTIONAL GRANTS

With the substantial institutional support provided in this legislation for schools of nursing, the Committee intends that these schools make every effort to develop programs responsive to national needs. Realizing that the schools will vary in their competencies and readiness, the Committee has not mandated identical requirements for all institutions alike, but has provided alternatives among which the schools can choose.

In order to receive capitation grants, any nursing school would be required to submit a plan which must be approved by the Secretary of HEW, showing how the school will continue to carry out, or establish and carry out, by the end of the school year to which the application relates, at least three innovative approaches (capitation conditions) in educating nurses from among eight approaches listed in the bill.

If the school, as determined by the Secretary, has not satisfactorily carried out at least three of the capitation conditions outlined in its plan during the previous academic year, its capitation for the next year would be reduced by 10 percent for each of the minimum number not carried out. These capitation conditions are designed to encourage expansion of nurse training programs and innovations in educational curricula. Two of these eight capitation condition categories are identical to the situation for which special capitation payments are awarded—increased enrollment, and training for new roles, types and levels of health personnel—thereby giving schools a double incentive to establish such priority programs. The eight capitation conditions are:

1. Merged and cooperative training with hospitals and other academic institutions;

2. Training for new roles, types or levels of nursing personnel including programs for the training of pediatric nurse practitioners or other types of nurse practitioners in cooperation with schools of medicine, osteopathy, or dentistry;

3. Establishment of cooperative interdisciplinary training among schools of nursing with a view toward establishment of interchangeable curricula;

4. Establishment of cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the team approach to the delivery of health services;

5. Assisting in increasing the supply of adequately trained nursing personnel and promoting the full utilization of nursing skills;

6. Effecting significant improvements in the curricula of schools of nursing with a view toward the assumption of greater patient care responsibilities;

7. Providing in-service and other training and education to upgrade the skills of licensed vocational or licensed practical nurses, nursing assistants, and aides, and other paraprofessional nursing personnel; and

8. Increasing admissions to, and enrollment and retention in, such schools of qualified individuals who, due to socioeconomic factors, are financially or educationally disadvantaged.

It is the view of the committee that substantial efforts should be made to increase the compatibility of associate degree, diploma, and baccalaureate nursing programs, and clarify their relationships to one another. In the opinion of the committee, the Department of Health, Education, and Welfare would be the most appropriate agency to sponsor such efforts, through conferences and other mechanisms.

FAILURE TO CARRY OUT PLAN SATISFACTORILY

If the Secretary determines, after due notice to the school and an opportunity for a hearing, that a school has failed during the preceding school year to satisfactorily carry out specific programs or projects in the capitation condition categories that it has submitted in its plan for the preceding year, then the amount of the total capitation grant in the subsequent year shall be reduced in proportion to the degree to which the school has failed to comply with the plan it has submitted as follows:

(a) if the school fails to carry out all the categories contained in its approved plan, then the reduction shall be 30 percent of the amount of the grant;

(b) if the school fails to carry out all but one of the categories contained in its approved plan, then the amount of the grant shall be reduced by 20 percent;

(c) if the school fails to carry out all but two of the categories in its approved plan, then the grant shall be reduced by 10 percent.

CAREER ADVANCEMENT AND MOBILITY FOR NURSING PERSONNEL

Another priority given special emphasis is that of career mobility in nursing and in other careers related to nursing. Career mobility will be available to the R.N. through programs of specialized advanced training such as the pediatric nurse practitioner, family nurse practitioner, as well as through advanced training in clinical specialties.

Career mobility will be available to the licensed vocational or licensed practical nurse, nursing assistants and aides, and other paraprofessional nursing personnel through programs in schools of nursing to upgrade their skills. Many of the clerical and routine duties related to patient care now performed by the R.N. could be assumed by the paraprofessional, permitting the R.N. more time to devote to skilled patient care, and providing the paraprofessional greater motivation and incentive to enter a field which promised advancement and full utilization of an individual's ability.

These students will also benefit from the provisions of the bill relating to grants and contracts to encourage full utilization of educational talent in the nursing professions (added by section 110 of the bill). Under these provisions, individuals would be identified who have

a potential for such training and would be offered encouragement to undertake it.

While these provisions are intended to apply particularly to the individual who is financially or educationally disadvantaged due to socio-economic factors, the Committee recognizes that the need for nurses and nursing support personnel is a critical one. The need for 1980 is now estimated at 1,100,000 registered nurses, 675,000 licensed practical nurses, and 550,000 aides. For this reason, the bill does not limit applicability of these outreach and dissemination of information provisions solely to those who are disadvantaged, but provides for applicability to *any* individual showing a potential for training in these careers. At the same time special efforts would be made to acquaint these students with all sources of financial aid available to them with particular emphasis on providing opportunities for the upgrading of licensed vocational nurses (licensed practical nurses) nursing assistants and paraprofessional nursing personnel.

WAIVER

The bill authorizes the Secretary to waive the reduction in the amount of the grant if he determines that the imposition of such a reduction would work a dire financial hardship on the school, but he shall not grant a waiver to such reduction to any school that has received a waiver from the Secretary in the preceding five years. The Committee does not intend to so constrain schools of nursing that they are damaged financially or otherwise—and therefore allows this waiver discretion to the Secretary, but wishes it to be exercised sparingly.

DEFINITION—NURSE PRACTITIONER

The committee considers the term "nurse practitioner" to include an expanded nursing role in which the nurse would be responsible for physical assessment (examinations) as well as primary care and be capable of using a greater degree of independent judgment and functioning with greater autonomy from the direction of a physician than the registered nurse at present. A prototype is the pediatric nurse practitioner who is able to function with children in a normal situation in the prevention, diagnosis and treatment of usual childhood diseases.

RELIEF FOR NURSING SCHOOLS WHICH ARE IN FINANCIAL DISTRESS

Schools of nursing are finding it increasingly difficult to meet their costs of operation.

Although the Committee fully expects that the more liberal and substantially increased capitation grant program will alleviate the financial distress in schools of the health professions, a number of these schools may need temporary financial assistance before their fiscal problems can be solved.

The bill would establish a special separate authority for grants to assist schools of nursing which are in financial distress to meet their costs of operation, or to meet accreditation requirements. The authorization level decreases with each year as the institutional assistance awards stabilize the finances of these institutions.

Grants would be made on special terms and conditions, including requirements that the school agree to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, to conduct a comprehensive cost analysis study on cooperation with the Secretary, and to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

TRAINEESHIPS FOR ADVANCED TRAINING

The Professional Nurse Traineeship Program provides funds for registered nurses to undertake advanced training for positions as teachers, administrators, supervisors and clinical specialists. It has significantly improved the preparation of nurses in these leadership positions. The Committee recognizes the essentiality of this training for nursing education and for nursing practices.

Nursing schools are currently operating with insufficient faculty; in many institutions this factor is limiting or preventing increases in enrollment. Other provisions of this bill will aid the development of new educational programs, and projects for the preparation of nurse practitioners and specialists, and for expanded nurse roles and team nursing among other things. All of these will require additional teachers and clinical specialists. More administrators of nursing services must be available if new nurse graduates from the programs of various types and levels are to be effectively and efficiently used to extend the availability of health care and services.

The bill extends the traineeships for advanced training of professional nurses for three years and because of the critical need for these personnel increases the level of appropriation authorizations to $20 million for fiscal year 1972, $22 million for fiscal year 1973, and $24 million for fiscal year 1974.

NURSING STUDENT LOANS, SCHOLARSHIPS

The rising expense of health professions education in recent years has placed an increasingly heavy financial burden on the students and their families. Many highly motivated and qualified students have not been able to afford such training. The more economically disadvantaged the student, the less feasible his opportunity to enter the higher educational process unless aid is provided. The longer the educational process, the more imperative that aid becomes. Few families in minority groups can provide the financial help essential to meet the high cost of and preparation for education in the health professions.

Nursing students have particular need for financial assistance. Fifty percent of nursing students come from families with incomes under $10,000, many considerably less. The nursing profession has recruited students from minority and economically disadvantaged groups and these students often need total financial support in order to attend nursing schools.

Many students would not even consider a nursing education program and many more would not be able to enroll without financial aid. It is therefore important that there be adequate and sustained support for nursing students to complete their education.

It is in the national interest to assure expanding enrollments in health professional schools and to assure that all economic levels are represented in such schools. To these ends the bill offers a variety of student assistance ranging from scholarships, through direct loans, to loan guarantees. The school and student are in a position to select the form and amount of assistance best suited to the student's need.

To encourage students with financial difficulty and students from low-income families to begin or continue their education, they are given priority for scholarship funds and are offered forgiveness and cancellation of direct or guaranteed loans in the event they are forced to leave school.

NURSING SCHOLARSHIPS

The program of scholarship grants is essential to attract and retain in school nursing students of exceptional financial need. The bill extends for 3 years the present authority for nursing scholarship grants. In view of the rising costs of education and the increasing number of exceptionally needy students, it increases the formula for distributing the funds among the participating school from $2,000 to $3,000 times one tenth the number of full-time students. The maximum amount of a scholarship is $1,500.

NURSING STUDENT LOANS

The bill continues for 3 years the present authority for nursing student loans. It raises the maximum loan for any one year from $1,500 to $2,500 and the maximum aggregate for all years from $6,000 to $10,000. These are more realistic levels of support considering the cost of a nursing education program to the student.

All students regardless of economic background are offered loan forgiveness if they practice in an underserved area.

The bill revises the present cancellation provisions to authorize cancellation of up to 100 percent of any loan plus interest for full-time employment as a registered nurse in any public or nonprofit private agency or institution (including neighborhood health centers) at the rate of 20 percent per year; or at the rate of 33⅓ percent per year if the nursing practice is in an area determined by the Secretary to have a shortage of and need for the practice in which the nurse engages. The bill also authorizes repayment by the Secretary of loans of nursing students in exceptional need who are unable to complete their studies.

GUARANTEED LOANS FOR NURSING STUDENTS

In view of the financial requirements of nursing students the Committee recognizes the need for another source of loan funds to insure the availability of adequate financial aid. S. 1747 amends Part B of Title IV of the Higher Education Act of 1965 to increase to $2,500 the maximum annual amount of an insured loan for a nursing student. It would also authorize the Commissioner of Education to forgive these insured loans for the same

reasons and at the same rates as those proposed for cancellation of the Nursing Student Loans. It is most important to note that the bill would also authorize the Commissioner to make direct loans to nursing students unable to secure a guaranteed loan.

GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE NURSING PROFESSION

In 1966 this Committee added to the nurse training provisions authority to award contracts for identifying qualified needy youth and encouraging them to undertake training in the field of nursing. This recruitment approach has proved highly successful in attracting into nursing economically disadvantaged minority groups.

The committee recognizes the need to broaden this type of recruitment and assistance to include efforts with other groups, such as older people, men, those with some training or experience in the health field (including veterans) and other nursing personnel, and particularly those who are financially or educationally disadvantaged. The bill extends and amends this authority so that persons with interest and potential can be identified and assisted in achieving careers as registered nurses. This assistance will increase the numbers entering the field of nursing, provide career opportunities for the individual students, and will result in more varied nurse population—one that is more representative of the population served. This broad recruitment authority will require support for institutions as they develop more flexible curricula and means of crediting knowledge and skills gained outside formal academic settings and, in some instances, will require support in the form of training costs and income replacement for students as well. The bill authorizes grants as well as contracts to provide greater flexibility in accomplishing the objectives.

Another given special emphasis is that of career mobility in nursing and in careers related to nursing. Career mobility will be enhanced for the registered nurse through programs of specialized advanced training such as pediatric nurse practitioner programs, as well as through advance training in clinical specialties.

Career mobility will be available to the licensed vocational or licensed practical nurse, nursing assistants and aides, and other paraprofessional nursing personnel through programs in schools of nursing designed to upgrade their skills. Many of the clerical and routine duties related to patient care now performed by the registered nurse could be assumed by the paraprofessional, permitting the registered nurse more time to devote to skilled patient care, and providing the paraprofessional greater motivation and incentive to enter a field which promised advancement and full utilization of their abilities.

Mr. President, the committee strongly recommends passage of this badly needed legislation. It is absolutely necessary if we are to meet the health needs of the American people over the years which lie ahead.

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

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, the Senator from Massachusetts has stated the matter accurately as to the minority. Generally speaking, we are in agreement on this bill. The primary amendments have already been made to the preceding bill, including some which by reference will fit into this bill as well.

Mr. President, I commend to the Senate S. 1747, the Nurse Training Amendments of 1971, which incorporates many provisions of the Nursing Education Act of 1971, S. 1614, which I introduced with Senator PROUTY and 13 other cosponsors. Many of the concepts were also proposed in the administration's Health Manpower Assistance Act of 1971, S. 1183, which I introduced.

To fulfill the goal of providing quality health care to the American people, we need a balanced program of support to nursing schools and nursing students.

We should not require them only to share in the block funding available to all other health professional schools or we will not have enough nurses to meet the growing demands essential for quality health care. That is why the committee has deemed it appropriate to report a separate nursing bill.

Mr. President, the Nation's need for health manpower is critical both in qualitative and quantitative terms. If we are to move closer to the goal of affording adequate health care for every American and at the same time, if we are to fulfill the idea expressed by President Nixon in his state of the Union message that America must become "the healthiest Nation in the world," we must have the skilled health personnel to provide essential health services.

Health care systems cannot operate—let alone expand and improve—unless the supply of such key well-prepared "manpower" is increased.

There is a critical present shortage of 150,000, among the total of 850,000 nurses, now needed. In 1980, it is projected we will need 220,000 more nurses than are available according to the statistics furnished Congress by the Health Manpower Bureau of NIH. This compares with similar figures for doctors of 48,000 presently and a projected need in 1980 of 26,000.

Nursing is the most universally used aspect of health manpower and is required on a more intensive basis over a longer period of time than any other single kind of health service. While our Nation's population during the last decade increased from 180 to 204 million, the demand for nursing services has also increased but at a much greater rate, since nursing care is primarily focused on the patient and his needs and it is the very young and the very old who have the greatest need for nursing care.

Existing law has done much to increase the nurse supply and its distribution, and to improve and expand our nursing schools, but more needs to be done. The future health of the Nation and the quality of life of its people will depend in large measure on decisions made now. The future availability of nurses who provide continuity for a patient's care will be a critical factor in the successful operation of the health care system.

The committee bill includes provisions of S. 1614 and S. 1183 which seeks to achieve these goals by providing:

First, extended and broadened authority for special project grants for nursing schools, also for agencies, organizations, and institutions to achieve national priority goals, such as encouraging curriculum reform, increasing education opportunities for disadvantaged students or increasing the availability of personal health services in an effort to promote preventive health care. Priority is given to applications for special project grants solely on the basis of the merit of the proposed project. There is also new authority to support projects to develop programs for cooperation interdisciplinary training among schools of nursing and schools of allied health, medicine, and other disciplines and would also encourage the development of training programs across disciplinary lines—including among the respective levels of nurse training—licensed practical nurses, nursemaids, et cetera—for training of students for the use of the team approach to the delivery of health services. Twenty million dollars is authorized for fiscal year 1972; $25 million for fiscal year 1973; and $30 million for fiscal year 1974.

Second, extended and broadened construction grant authority to include guaranteed loans and interest subsidy programs. The loan guarantees and interest subsidies program would extend the reach of Federal assistance beyond grants, where loans can be negotiated. I would emphasize that it is the purpose of this guaranteed loan and interest subsidy provision to supplement the existing grant program, not supplant it. In the face of more than $46 million of approved but unfunded grant applications, I believe we can no longer rely solely upon the grant mechanism to meet our schools' needs. We must take this innovative step of guaranteed loans and interest subsidies to overcome the substantial unmet needs. Forty million dollars is authorized for fiscal year 1972; $45 million for fiscal year 1973; $50 million for fiscal year 1974.

Third, extended authority for meeting the critical need for additional financial relief due to unexpected accreditation or other program requirements by authorizing financial disaster relief grants to schools of nursing in decreasing annual $10 million amounts, beginning with $30 million in fiscal year 1972. Although the substantially increased capitation grant program provided by this bill should alleviate the financial distress in schools of nursing a number of these schools may need temporary financial assistance before their fiscal problems can be solved.

Fourth, extended and broadened authority to meet the increasing demand for student assistance and the need for alternative avenues of financial aid. The existing nursing student assistance programs are liberalized both in respect to student loans through schools under title

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VIII of the Public Health Service Act and in respect to guaranteed student loans under title IV of the Higher Education Act. The maximum yearly loan to a nursing student is increased from $1,500 to $2,500 while the aggregate loan to any such borrower goes from $6,000 to $10,000.

Forgiveness for nursing student loans is authorized at a rate of 20 percent per year up to the maximum amount of the loan for full-time employment in a public or nonprofit private agency or institution, including neighborhood health centers. The forgiveness rate is increased to 33⅓ percent per year for full-time employment in a health care shortage area.

Also, the Commissioner of Education is authorized to make direct loans to nursing students where they are unable to secure a guaranteed loan under the Higher Education Act of 1965.

Finally, Federal repayment of both guaranteed and direct nursing student loans where the student is in exceptional financial need and unable to complete his studies.

The total student loan assistance authorization is $25 million in fiscal year 1972, $30 million in fiscal year 1973, and $35 million in fiscal year 1974.

Fifth, extended and broadened authority for the present nurse talent search program, which I authored and which was enacted in 1966 as an amendment to the Nurse Training Act, to include potential nursing candidates regardless of age, experience, education, or financial need.

I understand that contracts awarded thus far under the program have demonstrated the effectiveness of this kind of effort and support in identifying potential nursing candidates among disadvantaged youth previously untapped source and enrolling them in nursing education. I believe this type of recruitment could be equally successful with other groups to broaden the nurse population. This provision is similar to a bill I introduced in the 91st Congress, S. 1540, to encourage and assist older people and members of other cultural, educational, and occupational groups—including inactive or retired nursing personnel totaling 282,000 under 65—to undertake a second career in nursing. To achieve these goals $5 million, in fiscal year 1972, $7 million in fiscal year 1973, and $9 million in fiscal year 1974, is authorized.

Sixth, extends authority for the present program of traineeships for advanced training of professional nursing.

Seventh, extended and broadened authority for the existing nursing student scholarship program for 3 years with the formula for distribution of scholarship money among eligible schools increased from $2,000 to $3,000 times one-tenth of the number of full-time students. Estimated at $55 million in fiscal year 1972, $58 million in fiscal year 1973, and $59 million in fiscal year 1974.

INSTITUTIONAL CAPITATION SUPPORT

Mr. President, the basis of any effort at increasing the supply of health personnel, in this case, nursing personnel, must involve a massive commitment to institutional support for such schools. This bill would establish an explicit Federal role concerning the support of schools of nursing and departed from the traditional formula grant approach and adopted on entitlement concept for capitation awards based partially upon the enrollment of full-time students and on the number who graduate. One hundred and fifty-seven dollars is authorized for fiscal year 1972; $160.4 million in fiscal year 1973; and $164.4 million in fiscal 1974. The bill provides to each school of nursing—baccalaureate, diploma or associate degree—an award intended to cover approximately one-third of the average per student educational costs incurred nationally by such institutions if the institution meets eligibility requirements set forth in the bill.

Although the individual institutional support award is deemed an entitlement, this was done to set forth national funding priorities and to stimulate the institutions to seek to challenge the Congress to provide sufficient levels of appropriations to meet such entitlements. However, the legislation is not intended to confer any legally enforceable right upon any school. The bill specifically provides in section 104 that—

> The Secretary's determination of the amount of such grant shall be final and conclusive and, notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other law, shall not be subject to judicial review in any court of the United States.

Mr. President, when we think of America's health care it calls to mind the famous Charles Dickens quotation:

> It was the best of times. It was the worst of times.

While we can all be proud of America's medical achievements—we know that America can and does provide some of the finest medical treatment on earth for those who can get to it and who can afford it—we also are seeing deficiencies of America's health system to meet the needs of many of our people.

There can be no doubt that our national resources must be allocated and our national priorities reordered by a Congress determined to improve the Nation's health. The issue of adequate and accessible health care is an imperative of social justice. The right to a decent standard of health care is a basic human right; to deny this right is to deny the right to life, liberty, and the pursuit of happiness.

Mr. President, I strongly urge my colleagues to support this bill as they have its companion measure, S. 934, the Health Manpower Assistance Act. Just as the Civil Rights Act assured equal access to medical facilities no matter what the color of a patient's skin; just as the medicare and medicaid acts brought medical care to the sick who were either very poor or very old, so too when people look back upon the efforts of the 92d Congress they will realize that enactment of these two measures will represent a major step forward in the effort to assure all Americans that we have the requisite skilled health personnel to provide quality health care.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield me 2 minutes?

Mr. KENNEDY. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, having been the author of the amendment in the House, in 1961, of the Medical Facilities Act, to add nursing schools in the Medical Facilities Act, I was happy to see this bill continued and the progress it has made.

We need nothing more than a continuing and increasing supply of nurses. This is going to have a big impact in this respect. We still have the same problem in this bill insofar as capitation entitlement is concerned: I am afraid the legislative committee has tried to impose its will on the Appropriation Committee and on the executive, and that fight still will have to be resolved.

We do not know what is going to happen eventually on this, and it is probably part of the oversight we are going to have to exercise.

All things considered, and on balance, it seemed to me that this is a great step forward.

Mr. MATHIAS. Mr. President, I send an amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the bill, add the following new section:
>
> PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX
>
> SEC. 212. Title VII of the Public Health Service Act is amended by adding after part H thereof (as added by section 207 of this Act) the following new part:
>
> "PART I—GENERAL PROVISIONS
>
> "PROHIBITION AGAINST DISCRIMINATION BY SCHOOLS ON THE BASIS OF SEX
>
> "SEC. 799K. The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this title to, or for the benefit of, any school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school or training center will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this title with any such school or training center unless the school or training center furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs."

Mr. MATHIAS. Mr. President, I offer this amendment on behalf of the distinguished Senator from Michigan (Mr. HART), the distinguished Senator from Kentucky (Mr. COOK), the distinguished Senator from Indiana (Mr. BAYH), and the distinguished Senator from South Dakota (Mr. MCGOVERN).

In essence, this is the same amendment we offered to the previous bill which prevents the use of Federal funds to support institutions of medical education which discriminate on account of sex.

I do not believe that a further or more extensive explanation is really necessary at this point, unless the distinguished cosponsor of the amendment, the Senator from Michigan, cares to offer any further advice on the subject.

Mr. HART. Mr. President, this amend-

ment is identical to the one we offered to and was just added to the Health Manpower Training Act, S. 934. It is identical to the amendment which the other body approved when voting on the Nurses Training Act.

For the reasons that were persuasive in adding it to the health manpower bill, there is clear need for the Senate to take similar action on this nurses training bill, and I urge adoption of the amendment.

Mr. MATHIAS. Mr. President, I move the adoption of the amendment.

Mr. KENNEDY. I support the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I send to the desk a technical amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 36, line 9, insert the following after the period thereon:

"The Secretary's determination of the amount of such grant shall be final and conclusive and, notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other law, shall not be subject to judicial review in any court of the United States.

Mr. KENNEDY. This amendment is designed to protect the Secretary of Health, Education, and Welfare from certain legal actions. It is a technical amendment.

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

Mr. KENNEDY. I yield.

Mr. JAVITS. This amendment was omitted by inadvertence. In fact, it is in the star print, and the Senator is seeking to perfect the bill as it is passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, the grave crisis which our Nation is experiencing in the availability and delivery of vital health services is of prime concern to us all.

Solutions to these problems are neither simple or easy. Manpower, facilities, economics, and geography must all be considered as we move toward providing a better system.

During the past several months we have heard a great deal about the need for more doctors and dentists. And to help provide the means for training these and other health professionals the Senate has just passed legislation which Senator KENNEDY and I originally introduced to amend and expand the Health Professions Education Assistance Act so that our current needs in this area can be met.

But along with the need for more doctors, dentists, and the other health professionals covered by HPEA there is a similar need for more nurses. Today, there are some 70,000 practicing registered nurses in the United States and it is estimated that this represents a present shortage of more than 150,000. By 1975 it is projected that we will need 300,000 more nurses than are currently available unless we take some dramatic steps to fill the demand.

In September of 1964, during the 88th Congress, title VIII, the nurse training section of the Public Health Service Act was passed and signed into law. It was amended in the 90th Congress which extended the program for 2 fiscal years.

As presently written the nurse training authorizes grants in aid to collegiate, associate degree, or diploma schools of nursing. It provides for traineeships for the advanced training of nurses and allocates money for loans to undergraduate nursing students. And, in addition, it provides construction funds for the building of facilities for nurse training.

Since the time the original legislation took effect there has been a substantial increase in the number of nurses who were prepared by the Nation's schools of nursing. In 1964 prior to the enactment of the nurse training provisions of the PHS Act there were 129,269 students enrolled in schools of nursing. Six years later after the nurse training act, in 1970, there were 163,743 students enrolled—a 26.6 percent increase. Had it not been for this law, we might have had a greater shortage of nurses than currently exists.

But we have found that we still lack the adequate resources. Several nursing schools are in severe financial distress. Some State university programs have had to restrict enrollment because they do not have enough money to continue at present levels. And so if we are to come close to meeting the goal of 1 million nurses by 1975, nursing schools and their students must receive more vigorous and more ample Federal support than ever before.

During the past several months three bills were introduced to expand current programs. On March 23 of this year I offered S. 1331 which was designed to overcome the critical shortage of nurses by increasing and restructuring Federal support for the training of nurses. The heart of the bill is the recognition that our institutions for the education of nurses are a precious national resource and, as such, they deserve the protection provided by a predictable and substantial commitment of Federal financial assistance.

On April 22 of this year Senator JAVITS introduced his version of this legislation and on May 3 Senator KENNEDY introduced a bill which was an amalgam of my bill and Senator JAVITS' bill.

We have before us today, S. 1747 which combines the best features of all the proposals offered to the Labor and Public Welfare Committee combined with some additional provisions which were the product of extensive study and analysis by the committee members.

As reported, S. 1747 would, for the 3 fiscal years 1972 through 1974:

Extend and broaden the program of construction grants for nursing education facilities and add authority for loan guarantees and interest subsidies to assist in financing this construction;

Extend and broaden the authority for special project grants for improvement in nurse training;

Authorize a new program of capitation grants to schools of nursing to replace the present formula grant authority. Additional amounts will be available for increases in enrollment; for new schools; and for specialized training if graduation is after more than 2 years of school; incentives for the establishment of innovative programs and for recruitment of disadvantaged students are included in the legislation;

Authorize financial distress grants on terms and conditions established by the Secretary;

Extend the traineeships for advanced training of professional nurses;

Extend and broaden the authority for nursing scholarships for needy students;

Extend and broaden the authority to encourage full utilization of educational talent for the nursing profession;

Continue the authority for nursing student loans, increasing the maximum annual loan to $2,500, and modifying the cancellation provisions. The legislation would also authorize repayment of loans to students in exceptional need and unable to complete their studies;

Amend part B of the Higher Education Act of 1965 to authorize increased amounts for loans to nursing students under the guaranteed student loan program, and add special provisions for repayment by the Commissioner of such loans in certain circumstances. This title also provides for direct loans to students eligible for but unable to obtain, insured loans under the guaranteed student loan program.

As in the case of S. 934, the health manpower amendments which we just passed, there are numerous provisions of this bill which make it a giant step forward in the Federal Government's role in increasing the Nation's supply of professional health personnel. Of particular importance is the section in the bill authorizing a predictable level of Federal support to the schools of nursing to meet their financial needs and to provide the necessary incentives for the schools to expand their enrollments and undertake innovative programs in the training of nurses in the United States.

Just as S. 934, this bill also establishes a special fund for Federal assistance to schools in severe financial distress so that other programs created in the legislation will be diluted and used for this purpose.

In addition, a special capitation provision of $750 per student is included so that the schools would be induced to undertake programs of training of nurse practitioners. Such specialists have proven extremely successful in assisting doctors and other health professionals to more efficiently and effectively carry on their practices.

And, of course, we have increased the levels of student support which were previously available in the form of loans and scholarships putting special emphasis on attracting and retaining nursing students from disadvantaged back-

grounds and in exceptional financial need.

Mr. President, we were all dismayed and disappointed when we learned that the President's fiscal year 1972 budget for nursing education had been cut by $6.6 million from the fiscal year 1971 level. This is indeed difficult for me to understand since the administration has proposed a $90 million increase for educating other health professionals.

In addition to augmenting the number of nurses in the United States, we must make it possible for them to function at their optimum level. They must be prepared to help provide primary health care to families, to screen and refer those in need of special health services, and they must be trained to decide when a physician needs to see a patient. But we cannot increase the quality of nursing care unless we are willing to make a substantial investment in the training of these personnel.

Mr. President, I have great praise for the extensive work done by the Labor and Public Welfare Committee in fashioning this innovative and responsible legislation. Senator KENNEDY, chairman of the Health Subcommittee has once again demonstrated his knowledge of and sensitivity for the needs of the nursing profession. This bill is a fine example of his commitment to the cause of better health care for all Americans. Senators JAVITS and DOMINICK also deserve the thanks of the Senate and the Nation for their diligence and understanding of the crisis facing us all.

At a time when it is acknowledged by the President, by the Congress, and by the people of this Nation that our health care system is in jeopardy, we must proceed without hesitation to expand and support our nurse training facilities and to allow for the distribution of these nurses in the areas where they are most critically needed. The bill we are considering today provides us with the opportunity to reach this goal. In my judgment we can afford to do no less.

EXPANSION OF NURSE MANPOWER IS ESSENTIAL

Mr. McINTYRE. Mr. President, as I indicated in my earlier statement on S. 934, I believe it is of primary importance that we take steps now to increase the supply of health manpower.

The shortage we face is especially serious with respect to nurse manpower. It is estimated that 700,000 nurses are in active practice today and that 150,000 more are needed. By 1980, it is expected that we will need 1,100,000 nurses.

It is clear from these statistics that major efforts are needed to close the gap. The legislation before us makes an important contribution toward this effort. S. 1747, authorizing an expenditure of $1 billion over a 3-year period, continues and expands existing programs of assistance to schools of nursing and students at those schools.

An important new program is created by S. 1747 to assist nursing schools which face the prospect of closing because of lack of funds. This program of financial assistance would provide capitation grants in the amount of $550 for each student plus $750 for each graduate. S. 1747 also continues and expands existing grant programs for construction of new facilities and for special projects; for traineeships to teachers of nursing, and loans and scholarships for nursing students.

I think it is clear that if we are to solve the health crisis in our country, we must not merely finance a more expensive medical system, but we must organize a more efficient one. One step that should be taken in that direction is to free our physicians from routine tasks so that they may concentrate on specialized duties and have additional time to see more patients. Nurses will play a major role in this process by assuming more of the task which previously had been the sole province of physicians, taking patients' medical histories, giving inoculations, and making house calls to mildly ill persons.

In short, nurses will be called upon to utilize more of their professional skills. I welcome this trend, and I believe that it demands from us a stronger commitment to the education and training of nurses. According to the best judgments of experts, the quality of nursing care is directly related to the quality of preparation of nursing personnel and to relative proportions of the various levels of nursing expertise in a care situation. I feel confident that S. 1747 can make a significant contribution to the broadening and improvement of nursing education.

I am expecially pleased to see that this legislation incorporates my recommendations for encouraging medical personnel to practice in rural or medically deprived areas.

In March of this year, I introduced the Community Health Act, which authorized the Federal Government to repay in full the educational debt of medical personnel, including nurses, who agree to practice for 3 years in an area designated by the Secretary of Health, Education, and Welfare as having a shortage of medical personnel. S. 1747 closely approximates this legislation by providing loan forgiveness at a rate of 33⅓ percent a year to any nurse who agrees to practice in a shortage area. I think it is essential that we build these incentives into the system to relieve the severe maldistribution problem.

I hope all Senators will recognize the merits of this provision as well as other important features of S. 1747 and join with me in giving it favorable passage today.

Mr. BEALL. Mr. President, the Senate just passed S. 934, the Health Professions Educational Assistance Amendment of 1971. It has now turned its attention to S. 1747, the Nurse Training Amendment of 1971. As a member of the Health Subcommittee I am pleased to cosponsor both of these measures and I strongly urge the enactment of the pending nurse training amendment.

As reported to the full Senate, S. 1747 would—

Extend and broaden the program of construction grants for nursing education facilities and add authority for loan guarantees and interest subsidies to assist in financing this construction.

Extend and broaden the authority for special project grants for improvement in nurse training.

Authorize a new program of capitation grants to schools of nursing to replace the present formula grant authority. Additional amounts will be available for increases in enrollment; for new schools; and for specialized training if graduation is after more than two years of school; incentives for the establishment of innovative programs and for recruitment of disadvantaged students are included in the legislation.

Authorize financial distress grants on terms and conditions established by the Secretary.

Extend the traineeships for advanced training of professional nurses.

Extend and broaden the authority for nursing scholarships for needy students.

Extend and broaden the authority to encourage full utilization of educational talent for the nursing profession.

Continue the authority for nursing student loans, increasing the maximum annual loan to $2,500, and modifying the cancellation provisions. The legislation would also authorize repayment of loans to students in exceptional need and unable to complete their studies.

Amend Part B of Title IV of the Higher Education Act of 1965 to authorize increased amounts for loans to nursing students under the Guaranteed Student Loan Program, and add special provisions for repayment by the Commissioner of such loans in certain circumstances. This title also provides for direct loans to students eligible for but unable to obtain, insured loans under the Guaranteed Student loan program.

As the committee report observes, nursing care is crucial to the providing of adequate health care for every American. It is the most widely used of the health manpower services. We know that severe shortages do exist in areas of the country. A 1969 study of the health manpower needs of the State of Maryland through the 1980's identified 1,000 unfilled positions for registered nurses that were budgeted for hospitals in my State. The study was optimistic with respect to the State being able to meet the overall shortages of professional nurses by 1980. The legislation before the Senate today will help to assure such will be the case.

Earlier this year I introduced S. 1614, and I am pleased that many provisions of that measure are incorporated into S. 1747. I believe this measure is a good one, and I urge its passage.

S. 1747: A NEW SOLUTION TO PROBLEMS IN THE TRAINING OF NURSES

Mr. CRANSTON. Mr. President, the critical need for additional nurses, and the further need to fully utilize the skills of these highly trained professionals, are major problems, which I feel the Committee on Labor and Public Welfare, under the outstanding chairmanship of Senator WILLIAMS, and with the special dedication of Senator KENNEDY, as chairman of the Subcommittee on Health, have met in S. 1747, as reported from committee. The ranking minority members of the committee (Mr. JAVITS) and (Mr. DOMINICK) also deserve great credit for their contributions and bipartisan cooperation.

I would like to stress in particular the support afforded schools of nursing through the basic capitation institutional support grants and provisions for career development of both registered nurses, and licensed vocational nurses, as well as nursing assistants. These are provisions which are based largely on

amendments I offered subcommittee and full committee deliberations on the bills.

CAPITATION INSTITUTIONAL SUPPORT

As in the legislation extending the authorities for programs in the health professions education field—S. 934, which the Senate has just adopted unanimously—the committee has adopted an approach of combined institutional capitation grants with special incentives for improvement in training and curriculum development and for increased enrollment in nursing schools.

Through this combination of grants and incentives I believe we can make major inroads into the critical shortage of nurses, and can also encourage the fuller utilization of these valuable members of the health professional team.

Because of restrictions in current law, there has been no opportunity to award basic institutional support in the form of formula grants to nursing schools for the past two years. This has come at a time when nursing costs, as all other costs have risen drastically. Nursing schools have been caught in a particularly vicious circle by their inability to budget adequate funds for faculty, or for improvements and innovations in their teaching programs. In turn, these restrictions limit their ability to increase enrollment, or upgrade the skills of paraprofessional nursing personnel, who might be able to lessen the routine demands made upon nurses, permitting them more time for direct patient care.

We felt that the national need for health services and the extraordinary costs of education in nursing justify decisive action by the Federal Government to underwrite the costs of training for nursing schools and nurse training institutions.

For that reason, the bill entitles each school of nursing and nurse training institution to an award intended to cover approximately one-third of the average per student cost incurred nationally by these institutions. These awards would be made only if the institutions make a reasonable effort to respond to the national need through increased enrollments and by improving educational programs in accordance with provisions contained in amendments I offered in committee.

We felt that only as an "entitlement" could such an award provide the requisite stability to nursing educational institutions which through their programs are responsive to national needs. This one-third entitlement provides for a basic institutional capitation award consisting of $20,000 per school plus a capitation grant for, first, all enrollees in a school which submits a plan setting forth its intention of carrying out at least three programs of national need; second, all graduates of 2-year programs; third, all graduates of programs of more than 2 years' duration provided the school in question includes in its program training in a nursing specialty or as a nurse practitioner; and, fourth, each student in a class whose first-year enrollment increased significantly.

My amendment puts teeth into the plan requirement by requiring the institution to carry out satisfactorily three programs included in its plan in order to receive the next year's full capitation to which it would otherwise be entitled. Penalties would be levied in the form of a 10- to 30-percent reduction in the years subsequent to the year in which the award was made for those institutions, which by failing satisfactorily to carry out their plans, indicate a lack of response to national needs.

I would like to take a moment to explain each element of the capitation award.

BASIC ENROLLMENT CAPITATIONS

This basic capitation award would be provided each eligible school which submits an approved application—including an acceptable capitation condition plan—for a capitation grant and would entitle it to receive $20,000 plus $550 for each full-time enrolled student—or the equivalent thereof.

INCENTIVE CAPITATION FOR 2-YEAR GRADUATION

In addition, in the case of a school in which nursing students complete their training in a period of not more than 2 years, the school would be awarded $250 for each graduate.

The intention of this provision is to provide an incentive to 2-year graduation—A.A. degree—of students trained with the basic skills of Registered Nurses.

INCENTIVE CAPITATION FOR INCLUDING IN CURRICULUM TRAINING IN A NURSING SPECIALTY OR AS A NURSE PRACTITIONER

In the case of schools in which students complete their training in a period of more than 2 years, $750 would be awarded for each graduate if the schools nursing program included training in a nursing specialty or as a nurse practitioner. While I recognize that many specialty programs, including that of nurse practitioner, are offered in post graduate training, many schools currently offer courses which are preparatory to these advanced programs, and my intent in introducing this amendment was to encourage more schools to do so.

The intent of this provision is to insure that funds from these Federal health training grants are spent for health programs rather than for general educational development, and that in addition, the nursing student in a 3 or 4 year program will have optimum access to a greater degree of specialized training that is provided in a 2-year program.

I would like to clarify the term "nurse practitioner" as used in this bill and S. 934. The members of the committee considers this term to include an expanded nursing role, in which the nurse would be responsible for physical assessment (examinations) as well as primary care and would be capable of using a greater degree of independent judgment and functioning with greater autonomy from the direction of a physician than can the registered nurse at present. A prototype is the pediatric nurse practitioner who is able to function with children in a normal situation in the prevention, diagnosis, and treatment of usual childhood diseases.

BONUS CAPITATION FOR ENROLLMENT INCREASE

As a means of encouraging schools of nursing to expand their enrollments and to provide additional resources to the eligible schools for such enrollment increases, the bill would provide funds for "bonus" students enrolled in the schools. An award of $250 will be made for each year in which the "bonus" students are enrolled in their course. This method insures that the school would continue to receive a financial benefit from an increase in a first-year class' enrollment for the life of that particular class in the school.

To avoid placing insurmountable barriers in the way of nursing schools unable to increase their enrollment incrementally each year, and to avoid imposing special hardships on those schools which have already undergone exceptional growth in class size in recent years, nursing schools are given the option of spreading—backward to now past years or to future "past" years—increases over a period of 2 or 3 years rather than being required to increase at a set percentage or number each year.

Thus, a school could have a substantial increase in 1 year preceded or followed by a year in which the increase is smaller without losing its eligibility for a bonus for increased enrollment. However, requirements for eligibility would be met only if the school achieved over each 3-year period an increase in its first-year places of 15 percent or 15 students, whichever is greater—or an increase of 10 percent or 10 students over a 2-year period.

For example, a school which adds 10 students to its first-year student enrollment of 50 students would satisfy the formula and would receive for the first year a $15,000 bonus payment—60 students times $250—and a comparable amount for each year that class is enrolled—based on the number of students enrolled each particular year. If the school finds it cannot increase its enrollment the following year, it would have the alternative, first, of maintaining the entering class at the same size—which would satisfy the formula with respect to the second preceding year—thereby entitling it to bonus payments for the entering class, or second, of increasing at a rate of five students rather than the 10 of the preceding year. Thus, a school would be encouraged to increase enrollment in 1 year above the minimum increase level since the excess will carry over toward meeting its 3-year enrollment increase quota of 15 percent or 15 students—or 2-year enrollment increase quota of 10 percent or 10 students, whichever is greater.

PLAN REQUIRED AS A CONDITION FOR INSTITUTIONAL GRANTS

With the substantial institutional support provided in this legislation for schools of nursing, I felt it essential that these schools make every effort to develop programs responsive to national needs. Realizing that the schools will vary in their competencies and readiness to undertake new programs—as with my similar amendment adopted in S. 934 for the other health professions—my amendment provided alternatives among which the nursing schools can choose.

In order to receive capitation awards, a nursing school would be required to submit a plan which must be approved

by the Secretary of Health, Education, and Welfare, showing how the school will continue to carry out, or establish and carry out, by the end of the school year at least three innovative approaches—capitation conditions—in educating nurses from among eight approaches specified in the bill.

If the Secretary determines that the school has not satisfactorily carried out at least three of the capitation conditions outlined in its plan during the previous academic year, its capitation for the next year would be reduced by 10 percent for each failure to institute or continue to carry out satisfactorily one of the three programs specified in the plan submitted by the institution. Thus, an institution which submitted an acceptable plan would receive 100 percent of its capitation entitlement for the first year as well as be guaranteed a minimum grant representing approximately 70 percent of the potential amount to which it would be otherwise entitled for the next year. Upon satisfactorily carrying out at least three capitation condition programs in the plan, the school would be entitled to the full 100 percent capitation award for the next year. It should be noted, however, that any reductions—up to 30 percent—necessitated by failure to carry out the minimum number of capitation condition programs would be made in the subsequent year's award, not by requiring repayment of the award already made for the current school year.

These capitation conditions are designed to encourage expansion of nurse training programs and innovations in educational curricula and are similar to the special project grants in the bill.

Two of these eight capitation condition categories I proposed are identical to the situation for which capitation bonus incentive payments are awarded—increased enrollment and training for new roles, types and levels of health personnel—thereby giving schools a double incentive to establish such priority programs.

The eight capitation conditions are:

First, merged and cooperative training with hospitals and other academic institutions;

Second, training for new roles, types of levels of nursing personnel including programs for the training of pediatric nurse practitioners or other types of nurse practitioners in cooperation with schools of medicine, osteopathy, or dentistry;

Third, establishment of cooperative interdisciplinary training among schools of nursing with a view toward establishment of interchangeable curricula;

Fourth, establishment of cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optomerty, podiatry, pharmacy, or public health, including training for the use of the team approach to the delivery of health services;

Fifth, assisting in increasing the supply of adequately trained nursing personnel and promoting the full utilization of nursing skills;

Sixth, effecting significant improvements in the curricula of schools of nursing with a view toward the assumption of greater patient care responsibilities;

Seventh, providing in-service and other training and education to upgrade the skills of licensed vocational or licensed practical nurses, nursing assistants, and aides, and other paraprofessional nursing personnel; and

Eighth, increasing admissions to, and enrollment and retention in, such schools of qualified individuals who, due to socioeconomic factors, are financially or educationally disadvantaged.

These are all innovative programs of critical need and I feel if they are initiated by the schools of nursing, in the reasonable way suggested by this bill, major steps toward alleviating inadequacies of our current educational system to meet the nursing needs of the Nation will have been taken.

WAIVER

The bill authorizes the Secretary to waive the reduction in the amount of the grant if he determines that the imposition of such a reduction would work a dire financial hardship on the school, but that a waiver for any school is limited to no more than once each 5 years. My intention as not to so constrain schools of nursing that they would be damaged financially or otherwise. My amendment therefore allowed this waiver discretion to the Secretary, with the expectation that it be exercised sparingly.

There is one other basic subject area in the bill, which resulted from amendments I proposed in committee—those which provide for career advancement and career mobility of nursing personnel and full utilization of educational talent for the nursing profession. I would like to say a few words about these provisions.

CAREER ADVANCEMENT AND MOBILITY FOR NURSING PERSONNEL

Career mobility will be available to the RN through programs of specialized advanced training such as the pediatric nurse practitioner or family nurse practitioner, as well as through advanced training in clinical specialties.

Career mobility will be available to the licensed vocational or licensed practical nurse, nursing assistants and aides, and other paraprofessional nursing personnel through the programs in schools of nursing to upgrade their skills included as one of the capitation condition categories. Many of the clerical and routine duties related to patient care now performed by the R.N. could be assumed by the paraprofessional, permitting the R.N. more time to devote to skilled patient care, and providing the paraprofessional greater motivation and incentive to enter a field promising advancement and full utilization of an individual's ability full utilization of educational potential for the nursing professions.

FULL UTILIZATION OF EDUCATIONAL POTENTIAL FOR THE NURSING PROFESSIONS

These students will also benefit from the provisions of the bill relating to grants and contracts to encourge full utilization of educational potential in the nursing professions—added by section 110 of the bill—as a result of an amendment I offered. Under these provisions—which are similar to those included in S. 934 for the other health professions—individuals would be identified who have a potential for such training and would be offered encouragement to undertake it.

While these provisions are intended to apply particularly to the individual who is financially or educationally disadvantaged due to socioeconomic factors, I recognize that the need for nurses and nursing support personnel is a critical one. The need for 1980 is now estimated at 1,100,000 registered nurses, 675,000 licensed practical nurses, and 550,000 aides. Because of this staggering need, as proposed by Senator JAVITS, the bill does not limit applicability of these outreach and dissemination of information provisions solely to those who are disadvantaged, but provides for applicability to any individual showing a potential for training in these careers.

At the same time, my amendment encourages schools to make special efforts to acquaint these students with all sources of financial aid available to them, with particular emphasis on providing opportunities for the upgrading of licensed vocational nurses—licensed practical nurses—nursing assistants and paraprofessional nursing personnel.

Mr. Chairman, there are many other excellent provisions included in the Nurse Training Amendments of 1971, which I have not discussed. I think this is legislation which this Congress will be proud of and which will meet one of the most critical needs facing us today—the shortage and more effective utilization of nurses and nurse support personnel.

I urge all my colleagues to support S. 1747 and once more congratulate Senators WILLIAMS, KENNEDY, JAVITS, and DOMINICK for their outstanding bipartisan efforts in bringing this bill so expeditiously through committee.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and the nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Mississippi (Mr. STENNIS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mr. JACKSON), and the Senator from

Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Vermont (Mr. AIKEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

The Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Texas (Mr. TOWER) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 140 Leg.]

YEAS—81

Allen	Fong	Montoya
Allott	Fulbright	Moss
Baker	Gambrell	Muskie
Beall	Gravel	Nelson
Bellmon	Griffin	Packwood
Bennett	Gurney	Pastore
Bentsen	Hansen	Pearson
Bible	Hart	Pell
Boggs	Hartke	Percy
Brock	Hollings	Prouty
Burdick	Hruska	Proxmire
Byrd, Va.	Hughes	Randolph
Byrd, W. Va.	Humphrey	Ribicoff
Cannon	Inouye	Roth
Case	Javits	Saxbe
Chiles	Jordan, N.C.	Schweiker
Cook	Kennedy	Scott
Cooper	Long	Smith
Cranston	Magnuson	Sparkman
Curtis	Mansfield	Spong
Dole	Mathias	Stevens
Dominick	McClellan	Stevenson
Eagleton	McGovern	Taft
Eastland	McIntyre	Talmadge
Ellender	Metcalf	Tunney
Ervin	Miller	Williams
Fannin	Mondale	Young

NAYS—0

NOT VOTING—19

Aiken	Goldwater	Stennis
Anderson	Harris	Symington
Bayh	Hatfield	Thurmond
Brooke	Jackson	Tower
Buckley	Jordan, Idaho	Weicker
Church	McGee	
Cotton	Mundt	

So the bill (H.R. 8630) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed.

Mr. KENNEDY. Mr. President, I move that the Senate insist upon its amendment to H.R. 8630 and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. DOMINICK, Mr. JAVITS, Mr. PROUTY, Mr. SCHWEIKER, Mr. PACKWOOD, and Mr. BEALL conferees on the part of the Senate.

Mr. KENNEDY. Mr. President, I ask unanimous consent to indefinitely postpone S. 1747.

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

Mr. KENNEDY. Mr. President, I express my very sincere and deep appreciation to the ranking minority member of the Health Subcommittee, the Senator from Colorado (Mr. DOMINICK), for the work he did in the development of this legislation. I also thank the ranking minority member of the full committee, the Senator from New York (Mr. JAVITS).

Both of these Senators were extremely diligent with respect to the consideration of the legislation. Both Senators have provided significant additions and improvements, thus strengthening the legislation. Both were extremely accommodating in terms of arranging hearings and meetings and consideration of the legislation.

I commend them both.

Mr. President, this legislation also bears the imprint of the chairman of the full committee, the Senator from New Jersey (Mr. WILLIAMS). He has been extremely interested in the development of health manpower legislation for a number of years.

He has introduced many pieces of legislation covering these various areas and his interest in our committee work provided great assistance to our committee in the final product.

I also wish to thank the majority staff—Lee Goldman, Director, Stan Jones, and Dr. Phil Caper, Mr. Murphy, Mr. Negle, Mr. Edes, Mr. Steinberg, Mr. McKenna, Miss Rosenwald, and Miss Robinson. I think we were extremely fortunate in the Subcommittee on Health to have men of this quality. All of them have distinguished backgrounds and varied experience, and all of them were enormously active in the legislation.

As to minority staff members, I pay tribute to J. Roy Cutler, Marty Klein, Carol Crawford, Chuck Woodruff, of Senator DOMINICK'S staff, Mr. Hand, Mr. Jasper, Mr. Carter, and Mr. Honeycutt, all of whom spent a great deal of time on this matter.

Since I have been in the Senate I have served on the Committee on Labor and Public Welfare and the Committee on the Judiciary. We have had marvelous cooperation from the majority staff and the minority staff, and that is particularly true in this case. Their work has been of great value to me as chairman.

Mr. MANSFIELD. Mr. President, joining with Senator KENNEDY, I wish to commend the senior Senator from New York (Mr. JAVITS), for his excellent contributions. As always, his contributions are thorough and meaningful and his leadership never found wanting.

To those that made significant contributions, the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. HART), the Senator from Maryland (Mr. MATHIAS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Mississippi (Mr. STENNIS), the leadership extends its thanks for their cooperation and their contribution in these achievements.

Mr. President, the passage this afternoon by the Senate of these two Public Health Service acts demonstrates anew the Senate's commitment to expand complete and adequate medical services to a greater segment of the population by increasing the number of medical personnel.

Under the brilliant leadership of the senior Senator from Massachusetts (Mr. KENNEDY), the Nation is becoming more aware that the medical needs of the entire population are not being met and that a greater part of the Nation's resources must be directed to provide these vital services to all Americans. These measures today demonstrate that he not only can lead in bringing the issue to the forefront of the American agenda but can fulfill these commitments with results. These are just the first two measures we look forward to coming from his committee in the field of health services.

AGRICULTURE - ENVIRONMENTAL AND CONSUMER PROTECTION PROGRAM APPROPRIATIONS, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 9270, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill—H.R. 9270—making appropriations for Agriculture-Environmental and Consumer Protection Programs for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the bill not begin running until tomorrow.

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

THE U.S. NAVY

Mr. GOLDWATER. Mr. President, earlier in the session a number of our colleagues discussed the deteriorating state of the U.S. Navy. I would like to join with them.

Since history began Russia has been attempting to build herself into a naval power. She has been unsuccessful in this down through the years but now we are watching her build a navy which, if not already superior to our Navy, will be superior in a short time. This has great implications.

We have our 6th Fleet in the Mediterranean. If the Russians build a fleet of sufficient strength they can force us out of that most important area of the world.

It is my firm belief that if the Soviets wanted to do so they could control the Suez Canal. She has no interest in helping the Arabs but in helping herself in

getting control. She is sure of taking over the Indian Ocean and will control the Straits of Malacca and the Straits of Gibraltar. When that happens she can deny use of the open seas to any country she cares to.

The average life of a U.S. naval vessel today is 23 years and we retire them at 25 years. The average life of a Soviet vessel is 10 years, and she is building more modern, faster, and better equipment, even though lighter than we have. Her rate of submarine construction is far superior to ours. I am referring to the nuclear submarines.

I wish to join Senators who rose today to speak in defense of a stronger U.S. Navy. Unless we do something about this situation in the immediate future, I am afraid many of us will live to see the United States a second-rate power.

PHANTOM JETS FOR ISRAEL

Mr. BAYH. Mr. President, on June 30 U.S, deliveries of Phantom jets to Israel ended—with none in the pipeline. July therefore, is the first month since the Johnson administration agreed to sell Phantoms to Israel in which none will be delivered. Despite a number of long-standing Israeli requests, the Nixon administration has yet to act.

If this hiatus had resulted from a diplomatic breakthrough for peace in the Middle East it would be understandable. If it reflected an agreement—specific or tacit—among the great powers to limit arms shipments to the Middle East, it would be commendable.

Unfortunately, it is neither. Nothing that we know, either about continued delivery of Soviet aircraft to the Arabs or about the current stalemated state of negotiations, justifies a suspension of our deliveries to Israel.

In fact, the New York Times and Washington Post have reported in the last 2 days that Soviet aircraft deliveries were continuing at an accelerated rate to both Egypt and Syria. American intelligence sources have indicated that, whereas Egypt received 90 Mig-21's from June 1967 to the middle of last year, since last September they have received nearly 100. In the past 3 months alone, Syria has obtained 21 Mig-21's. Both countries are continuing to receive various other fighters, fighter bombers and military helicopters. Furthermore, in recent days Mig-23's, presumably piloted by some of the 15,000 to 20,000 Soviet military personnel in Egypt have been seen in the air over that country.

Disturbingly, too, a State Department spokesman was noticeably hesitant in his Monday morning briefing in answering questions about whether the recent influx of Soviet arms to the Arabs had tipped the precarious military balance of power in the Middle East.

Mr. President, in the absence of Soviet restraint in arms shipments we must maintain the military balance of power in the Middle East by continuing the delivery of these Phantom jets on which Israel's security so heavily depends. I am not urging that Soviet aircraft deliveries to the Arabs be matched one for one. In the past, for example, we have supplied such aircraft at a ratio of one to every two or three delivered by the Soviets—or less. But plainly with Soviet deliveries to the Arabs accelerating, now is not the time to cut off our shipments to Israel.

Like the arms shipment situation, moreover, the current status of the political negotiations is unpromising. Only recently the Egyptians hardened—not softened—their terms for an interim settlement. For the last month they have been insisting that Israeli forces must be withdrawn from all occupied territory before the Suez Canal will be reopened. They are insisting, too, that any cease-fire be only for a period of 6 months and that during that time Israel must agree to a full withdrawal back to the lines that prevailed before June 1967.

Against this background the earlier reports that the Nixon administration may be willing to withhold further delivery of warplanes to push Israel toward accepting negotiating positions she might not otherwise accept were particularly disturbing.

Mr. President, clearly such a policy would not be in the best interests of efforts to secure a peace in the Middle East. It would not be in the best interest of peace because it could upset the military balance, undermining Israeli confidence in their own security. Such confidence is essential to encourage Israeli flexibility.

I urge the administration not resort to such tactics—either out of desperation or out of a misguided sense of realpolitik. A harsh or clumsy attempt to force Israel to accept arrangements about which she is correctly skeptical would be counterproductive. It could not only reverse the process of accommodation on the Israeli side, but it might also reawaken Egyptian hopes of avoiding serious negotiation. And it is serious negotiation among the parties themselves that is the only sound path to a genuine and lasting peace in the Middle East.

The Washington Post report today that Secretary Sisco is returning to Jerusalem is, indeed, a welcome sign. I am hopeful that he is carrying a Nixon administration go-ahead to negotiate a Phantom jet sale—immediately. We have delayed a favorable decision on these vital planes too long already.

Mr. GOLDWATER. I wish to reply to the statement made by the Senator from Indiana just now.

The major reason there has been a slowdown is that the Phantom line is practically ended. I think it would be proper for those Senators who are interested in supplying the Phantoms to Israel to introduce an amendment to the authorization or appropriation bill to keep the line going. We are having a most difficult time supplying our own needs for the Air Force and the Navy. All of us want to see the continuation of supplies to Israel, because the Russians are supplying Egypt with Mig 23's, which is a better plane, I might say, than anything we have. That is the major reason why we do not have enough of the planes. I thought I would offer that suggestion.

THE MILITARY BALANCE IN THE MIDDLE EAST

Mr. JACKSON. Mr. President, it has become increasingly clear that American policy in the Middle East imperils not only the security of Israel, but the peace of the world. The administration continues to acquiesce before a massive buildup of Soviet military equipment in Egypt and Syria while it remains blind to the threat to our own security that this misguided diplomacy encourages.

By consistently pressuring our Israeli allies into accepting a dangerous and unstable accommodation we have emboldened the Soviet Union and driven certain Arab States even more deeply under Russian influence or even control. By our weakness and vacillation we have raised doubts in the Arab world as to American willingness to stand up and protect our interests. The inevitable and predictable result has been an aggressive round of Soviet entrenchment culminating recently in a 15-year treaty with Egypt. The overeager—sometimes frantic—maneuvering of the Secretary of State has helped to make the Soviet Union a major Middle Eastern power. We have played into the hands of the totalitarians at the expense of our democratic friends.

The situation in recent days and weeks has grown extremely grave. While the administration has been withholding from Israel the arms she requires to defend herself, the Soviet Union has poured vast quantities of weapons into Egypt, including extremely sophisticated aircraft that are not yet widely available even within the Russian Air Force. Reports strongly suggest that it was our failure to stand up and insist upon Soviet and Egyptian compliance with the terms of the standstill cease-fire of last August that has encouraged the ever-increasing flow of arms from Moscow to Cairo. By countenancing the cynical violation of that agreement by the Soviets and Egyptians, we set the stage for the developments that have followed.

Today, there are nearly 100 Russian officers of general or admiral rank in Egypt. Owing to the unremitting flow of supersonic military aircraft to Egypt from the Soviet Union, there are now in excess of 300 such military planes stationed on Egyptian airfields. Moreover, there are close to 200 fully trained Russian combat pilots permanently based in the United Arab Republic. And if one adds the numerous squadrons of such aircraft based in Syria and Iraq it comes to a total of nearly 600. Against this very considerable force must be set the much smaller Israeli Air Force which, owing substantially to the shortsighted policies of this administration, is outnumbered by 5 or 6 to 1 in the supersonic aircraft.

The diplomacy that has accompanied this policy of degrading the Israeli defense capability has added to the danger that we have been courting in allowing the military balance in the Middle East

to deteriorate. We have been practicing in the Middle East a carrot and stick diplomacy in which the Soviet Union and the Arab States are offered the carrot while Israel gets the stick. The time to end this foolishness is long past.

Last year, on September 1, the Senate passed by an overwhelming 87 to 7 margin my amendment to the Defense Procurement Act authorizing credits for Israel for "such aircraft—and other equipment—as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East." Allied with this authority in the act, which is now section 501 of Public Law 91-441, was an expression by the Congress of . . . "grave concern at the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement." The act went on to declare that Soviet involvement in the Middle East "cannot be ignored by the United States."

After passage in the Senate, my amendment was accepted in conference with the House of Representatives and sent to the President for signature. Late last fall it was signed. Subsequent to its passage some $500 million in credits was made available to Israel.

The point I wish to emphasize is that we have been aware of the importance of providing for a stable balance of power in the Middle East for some time. We have acted in the Congress to provide the authority necessary to assist Israel with military credits. I have no doubt that Israel can defend herself in conflict with her neighbors. Our task must be to give adequate support to the policy expressed in my amendment in order to deter the Soviet Union and in order to assure that Israel has the means with which to provide for her own defense.

We must speak clearly and unequivocally of our determination that Israel must remain secure. Ambiguity in dealing with the Soviet Union invites miscalculation of the sort that could have catastrophic consequences. The flow of much-needed military equipment to Israel is essential to the military balance in the Middle East and a crucial element of the message that we must communicate to the Soviets.

I cannot conclude without commenting upon the need to keep America strong—a need that is never so clearly understood than when we think about the situation of our friends around the world whose survival is threatened. I cannot understand the logic of those who share my concern for the security of Israel—which is in the frontline of Western defense in the Middle East—and yet would cut back on our defenses and our alliance responsibilities to the point where Israel would be hopelessly vulnerable to the ambitions of the Soviet Union in the Middle East.

I am confident that we will continue to provide for a national security posture that will enable this country to protect its vital interests and to work with its friends and allies in the common cause of freedom and national independence.

SELECT COMMITTEE ON STANDARDS AND CONDUCT—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 338, 88th Congress, second session, appoints the Senator from Virginia (Mr. SPONG), to fill the vacancy, to the Select Committee on Standards and Conduct.

U.S. DEPENDENCE UPON THE SOVIET UNION FOR CHROME ORE

Mr. BYRD of Virginia. Mr. President, on March 29 I introduced S. 1404, a bill designed to end the dependence of the United States upon the Soviet Union for chrome ore—a material vital to the defense of this country.

Mr. President, I ask unanimous consent that the text of S. 1404 may be printed in the RECORD at this point.

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

S. 1404

A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "On or after the effective date of this sentence, the President may not prohibit or regulate the importation into the United States pursuant to this section of any material determined to be strategic and critical pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), which is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law."

Mr. BYRD of Virginia. Mr. President, the United States today faces an imminent and serious shortage of chrome. This material is essential in the manufacture of such critical defense items as jet aircraft, missiles, and nuclear submarines.

Moreover, chrome is vital to many products used in the communication and transportation networks which must back up any defense effort.

My legislation is simple in structure. It would amend the United Nations Participation Act of 1945 to provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country.

Late in 1966 the United Nations Security Council imposed selective sanctions on Rhodesia. The embargo later was made complete.

After the action by the Security Council, President Johnson ordered an embargo on trade between the United States and Rhodesia. This was done by unilateral executive action, without consulting the Congress.

Prior to the sanctions, Rhodesia was the largest single source of metallurgical chrome ore imported into the United States.

There is no domestic production of this commodity, so our country now has become dependent on the next largest supplier, the Soviet Union, for about 60 percent of its chrome ore.

I believe that this is a dangerous situation. I believe it is vital that the Senate have the opportunity to vote on this important issue.

My legislation, S. 1404, was referred to the Senate Committee on Foreign Relations. Last week—on July 7 and July 8—hearings were held on my bill by the African Affairs Subcommittee of the Foreign Relations Committee.

Witnesses appearing at the hearings included former Secretary of State Dean Acheson, representatives of the metallurgical industry and myself, in support of the bill; and Representative CHARLES C. DIGGS, JR., of Michigan and officials of the State Department, in opposition to the bill.

Immediately following the hearings, the chairman of the African Affairs Subcommittee, the senior Senator from Wyoming (Mr. MCGEE), told newspaper reporters that he would recommend that the full Foreign Relations Committee take no action on S. 1404.

I ask unanimous consent that at the conclusion of my remarks, the text of prepared statements submitted to the subcommittee on my legislation be placed in the RECORD, together with the text of the Washington Post article reporting the remarks of Senator MCGEE.

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

(See exhibits 1 through 6.)

Mr. BYRD of Virginia. Mr. President, in view of the expressed opinion of the Senator from Wyoming, the chairman of the subcommittee, I feel it is my duty to try to see that the Senate is given the opportunity to vote on S. 1404.

The Senator who is undoubtedly the best informed member of the Senate on the subject of strategic materials, Senator CANNON of Nevada, stated on the floor of the Senate on April 29 that the chrome ore problem is one which "we cannot continue to ignore."

Senator CANNON is chairman of the Subcommittee on National Stockpile and Naval Petroleum Reserves of the Committee on Armed Services. His subcommittee has held hearings on the chrome stockpile situation, and his opinion is based on a thorough familiarity with the problem.

I ask unanimous consent that following the subcommittee testimony of July 7 and 8 and the article from the Washington Post, the text of Senator CANNON's remarks of April 29 be printed in the RECORD.

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

(See exhibit 7.)

Mr. BYRD of Virginia. Mr. President, at this point I want to note that Senator CANNON pointed out in his statement that the United States now relies upon Russia for 60 percent of its chrome ore.

In the same statement, Senator CANNON pointed out that since becoming the prime source of chrome ore for the United States, the Soviet Union has increased the price per ton of this ore from $25 to $72. This is an increase of about 188 percent.

The increase in price is a disadvantage to the United States, but what concerns me most—and what prompted me to introduce S. 1404—is that the United States has placed itself in a position of dependence upon Russia for a strategic commodity. To me, this is illogical and dangerous.

Senator CANNON stated the matter very well in this remarks on the floor on April 29:

> Mr. President, I strongly urge that the Committee on Foreign Relations, to which was referred the bill—S. 1404—introduced by the senior Senator from Virginia, take prompt action on the measure, mindful that it raises a serious problem for this Nation, which, unfortunately, we cannot continue to ignore.

I think it is important to review briefly the background of the present policy of the United Nations and the United States toward Rhodesia.

In my view, the imposition of sanctions on Rhodesia by the United Nations Security Council was not justified. The principal reasons given for the sanctions policy were three in number: First, Rhodesian government failed to provide Rhodesia unilaterally declared her independence from Great Britain; second, the Rhodesian government failed to provide for "an orderly transition to majority rule"; and third, Rhodesia represents "a threat to international peace and security."

As to the first point, the declaration of independence, that is rightly a matter to be settled between Great Britain and Rhodesia. It is not properly the business of the United Nations or of the United States.

The second charge is positively ludicrous. If the United Nations Security Council were to impose economic sanctions on every country ruled by a minority, it would have to begin with one of the most prominent members of the Council itself—the Soviet Union, where 240 million people are ruled by a tiny handful of Communist party leaders.

The third charge made by the United Nations Security Council—namely, that Rhodesia threatens world peace—is obviously absurd. No one actually believes that Rhodesia threatens the peace.

The policy of the United Nations Security Council toward Rhodesia is rooted in falsehood and injustice. Yet, the United States has actively supported this policy.

It should be noted that the sanctions policy is not only unjust, but is also ineffective. The Secretary General of the United Nations has written to all member states requesting information on actions taken by the several governments to assure compliance with the sanctions against Rhodesia.

As of the latest available Security Council reports, replies had been received from 104 of the 127 members of the United Nations. This means that 23 members have not even answered the inquiry of the Secretary General.

Of the nations which have replied, at least six—Zambia, Botswana, Portugal, Malawi, South Africa, and Switzerland—have indicated that they are unwilling or unable to comply with the United Nations policy. And of the 95 countries that have definitely indicated compliance, many never had any trade with Rhodesia in the first place. This fact was specifically noted in replies from 13-member countries.

Furthermore, enforcement of the boycott has not been successful. Last year a special United Nations committee on enforcement of the sanctions reported that 60 reports of violations were received during 1969. Since then, additional complaints have been received. I understand the total is now over 100.

I am now and have been from the outset opposed to the policy of sanctions against Rhodesia as being unjust and contrary to the interests of the United States.

However, my legislation would not require that the United States abandon all sanctions against Rhodesia—much as I wish that this be done.

The only commodity affected by S. 1404 would be chrome ore.

The reason for singling out this commodity is clear and simple: It is the one item which could and should be imported from Rhodesia that is vital to the national security of the United States.

At the present time, there is pending in the Senate Armed Services Committee legislation supported by the administration which would authorize withdrawal from the national stockpile of approximately 30 percent of this Nation's strategic reserve of chrome ore. Release of this amount—approximately 1.3 million tons—would provide a short-range solution for the problems faced by American industry because of the present chrome shortage.

However, withdrawal from the stockpile clearly leaves the long-range problem unsolved. If the present rate of consumption of chrome ore continues, the amount to be disposed of would supply our requirements for less than 2 years. Obviously, we cannot go on reducing the stockpile indefinitely without jeopardizing national security.

Furthermore, withdrawals from the stockpile do nothing toward eliminating our dependence upon the Soviet Union for a large portion of the chrome needed for industry and defense.

I do not believe that it is logical for the United States to continue to be dependent on Communist Russia for a material vital to our national defense.

We are spending billions of dollars for weaponry as a protection against possible Russian aggression.

Russia is the No. 1 reason—and indeed almost the sole reason—for our huge defense expenditures.

In summary, my legislation does one thing and one thing only: It simply provides that the President could not prohibit imports of a strategic material from a free world country if importation of the same material is permitted from a Communist-dominated country.

I have spoken out on this subject today, and placed the background information in the RECORD—including arguments both for and against my position—so that every Senator will have the opportunity to study this issue.

I believe it is vital that this question come to a vote in the full Senate. I shall try to insure that the Senate is given the chance to register its will on this vital question.

EXHIBIT 1

STATEMENT OF DAVID D. NEWSOM, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS, BEFORE THE SUBCOMMITTEE ON AFRICA OF THE SENATE FOREIGN RELATIONS COMMITTEE, JULY 7, 1971

Thank you, Mr. Chairman. It is a pleasure to be here with you today and to share with you and members of your subcommittee my thoughts on the difficult question of Rhodesia. Because this is my first appearance before your subcommittee, I should like to take a few moments to sketch in the broad outlines of our policy.

I welcome, particularly, this opportunity to present our views to you on the Southern Rhodesian situation. As in all international problems in which men differ, there is justifiable concern on both sides. There is, occasionally emotion on both sides. The Southern Rhodesian regime in this country as elsewhere, seeks to advance its cause.

I should like, therefore, first to put the problem in perspective. What we are dealing with here is essentially an international problem, one involving the highly charged issues of race and colonialism. It is a problem without analogies, either to our history or to other world situations. It is one which must be approached on its merits, with our own national interests in mind, but with the objective of preventing a continuing unresolved and provocative situation in the heart of Africa. Such a situation would not be helpful to us or to our friends.

To illustrate what the problem is, let me first touch on the history.

Just as Rhodesia today occupies a pivotal position in south central Africa, so it earlier occupied the key role in the former Federation of the Rhodesias and Nyasaland. The Federation, organized in 1953, represented an effort by the British and the settlers and Africans in the area to link the three territories economically on a multi-racial basis. But, despite the 1961 Federation Constitution, which provided for procedures which would eventually lead to African majority rule, concern grew on the part of the Africans at the dominant role played in Federation politics by the white Southern Rhodesians. The Federation finally broke up in 1963 at the insistence of the two northern territories and with the reluctant acquiescence of the British, who granted independence to Zambia and Malawi the following year.

The British, while they also contemplated independence for Southern Rhodesia, continued to insist that it could only be granted after establishment of a legimately multi-racial system within which the African pop-

ulation could aspire to eventual majority rule. Negotiations between the British and the Rhodesians on this crucial point continued intermittently for almost two years, but the white minority, determined to maintain its economic and political dominance, refused to concede it. Finally, on November 11, 1965, Ian Smith annouced Rhodesia's unilateral declaration of independence from the United Kingdom.

In the face of this act of defiance, and given the sense of outrage and betrayal expressed by Rhodesian nationalist leaders and independent African nations, there were strong demands for the use of force. The British Government, then and now the legal sovereign authority over Rhodesia, sought UN assistance in bringing the rebellion to an end. The British Government decided against the use of military force—a decision which we supported, but sought in sanctions an effective alternative.

Our policy since then, jointly with the British and other United Nations member states, has been to support measures other than the use of force designed to hasten an acceptable solution to this problem. We have actively supported the various UN measures to that end. We supported the Security Council resolution of November 12, 1965, condemning the Smith regime. We supported the December 1966 Security Council resolution imposing selective mandatory sanctions, and equally strongly supported the resolution of 1968 making the sanctions comprehensive.

The sanctions do not have a punitive intent. They are intended, not to cause hardship for actions already taken, but, in the hope that the sanctions, combined with other efforts, will influence the regime to change its policies and adopt as a basis for international acceptance the fundamental principle of eventual majority rule for the over 95% of the population which is African.

Under the United Nations Participation Act of 1945 which provides authority for domestic enforcement of UN sanctions, President Johnson gave effect to these measures with Executive Orders in 1967 and 1968. Barring a significant change in the Rhodesian situation, it remains our policy to endorse and support the economic sanctions now in force. The President and the Secretary of State reaffirmed this policy earlier this year.

While we have supported sanctions, enforced them vigorously ourselves, and worked to insure compliance by other nations, we have from the beginning opposed the use of force, either as a solution to the Rhodesian problem or the broader problems which affect southern Africa of which the Rhodesian problem is an integral part. On March 17 of last year, the same day we closed our Consulate General in Salisbury, we vetoed a Security Council resolution which advocated the total isolation of Rhodesia and implied advocacy of the use of force. Measures of this kind which would go further than sanctions, in our judgment, would only exacerbate the problems already existing in that part of the world and would contribute nothing toward their solution. Despite pressures from some quarters, we will continue to oppose such measures.

It is a fact that sanctions have been less than fully effective. And they have thus far not brought about their principal objective: a change in policy by the Smith regime and a willingness on the part of that regime to reach a satisfactory negotiated settlement with Great Britain. A major cause has been the outright refusal of Portugal and South Africa to adhere to sanctions. A secondary cause has been the apparent inability of some other governments to enforce sanctions where their own nationals are concerned. We continue to cooperate with the UN Sanctions Committee in its efforts to bring about more uniform compliance with sanctions and are currently looking at possible ways of helping the Committee perform its difficult job more effectively. For your information, there are now 110 cases of reported sanctions violations now before the Sanctions Committee, including 32 which deal with chrome ore.

Having noted some of the shortcomings of the sanctions program, and the fact that it has not yet achieved its goal, it must be quickly added that sanctions continue to impose very serious constraints upon the Salisbury regime, limit its options, and cause it continuing economic difficulties, despite obvious and understandable efforts on the part of the Rhodesians to portray it otherwise. Imports and exports are well below pre-sanctions levels. Foreign exchange is extremely limited and the authorities announced last September that foreign exchange allocation controls, already tight, would be tightened still further. Deprived of many necessary imports, Rhodesia has had to improvise by setting up costly substitution industries—constituting a major drain on foreign exchange. Lack of foreign exchange has also made it extremely difficult for the Rhodesian regime to obtain spare parts and necessary equipment replacements to support industry, agriculture, and transportation facilities, and this is, of course, one aspect of sanctions which has a cumulative effect over time. As a result, the railways and airline are suffering. Agriculture has also been hurt by sanctions. Over-all agricultural production has declined since 1965. Deprived of the traditional British market for tobacco, now largely pre-empted by American competition, Rhodesia has been forced to subsidize the tobacco industry, to diversify its agricultural sector, and to seek new markets for new crops in violation of sanctions. It has been a costly process.

Rhodesia has had relatively greater success in the mining and minerals sector of the economy, but, in assessing the over-all impact of sanctions, it is well to remember that exports from this sector accounted in 1965—the last year before sanctions—for only one-fifth of the total value of Rhodesia's exports.

Mr. Chairman, having reviewed the background to our Rhodesian policy, I would like to turn to the bill now under consideration. This proposed amendment to the United Nations Participation Act, whatever its intent, would have the effect of invalidation the existing embargo on chrome ore imports from Southern Rhodesia so long as such imports are not prohibited from the Soviet Union or other communist countries. Other than chrome ore, or chromite, to use the technical term, there is no other product or commodity, traditionally supplied us from Rhodesia, which would be affected by the proposed amendment.

This proposal is contrary to United States policy interests. It would while providing relief with regard to one commodity—a commodity for which, I might add, relief can be justified not on the basis of national security interests but on the basis of relative price considerations—call into serious question our will to fulfill our international obligations.

We are not unmindful of the national interest which concerns those who propose this legislation. Were the chrome situation indeed critical, we, too, would seek measures of relief. We do not, however, consider it such; for us the overriding considerations are our international obligations and our desire to do nothing which would undermine movement toward an acceptable solution to the Rhodesian problem.

The matter of chrome ore supply is kept under constant review within the Executive Branch. Our studies indicate that adequate supplies of chrome are available to American industry at the present time. Inventories of American industry increased last year, and imports and domestic consumption were virtually in balance.

Some months prior to the adoption of Rhodesian sanctions, the U.S. Government commenced the disposal of chrome ore and its equivalents from the stockpiles which had been found in excess of U.S. needs. Disposals of 885,000 short dry tons were authorized by the Congress in Public Law 89–415 of May 11, 1966, and are continuing. The Congress is now considering a bill, S. 773, which would authorize the release of an additional 1.3 million tons of chrome ore over the next three years. The Administration, including the Office of Emergency Preparedness which is responsible for maintaining and reviewing stockpile requirements, supports this bill on the grounds that our current stockpiles of chrome ore do in fact exceed our national security requirements.

With respect to U.S. imports of Soviet chrome ore, American purchases from the USSR long predated Rhodesian sanctions; nor is the Soviet Union the sole supplier now. In the years immediately prior to sanctions, Rhodesia and the USSR each accounted for about one-third of U.S. imports of metallurgical grade chromite. In the period 1967–70, the U.S. has purchased a larger proportion of its supplies from the USSR but has also increased purchases from other producers such as Turkey and South Africa.

Soviet and Rhodesian ore prices are not suspectible to comparison. Since Rhodesian chromite is not traded freely, no current Rhodesian price is ascertainable, and it would be misleading to compare 1971 Soviet prices with pre-sanction Rhodesian prices. While prices for Soviet chromite have doubled since 1966, lower quality chromite from other sources has also increased in price more or less proportionately to that for Soviet ore. The overall rise in market prices does reflect to some extent the impact of sanctions, but it also reflects other factors such as inflation and world-wide demand, which have caused increases in the prices of most raw materials over the same period.

Were this bill to become law, it would put the United States in clear violation of the international treaty obligations it freely undertook when the UN Charter was ratified. Under Article 25 of the Charter, the United States is obligated to "accept and carry out the decisions of the Security Council." The Security Council has taken such decisions in the form of sanctions against Southern Rhodesia which it is empowered to impose under Chapter VII of the Charter. The United States participated in and supported the resolutions in question in 1966 and again in 1968.

United States adherence to sanctions, by virtue of the UN Participation Act, has the effect of law, and the Act itself was designed to cover just such issues as Rhodesian sanctions. Section 5 of the Act, as amended, empowers the President to take appropriate action when Article 41 of the Charter is invoked. It is precisely that provision of the Charter that was invoked, in 1966 and again in 1968, in the sanctions resolutions.

I might note parenthetically here that the Senate Foreign Relations Committee, in its original reports on the UN Participation Act, took specific note of the extent to which authority was thereby granted to the President, and approved those provisions as being consistent with our acceptance of the UN Charter and in our national interest.

It has been charged that the United Nations, through the Security Council, acted illegally in intervening in the domestic affairs of a sovereign state. Such charges cannot be sustained. Rhodesia is not a state, and this fact is most dramatically reflected in the failure of the Salisbury regime, 5½ years after the illegal declaration of independence from Britain, to have gained diplomatic recognition by a single government in the world. Not only Great Britain, not only the United States, but the international community as a whole, continues to regard Rhodesia as a dependent territory of

the United Kingdom. It thus involves, in the first instance, the international responsibility of the United Kingdom, which brought the matter to the United Nations to seek that body's assistance in restoring legality and assuring all the citizens of Rhodesia their right to self-determination.

The UN's response, in the form of economic sanctions, invoked Chapter VII of the UN Charter. I would like to note here that, while Article 2, Paragraph 7 of the Charter prohibits the United Nations from interfering in the internal affairs of a state—which, as I have explained, Rhodesia is not—Article 2 in any case makes it clear that this prohibition would not apply to the adoption of measures under Chapter VII.

While the legal basis for the UN action is clear, I do not wish to stress it at the expense of some of the more fundamental facts of the Rhodesian case. Our policy has from the first been based on our support for eventual majority rule and basic human rights for the five million black citizens of Rhodesia who comprise over 95% of that territory's population. The present regime, not only by law but by constitutional provision, has excluded the vast majority of its citizens from any meaningful role in the political process for the indefinite future and determined that African majority may never—I stress the word never—aspire to a majority role within Rhodesia. The present regime has, by the Land Tenure Act, divided the land on what has been called an "equal" basis—half for the tiny white minority, half for the African majority, with the most desirable lands in the first category. The present regime has introduced a "Property Owners' Protection Act," with the purpose of "protecting" property by a rigid system of legally enforced racial separation, aimed initially at Africans but now directed as well at the approximately 25,000 Asian and "colored" residents of Rhodesia. Although education has been called the means whereby all can advance within Rhodesian society, the regime spends about 10 times as much, per capita, on white students as it does on black ones. Through the constitution promulgated last year and other measures, the regime has strengthened white minority rule and moved toward the kind of rigidly institutionalized system of racial segregation and "separate development" characteristic of South Africa.

Quite apart from our own views about the kind of system now prevailing in Rhodesia, we believe that its denial of self-determination and majority rule, in the present African context, is a legitimate subject for international concern. The course which Rhodesia has followed since 1965 has contributed toward a heightening of the black-white confrontation in southern Africa. The situation there, while it may provide the short-run illusion of internal stability, is in our judgment seriously prejudicial to the longer-run stability of Africa and of Rhodesia itself. We do not think it likely that a minority of 230,000 whites can reasonably expect to maintain political domination indefinitely over an African population 21 times as numerous—a population which every 17 months increases by an amount equal to the entire white population. And we are concerned that its efforts to do so, over time, will have serious implications for the peace and security of the entire region.

In this connection, it is our impression that the South African and Portuguese governments themselves are not happy with the course of Rhodesian developments and would prefer to see a Rhodesian situation more acceptable to the world community. We believe that these misgivings have contributed in part to the refusal of either to recognize the Smith regime.

The British Government and the Rhodesian authorities are now engaged in preliminary discussions which, if a sufficiently broad basis of agreement can be found, could lead to substantive negotiations. We have consistently supported British efforts to obtain a satisfactory settlement and none are more anxious than I to see such a settlement reached. We are not now in a position to speculate about either the duration or outcome of this current round of talks. But, pending their outcome, it is important that we seek to avoid any action which would lessen their chances of success.

The legislation now under consideration would have exactly this effect. It would encourage the Rhodesian authorities in their determination to maintain a situation which we consider neither practically tenable except in the short run nor morally defensible at all. Its enactment would make it clear that the United States, in return for better access to chrome ore at lower prices, is prepared formally and unilaterally to renounce a freely assumed treaty obligation; we would be the first nation to do so over the Rhodesian sanctions issue. We would damage our standing in almost all of Africa and in those other nations of the world that see the Rhodesian issue as a test of our commitment to our international obligations. We would strengthen the arguments of those who maintain that the only possible solution in southern Africa is a violent solution. We would weaken the hand of the British in their efforts to bring about a negotiated settlement. We would undermine the UN effort to enforce sanctions, which we have thus far sought to uphold and, wherever possible, to strengthen. And we would open to question the long-term credibility of the United States Government with regard to its treaty obligations and commitments.

EXHIBIT 2

STATEMENT OF DEAN ACHESON

I am happy to respond to your request to appear and testify on S. 1404, introduced by Senator Byrd. I heartily approve of this bill and urge the subcommittee to recommend that it be approved. I also agree entirely with every statement made by Senator Byrd in his speech in the Senate on March 30, 1971, introducing this bill. Similarly I am in accord with the remarks of Senator Cannon in the Senate on April 29, 1971, in support of S. 1404.

1. Basis of Sanctions Against Rhodesia.

As stated by Mr. John A. Armitage on June 17, 1971, on behalf of the State Department before a subcommittee of the House Foreign Affairs Committee regarding proposals similar to S. 1404:

"Our policy with regard to Southern Rhodesia is based primarily on that regime's action to deny an effective voice to its African majority in the determination of Rhodesia's future . . . This is abhorrent to this country."

Whether or not this is a correct statement of the purpose or intent of Rhodesia's Unilateral Declaration of Independence or its constitution—and I very much doubt that it is—our Supreme Court's decision in *Baker* v *Carr*, requiring universal suffrage, is not incorporated in the U.N. Charter, nor is U.S. national policy to enforce it throughout the world. Furthermore, the fact that a foreign country's domestic policy may be abhorrent to us—as, for instance, that in effect in the Soviet Union—has not heretofore led us to declare economic warfare (which to the State Department is a peaceful means of noting displeasure) against that country.

Mr. Armitage further told the House subcommittee that the United States is committed to continue sanctions by Article 25 of the Charter requiring members "to accept and carry out the decisions of the Security Council in accordance with the present charter." To be sure, in quoting the article, Mr. Armitage conveniently omitted the concluding phrase. This makes quite a difference.

The decisions of the Security Council which members agree in the Charter to carry out are to relate to threats to the peace, breaches of the peace, or acts of aggression. None have occurred. The threats have all been made and aggressions originated by others. Rhodesia has merely declared its independence, though without the acquiescence that Britain has granted to her other once connected territories. Rhodesia has threatened no one.

The complaint is over Rhodesia's internal matters in which the United Nations may not intervene by Article 2, Section 7 of the Charter. The answer to this, says the State Department, is that Great Britain has invited intervention and that Rhodesia is not a state because no other state has recognized it as such. The essence of sovereignty is the will and ability to exercise it. Britain has neither in regard to Rhodesia; and has had neither for five years. I venture to say that nothing could induce the British Government to take over responsibility of conducting the internal affairs of Rhodesia, which it has not had for fifty years, if ever. A state comes into being not by form—external recognition (else how did the first state come into being?)—but by taking over, exercising, and maintaining the powers of sovereignty.

The sanctions resolution is a nullity. Furthermore, it is a failure; to continue to comply with it will injure our national interests; and the only way to get rid of it is to disregard it.

2. Sanctions Against Rhodesia Are a Failure.

After five years Mr. Armitage found it necessary to inform the House subcommittee that "the U.N. Sanctions program has not yet achieved its goal." In fact, it has been an abject failure. Many nations have ignored it altogether. In 1969 Rhodesia's rate of growth in gross national product exceeded that of the U.S.A. Last year was much less successful due to a bad crop year—what lawyers call "an act of God"—rather than due to the United Nations. "A reduced rate of growth of Rhodesian economy" in that year principally affected employment of black Rhodesians in primary products.

Economic sanctions cannot be expected to force a people to action which they believe contrary to their vital national interests. During World II, I represented the State Department in our effort to weaken our enemies in Europe by reducing the dealing of the European neutrals with the Axis Powers. Although we and our allies controlled all overseas imports to Europe, I have written of the net effect of these "sanctions":

"A good case can be made for the argument that economic measures resulted in stopping important exports for military needs from Sweden to Germany about six months before military measures would have done so. Exports from Switzerland and the Iberian Peninsula probably moved in minimum necessary quantities until military measures stopped them."

The conclusion is inescapable that sanctions against Rhodesia have failed and must continue to fail. The State Department will, I suppose, argue that we are the prisoners of the U.N. Security Council and cannot escape from the serious harm being caused our national security unless and until the Security Council repeals sanctions. This it cannot do over the veto of the Soviet Union. The USSR is unlikely to permit the repeal of sanctions, which we have made so profitable to them. Later, perhaps, the Communist Chinese, whom Ping-Pong diplomacy is working hard to get onto the Security Council will have another veto.

3. Sanctions Are Hurting U.S. National Security

Chromium is a strategic mineral essential to the production of steel. It is not produced in the United States. A few figures will tell

the story of our folly. Senator Cannon, Chairman of the Stockpile Subcommittee of the Senate Armed Services Committee, has supplied them.

In 1965 Rhodesia supplied about 40% of our national requirements of metallurgical chromite. The USSR provided slightly less. Turkey and South Africa made up most of the balance. In 1970, with Rhodesia eliminated by sanctions, the USSR supplied about 60% of our needs. The Soviet price increased from $25 per ton to $72 per ton in 1971, a 188% increase. Yet imports fell in 1970 20% short of consumption. Senator Cannon tells of a pending bill, S. 773, to authorize disposal of 1,313,600 short tons of metallurgical grade chromium from the government stockpile, which constitutes 30% of the total stockpile. "Testimony before my subcommittee," said Senator Cannon to the Senate on April 29, 1971, "left it unmistakably clear that, while the amount of the material to be released could be readily absorbed by the consuming industry and might serve the temporary expediency of holding world chrome ore prices in line, the relief would be shortlived."

The State Department has succeeded in putting the country's head in the bear's mouth and seems to think nothing of it. The country, however, is less complacent.

The problem that has been raised, as Senator Cannon puts it, "We cannot continue to ignore."

4. Broader Aspects of the Sanctions Policy.

Even less can we continue to ignore the broader menace threatened by the emotional and reformist intervention we are supporting, not only in Rhodesia but throughout southern Africa. Problems in all of Africa are enormous. Even to mitigate them will require all the help that mature cultures can give and more primitive ones will accept. In southern Africa there are indigenous white societies quite as estabilshed and rooted as their black neighbors. They are willing to help the welfare of the areas far more than overseas countries or the United Nations can do. Those who are not such ideological and mathematical democrats as to be willing to weigh heads as well as count them will further this development. To continue meddling in the internal affairs of Rhodesia, South Africa, and Portuguese Angola will not bring the U.N.'s stated goal of international peace and security, but, on the contrary, the bloodiest warfare and insecurity. S. 1404 is a step, and an important one, back to sanity and good will.

EXHIBIT 3

STATEMENT OF L. G. BLISS

I am L. G. Bliss, Chairman of the Board, Foote Mineral Company, Exton, Pa. My Company is a producer of ferroalloys and high purity metals for the steel, aluminum and other metal producing industries.

It has now been over four years since the United States joined in economic embargoes against Rhodesia. At the time this action was taken, Great Britain was predicting the capitulation of the Smith regime within four months. Today, failure of the sanctions is acknowledged by both Great Britain and the United Nations, and we are no closer to a settlement than we were four years ago. Instead, the United States is faced with a problem of increasing severity with regard to the supply of a critical and strategic material—chromium. This shortage has affected not only the ferroalloy industry, but the steel industry which we serve.

Aside from iron ore itself, most of the elements which are needed to produce high performance properties in steel are introduced into the steelmaking process in the form of ferroalloys. The ferroalloys themselves are produced through the conversion of metallic ores—most of which, such as chromite and manganese ore, are not to be found within the United States in commercially acceptable deposits.

Specific to chromium, this element is vital to the production of stainless steel, tool steel, structural steel, high temperature alloys and other alloys, the use of which include an impressive list of defense applications ranging from jet aircraft and nuclear submarines to traditional armaments. During World War II, according to Albert Speer, author of *Inside the Third Reich*, the shortage of chrome ore, as a result of being shut off from Turkish supplies, signaled the doom of Germany even before its military defeat was decisive.

The United States is not only the largest producer of chromium-containing steels, it is also the largest user. Steels of foreign origin, however, have cut sharply into domestic markets with the result that 22% of the stainless steel market is now lost to foreign competition. The prices and availability of chromium are thus significant factors to a large segment of our steel industry and affect its worldwide competitive position.

As a representative of industry, my orientation is admittedly toward the economic and national security aspects of the problem which was generated when this country agreed to support economic sanctions against Rhodesia. The basic information relating to the economics involved is given in a series of attachments (Table I to IX), which I will review as briefly as possible.

Table I shows world reserves of chromium ore worldwide, and demonstrates that Rhodesia commands 2/3 of the reserves of high grade metallurgical ore. South Africa, while owning some 22.5% of world reserves, has a lower assay ore which currently has limited use in ferroalloy manufacture, and hence cannot make up for the loss of Rhodesian ore. Turkish ore, while suitable in quality, has both limited reserves and limited production capacity. Russia—the largest supplier—has less than a tenth of the reserves of Rhodesia. There is reason, therefore, to question our present heavy dependence upon Russia.

The history of U.S. imports of chromium ore and the rise of the Soviet Union as our principal supplier are given in Table II, and the prices of ore—pre- and post-sanction—are shown in Table III. The increase in Russian prices from about $25/ton to $72/ton is documented. Prices of ores from other suppliers available to U.S. producers rose proportionately. Shipments from Government stockpiles are shown in Table IV, indicating that almost one million tons of ore have been shipped or committed from these stockpiles since 1966. In addition, a bill (S. 773) has been introduced in the Congress which would authorize the release of approximately one-third of the present U.S. stockpile of chromium. Thus, world prices of chromium ore have increased drastically, while U.S. reserves are dwindling.

In answer to the allegation that Russian ore price increases are the result of normal inflation, Wholesale Price Indexes for the period 1965–1971 are given in Table V. Table VI calculates the effect of inflation on ore prices, using the Wholesale Price Index for Metals and Metal Products. It is seen that about $2.20/ton of the present price can be attributed to inflation, while the forces of short supply account for about $40.55/ton.

Table VII presents a history of manganese ore prices from 1960–1971, as an example of a critical ore which is traded freely on open markets. Table VIII shows prices of major raw materials in 1958 vs. 1971 and suggests that increases such as have been witnessed in the case of Russian chrome are far from normal. Table IX is a calculation which shows the costs to U.S. producers of increases in world ore prices year by year up to the present time.

According to United Nations figures, U.S. owners of mining properties have a total investment of $56 million in Rhodesia. Since they are denied use of their investment, they are forfeiting earnings of approximately $2.8 million per year (based on a hypothetical 5% return on investment). This—added to the estimated annual loss of $16.3 million due to higher ore costs—brings annual losses to over $19 million.

These calculations do not include all ores purchased, nor do they include the production losses which result from any substantial change from normal ore feed stocks. These may differ from one producer to another, but my Company estimates that the loss of profits due strictly to sanctions runs well into the high six figures.

The ferroalloy industry is constantly threatened by new waves of low-priced imports and consequent loss of markets. That some of our world competitors are enjoying the advantages of lower cost Rhodesian ore while we pay Russian prices is now a foregone conclusion. The Bureau of Mines estimates that Rhodesian chrome ore production for 1967, 1968 and 1969 was 350,000; 420,000; and 400,000 short tons respectively—despite sanctions. Recent reports describe Rhodesian chrome mines as being "sold out". U.N. reports carry long lists of suspected infractions involving chrome ore, while newspaper reports list almost every industrial nation—except U.S. and Great Britain—as possible purchasers.

Certainly there would be chaos if one quarter of the free world's supply of metallurgical grade chrome were removed from the market place and we would not favor this. Since we are without reserves of our own, any reduction in the world supply of available ore could prove disastrous. Today, however, we are not privileged to purchase our own ore as such. Yet it still comes back to haunt us in the form of low-priced ferrochrome and stainless steel.

From a strategic standpoint, we are making a grievous error if we permit ourselves to lose access to the world's largest reserves of high grade chrome ore—the demand for which, worldwide, can only be expected to increase. Yet with each passing day we divorce ourselves further from the possibility of resuming a prominent position among Rhodesia's customers.

In this context, I would suggest that the first obligation of any government is to establish and maintain a viable economy. Bankrupt governments have short lives.

Its second obligation, I would think, would be to protect the integrity of its own borders, which is impossible without economic viability.

All governments acknowledge these two basic obligations—as does the United Nations itself. In the specific matter of the Rhodesian sanctions, it recognizes the necessity for Zambia to be exempt from certain trading restrictions because that country's economy and national security would be severely damaged were it to shut itself off completely from Rhodesian coal, power and transportation. Exceptions to the sanctions are thus permissible until it can accommodate these needs through other means—including the completion of a railroad being built for Zambia by the Communist Chinese. It would seem that the U.S. should be granted a similar privilege until it finds a method of producing corrosion-resistant metal without chrome.

As we have seen, other countries—members of the United Nations—have excepted themselves from the sanctions without formal acknowledgement—through the simple expedience of ignoring them. Had they not have done so, chaos would have prevailed—our stockpiles notwithstanding.

It seems rather unnecessary to state that we should not intentionally injure our economy or impair our national defense—*as a matter of policy*. The basic reflex of man is to avoid injury.

As we note the rapid deterioration of our trade balance, we should become aware of the necessity for maintaining a competitive position in world markets for vital raw materials and fuels. Only in this way can our in-

dustrial sector survive as a major factor in world markets.

The Byrd bill (S. 1404), I believe, is a necessity if we are to break out of our present impasse and should even be welcomed by those who see need for positive action but choose not to assume the responsibility for it. Since to date the United Nations has not moved to dissolve the sanctions, the United States should take steps—overtly and honorably—to exempt itself from embargoes on Rhodesian chromium ore. Since chrome ore exports represent only about 2% of Rhodesia's presanction exports, it cannot be claimed that we have destroyed the sanctions, undermined the United Nations or broken faith with Great Britain. I believe the Byrd bill represents an eminently sound solution to a vicious problem and Foote Mineral recommends a favorable finding by the Committee.

TABLE I.—CHROMIUM RESERVES OF THE WORLD

[In thousands of short tons]

	As chromite		As metal		As high Cr chromite	
	Short tons	Percent	Short tons	Percent	Short tons	Percent
Republic of South Africa	2,200,000	74.0	575,000	74.2	110,000	22.5
Southern Rhodesia	660,000	22.2	175,000	22.5	330,000	67.4
Turkey	11,000	.4	3,000	.4	9,900	2.0
United States	8,800	.3	2,000	.3	440	.1
Philippines	8,250	.3	1,000	.1	1,650	.3
Finland	8,250	.3	2,000	.3		
Canada	5,500	.2	1,000	.1		
Other	12,485	.4	1,000	.1	8,983	1.8
Total free world	2,913,285	98.1	760,000	98.0	460,973	94.1
U.S.S.R.	55,000	1.8	15,000	2.0	27,500	5.6
Albania	1,650	.1	800	.1	1,650	.3
World total	2,969,935	100.0	775,800	100.1	490,973	100.0

TABLE II.—IMPORTS OF METALLURGICAL GRADE CHROMITE FOR DOMESTIC CONSUMPTION (46 OR OVER Cr_2O_3)

[In thousands of short tons]

	1960	Percent	1961	Percent	1962	Percent	1963	Percent	1964	Percent	1965	Percent	1966	Percent	1967	Percent	1968	Percent	1969	Percent	1970	Percent	1971[1]	Percent
Rhodesia	307	57	218	48	234	41	144	37	259	37	329	37	219	24	147	22	1						14	41
Russia	7	1	20	4	36	6	192	49	275	42	242	27	302	33	299	45	335	59	299	57	409	58	198	58
Turkey	123	23	150	33	171	30	40	10	38	6	164	19	186	20	108	16	151	27	74	14	135	19	75	22
South Africa	80	15	54	12	101	17	18	5	64	5	115	13	184	20	95	14	74	13	143	27	97	14	31	9
Other	24	4	10	3	35	6	0	0	25	4	34	4	22	2	11	2	6	1	13	2	62	9	23	7
Total	541		452		577		394		661		884		913		660		567		529		703		341	

[1] January to April.

Source: Bureau of Mines Data 1970 Unpublished.

TABLE III.—PRICE QUOTATIONS OF VARIOUS GRADES OF FOREIGN CHROMITE (DELIVERED U.S. PORTS)

	1965	1966	1967	1968	1969	1970	1971
Rhodesia: 48 percent Cr_2O_3, 3:1 Cr/Fe ratio	$31 to $35	$31 to $35	$31 to $35	Not applicable	Not applicable	Not applicable	Not applicable.
Turkey: 48 percent Cr_2O_3, 3:1 Cr/Fe ratio	$29.50 to $31.50	$29.50 to $31.50	$32.50 to $33.50	$34.50 to $35.50	$37.60 to $38.50	$47.50 to $48.50	$56 to $60.
South Africa: 44 percent Cr_2O_3	$20 to $21.50	$20 to $21.50	$18 to $21.50	$19 to $21.50	$19 to $21.50	$26	$30.
U.S.S.R.:[1] 54 percent Cr_2O_3, 4:1 Cr/Fe ratio	$25	$29.25	$30.40	$34.10	$44	$58	$72.

[1] Actual prices to Foote Mineral Co. f.o.b. Burnside

Source: U.S. Bureau of Mines.

TABLE IV.—SHIPMENTS OF METALLURGICAL GRADE CHROME ORE FROM GOVERNMENT STOCKPILES TO INDUSTRY

	Short dry tons
1966	115,000
1967	71,000
1968	135,000
1969	243,000
1970	160,000

	Short dry tons
Total shipped	724,000
Sold, unshipped	258,000
Total committed	982,000

Source: From reports of the Joint Committee on Reduction of Federal Expenditures—Federal stockpile inventories.

TABLE V.—WHOLESALE PRICE INDEXES (1965–71)

	1965	1966	1967	1968	1969	1970	[1]1971
All commodities	102.5	105.6	106.1	108.8	113.0	110.4	113.0
Metals and metal products	105.7	108.3	109.6	112.4	118.9	116.7	116.5
Iron and steel	101.4	102.3	103.6	105.5	111.0	115.1	118.2
Nonferrous metal	115.2	120.9	120.9	125.3	137.4	125.0	113.7

[1] March.

Source: Dept. of Labor, Bureau of labor Statistics, "Wholesale Prices and Price Indexes" and "Monthly Labor Review."

TABLE VI.—METALLURGICAL GRADE CHROMIUM ORE PRICE IF AFFECTED BY INFLATION ALONE (BASIS, 1966 PRICES)

[Dollar amounts per net ton]

	Rhodesian		Turkish		South African		Russian	
	Cost	Difference	Cost	Difference	Cost	Difference	Cost	Difference
1966	33.00		30.50		20.75		29.25	
1967	33.40	−0.40	30.80	+2.20	21.00	−1.25	20.60	+0.80
1968			31.65	+3.35	21.55	−.80	30.40	+3.70
1969			33.50	+4.50	22.80	−2.05	32.10	+11.90
1970			32.80	+15.20	22.35	+3.65	31.50	+26.50
1971			32.75	+25.25	22.30	+7.70	31.45	+40.55

Note: Second column in each case represents difference between calculated cost and real cost. Negative sign means an "undercharge." Positive sign is an "overcharge."

TABLE VII.—PRICE OF MANGANESE ORE (1960 TO 1971)

	Price range 46 to 48 percent ore (cents) (long-ton unit)	Consumption
1960	87–90	1,946,349
1961	87–90	1,717,805
1962	80–85	1,737,694
1963	60–65	1,683,450
1964	68–72	2,241,756
1965	73–78	2,872,720
1966	73–74	2,370,516
1967	60–64	2,383,984
1968	59–63	2,228,412
1969	49–53	2,270,221
1970	50–58	
1971	61–63	

Source: U.S. Bureau of Mines.

TABLE VIII.—MAJOR RAW MATERIALS MARKET PRICES

Material	Unit	1958 [1]	1971 [2]	Percent change
Aluminum	ST	$494.00	$580.00	+17
Copper	ST	580.00	1,035.00	+78
Lead	ST	260.00	266.00	+2
Antimony, metal	ST	580.00	1,200.00	+107
Beryl ore	ST	346.50	396.00	+14
Bismuth	Lb	2.25	6.00	+167
Cadmium	Lb	1.45	2.25	+55
Cobalt	Lb	2.04	2.20	+8
Columbite	Lb	1.14	1.15	+1
Magnesium	ST	720.00	725.00	+.7
Manganese ore, metal grade	SDT	38.61	28.52	(−26)
Mercury	FL	220.00	266.50	+21
Molybdenum	Lb	1.25	1.72	+38
Nickel	Lb	.74	1.33	+80
Platinum	TrOz	53.00	114.00	+115
Tantalite	Lb	4.63	7.17	+55
Tungsten	Lb	1.32	4.50	+240
Zinc	ST	240.00	320.00	+33

[1] As of Dec. 31, 1958—Source: Office of Emergency Preparedness.
[2] As of May 1971—Metals Week.

TABLE IX.—CALCULATION OF EXCESSIVE ORE COSTS DISCOUNTING INFLATION

1967:	
108,000 tons of 48 percent Turkish ore at $2.20	$114,000
299,000 tons of 55 percent Russian ore at $.80	132,000
Subtotal	246,000
1968:	
151,000 tons of 48 percent Turkish ore at $3.35	242,000
355,000 tons of 55 percent Russian ore at $3.70	722,000
Subtotal	964,000
1969:	
74,000 tons of 48 percent Turkish ore at $4.50	160,000
299,000 tons of 55 percent Russian ore at $11.90	1,960,000
Subtotal	2,210,000
1970:	
135,000 tons of 48 percent Turkish ore at $15.20	984,000
97,000 tons of 48 percent South African ore at $3.65	170,000
409,000 tons of 55 percent Russian ore at $26.50	5,970,000
Subtotal	7,124,000
1971:	
75,000 tons of 48 percent Turkish ore at $25.25	910,000
31,000 tons of 48 percent South African ore at $7.70	[1] 115,000
198,000 tons of 55 percent Russian ore at $40.55	4,420,000
Subtotal	5,445,000 ×3
1971 projected cost	16,335,000

Calculation: Tons imported × percent Cr_2O_3 × overcharge (from previous table) = Excessive ore cost.

Cumulative cost	$246,000
	964,000
	2,120,000
	7,124,000
	5,445,000
Total	15,899,000

[1] 4 months.

EXHIBIT 4

PRESENTATION OF E. F. ANDREWS

Mr. CHAIRMAN: My name is E. F. Andrews, I am Vice President—Purchases, Allegheny Ludlum Industries, Inc. One of our member companies, Allegheny Ludlum Steel Corporation, is a major producer of stainless and specialty steels. I also represent the Tool and Stainless Steel Industry Committee and am chairman of the Critical Materials Supply Committee of the American Iron and Steel Institute. We appreciate this opportunity to speak in favor of S. 1404.

As one who spends a major portion of his waking hours concerned with the problems of materials supplies for this country, I am quite naturally interested in any legislation that has as its purpose the protection of such supplies.

The United States is very much a negative nation in regards to the availability of strategic raw materials. It has been reported that, of the 30 strategic metals, so defined by the Office of Emergency Preparedness, 25 must be imported by the United States in order to supply the needs of important American industries. For this reason, we strongly supported the Boggs' Amendment establishing a Materials Policy Commission so that we, as a nation, could start officially addressing ourselves to the long-range problems of critical material shortages and hopefully adopt laws and enunciate policies that will protect and provide for the nation's future material needs. S. 1404 is in harmony with the purpose of that commission in that it would be established to prevent the unilateral action of one segment of government from interrupting the flow of vital and strategic materials to our shores regardless of how meritorious the intent of such action may be. It reduces the danger of unwise and unnecessary injury to this country while not preventing support of the issues involved.

It already has been said in these hearings that the Rhodesian sanctions and their effect on the chrome situation are a perfect case in point. As a major consumer of chrome, we are quite familiar with the effects of those sanctions on the economy of the United States, the Specialty Steel Industry, and its employees.

The importance of chrome to industrial America cannot be overstated. While *steel* remains the most useful, most versatile, and most reasonably priced metal in modern industrial civilization, *specialty steels*—developed and manufactured by a large group of relatively small companies in the United States—not only have those three principal characteristics but, in addition, in their latest forms and new specifications, have made possible not only our nation's aerospace program but also its advanced communications, improved power generation and distribution, its growing Chemical Industry, greater comfort and efficiency at home and at work, and continuing progress in such advancing sciences as oceanology, ecology, surgery, medicine and health care, and atomic particle physics. From the last named will come not only new sources of energy but great new strides in scientific progress in virtually every field.

Thus, gentlemen, when we speak of alloying elements—and chrome of course is an important one of these—we are talking about no *ordinary* commodity. It goes to the root of our industrial civilization. In fact, by definition, stainless steel is a corrosion resistant, ferrous alloy containing 11% chrome or more. In other words, broadly speaking, there is no substitute for chromium insofar as corrosion resistant or stainless steel is concerned.

Nearly 70% of the world's known metallurgical chrome reserves (see Attachment 1) are found in Rhodesia. To our knowledge, there has not been a new find of chrome reserves since World War II, and there are no known competitive deposits in the Western Hemisphere. Prior to sanctions, Rhodesia was our largest supplier of metallurgical, high-grade chrome ore. Due to the sanctions, this has diminished to zero, with the main benefactor of this attractive and profitable volume of business being the Soviet Union. In fact, according to the United States Bureau of Mines' data, in 1970, of the 363,840 short tons of chromium *contained* in ore, with a chrome content of 46% or better, 224,877 short tons, or better than 60%, were imported from the Soviet Union.

In spite of the fact that the world price of chrome ore had dropped from 1956 through 1966, the Russians, acting in a highly "capitalistic" manner, increased their price to us more than 100% since the sanctions were imposed (see Attachment 2). As evidence of the fact that this rise is substantially greater than inflation during this period of time, when one examines the years 1967 through 1970, we cite the following cost increases which were incurred for various commodities consumed by the Steel Industry:

	Percent
Grinding wheels	21
Graphite electrodes	14
Refractories	20
Bearings	15
Ingot molds	16
Mill rolls	16
Coke	50
Fuel oil	31
Manganese ore	−15
75% ferrosilicon	19
Vanadium	42
APT tungsten	57
Nickel	56
Cobalt	10
Fluorspar	10
Magnesium	5

But now, looking at the impact of the rise in chrome ore prices during this time, we see ferrochrome silicon up 80% and high carbon ferrochrome up 67%. In fact, if we examine Attachment 4, the dotted line shows the price rise of silicon in ferrochrome silicon over the past four years, and the solid line shows the rise in the cost of chrome contained in this product over the same period of time.

The situation would undoubtedly have

been worse had it not been for sizable disposals from the Federal Government stockpile during this time. It is estimated that, during 1969, 31% of the metallurgical chrome consumed in this country came from the stockpile, and something over 20% in 1970. In order to provide this material to industry, the O.E.P. has seen fit to continually drop the stockpile objectives, thus making material available. This action is deemed by some members of the Congress as being unwise because of chrome's strategic importance and the zero production in the United States. Over 900,000 tons of material have been sold out of the stockpile since 1966. However, the availability of high-grade, metallurgical chrome ore from this source will someday run out; therefore, we must not count upon this as a long-range answer to our problems. Reduction to the new objective of 1,500,000 tons of ore will take us to below a two-year supply.

As we said earlier, Russia has been the major source of supply; but if you will look again at Attachment 1, you will see that the Bureau of Mines estimates that Russia possesses only 5.6% of the world's supply of chrome—yet this is now our major source. Russia is now selling us chromite limited to 450,000 tons per year at ever-increasing prices. It is our understanding that they are now requesting customers to take one ton of fines with each ton of good material. Is this, by policy, to hold up the price or is it all they have to sell us? We are at the bottom of this barrel also. One could rightfully ask the question—are we buying Russian material at inflated prices while they supply their needs with Rhodesian material at lower prices?

As stated above, the stockpile is our second source. This will also run out in time, and good grade metallurgical lump is low at this time. In fact, a large part of the Government's stockpile is unsuitable for metallurgical use.

Turkey is our third source. According to the United States Bureau of Mines, Turkey has only 2% of the world supply. Turkish output of ore is just under 500,000 tons per year, of which approximately 250,000 tons per year are exported, almost entirely to the United States.

According to the April 12, 1971, issue of *Metals Week*, the Japanese have just completed an arrangement with the Turkish producers to take 100,000 tons of this material per year on a long-term contract.

Thus, our three sources—Russia, 50–60% of our needs; the stockpile, 20–30%; and Turkey, 10–15%—present a bleak picture of our major sources of supply. The outlook for chrome can only be for tightening availability and rising prices, so long as we deny ourselves access to the 70% of the world's supply in Rhodesia.

South Africa is a fourth source and is limited in its metallurgical suitability. But even here, there are those who desire to extend the sanctions to that country.

While denying ourselves this major and vital raw material, one needs only to visit Southern Rhodesia to realize that its chrome ore has been finding its way into the world markets. There is little ore seen above ground although they work the mines seven days a week. As we know, they were unable to ship but a mere 15% of the 150,000 tons approved many months ago for import. The United Nations has itself offered the best evidence of the sanctions' failure. In the third report of the United Nations Security Council Sanctions Committee, published in June, 1970, it was estimated that Rhodesian exports were running at approximately 70% of their pre-sanctions levels. Twenty-one complaints of violations were investigated by the U.N. involving chrome ore from Rhodesia to France, Japan, Netherlands, Italy, Spain, and West Germany. It is generally admitted that we and Britain are the only ones seriously abiding by the sanctions.

We realize that the Government has made a noble effort to try and prove conclusively that this material is flowing into the hands of members of the United Nations in the free world. Indications are that it is not flowing directly from Rhodesia to these nations but is probably being trans-shipped when repackaged. This we do know—the mines are operating in Rhodesia, and there is no ore being stockpiled there. The free world would probably have run out of chrome a long time ago if the major supplies from Rhodesia were totally cut off from the free world market.

Thus, many reliable sources indicate that substantial quantities of this material are flowing into the hands of foreign specialty steel producers, undoubtedly substantially aiding foreign producers of specialty steels in moving into and capturing large segments of the American market for specialty steels, producing a chaotic price situation here, bringing about unemployment and affecting the profitability of small American companies to the point where there is serious question about their economic viability. A question has been raised as to the impact of the cost of chrome on stainless steel. Neither time nor space here will permit complete detail of the effect on all the multiple grades of specialty steels produced, but let us suggest the following example that would cover the majority of the tonnage.

There are approximately 400 pounds of chrome contained per ton of 18–8 stainless steel. Thus, a 1¢ price increase in chrome would increase the cost per ingot ton by $4.00. With a 50% yield factor, the cost per finished product would thus be $8.00 per ton. Since the Rhodesian embargoes, the cost of low carbon ferrochrome, for example, has risen 14¢. Thus, the cost per ton of stainless steel would be $112 per ton. Last year, approximately 900,000 tons were produced. Thus, the industry impact would have been a $100 million cost increase. Also, markets have been sufficiently encroached upon that we are beginning to see cutbacks in vital programs. Foreign producers of specialty steel, who are beneficiaries of the Rhodesian sanctions, have penetrated the American market for specialty steels, at the end of four months of 1971, at an all-time high, exceeding 22%.

For individual specialty steel products, the penetration is even greater: some 35% of stainless steel cold rolled sheets; 68% of the market for stainless steel wire rod; 54% of the market for stainless steel wire. One can rightfully ask how much embargoed Rhodesian ore is contained in this imported stainless steel coming into this country, adding insult to the injury of the unemployed or about-to-be-unemployed American steelworker. We are able to identify Rhodesian chrome ore coming into this country as ore, but there is no known way to identify it if it is contained in stainless steel sheet.

I am sure that the unemployed steelworker wonders who is being helped and who is being hurt by these sanctions. *Fortune* magazine reported in April that the Rhodesian growth in real GNP was better than 4% per year, substantially more solid than either the United States or Britain. France, Japan, and Germany are reportedly continuing to trade. A visit to Rhodesia reveals a very stable, busy, growing country, with Toyotas and Renaults very much in evidence.

Chrome is but one example of what could happen in many other vital materials if similar unilateral actions are taken. For example, there was a proposal before the United Nations to extend these sanctions to Portugal and South Africa. To have extended them to South Africa would have cut us off from 90% of the world's metallurgical chrome. It would have also placed us in an emergency situation with regard to vanadium supplies. A similar sanction against the Congo would cut off our cobalt; against Canada, our nickel; against Mexico, our fluorspar; and against Brazil, our iron ore. Were it not for the substantial American stockpile, we would now be dependent upon Red China for tungsten.

The list could go on and on. S–1404, we believe, is designed to permit us to support those political and social issues throughout the world that have merit and deserve our support without injuring ourselves economically and militarily more than the one we bring such action against. We therefore urge your immediate and enthusiastic support of this resolution. Thank you very much, Mr. Chairman.

CHROMIUM RESERVES OF THE WORLD

[Thousands of short tons]

	As chromite	Percent	As metal	Percent	As high Cr chromite	Percent
Republic of South Africa	2,200,000	74.5	575,000	74.2	110,000	22.5
Southern Rhodesia	660,000	22.2	175,000	22.5	330,000	67.4
Turkey	11,000	.4	3,000	.4	2,900	2.0
United States	8,800	.3	2,000	.3	440	.1
Philippines	8,250	.3	1,000	.1	1,650	.3
Finland	8,250	.3	2,000	.3		
Canada	5,500	.2	1,000	.1		
Other	12,485	.4	1,000	.1	8,983	1.8
Total free world	2,913,285	98.1	760,000	98.0	460,973	94.1
U.S.S.R.	55,000	1.8	15,000	2.0	27,500	5.6
Albania	1,650	.1	800	.1	1,650	.3
World total	2,969,935	100.0	775,800	100.1	490,973	100.0

Source: U.S. Bureau of Mines—best estimate.

PRICE QUOTATIONS OF VARIOUS GRADES OF FOREIGN CHROMITE

	1965	1966	1967	1968	1969	1970	1971
Rhodesia: —— percent Cr_2O_3, 3:1 Cr/Fe ratio	$31 to $35	$31 to $35	$31 to $35	Not available	Not available	Not available	Not available.
Turkey: 43 percent Cr_2O_3, 3:1 Cr/Fe ratio	$29.50 to $31.50	$29.50 to $31.50	$32.50 to $33.50	$34.50 to $35.50	$37.50 to $38.50	$47.50 to $48.50	$56.
South Africa: 44 percent Cr_2O_3	$20 to $21.50	$20 to $21.50	$18 to $21.50	$19 to $21.50	$19 to $21.50	$26	$30.
U.S.S.R.[1]: 55 percent Cr_2O_3, 4:1 Cr/Fe ratio	$25	$29.25	$30.40	$34.10	$44	$58	$72.

Source: U.S. Bureau of Mines.

EXHIBIT 5

STATEMENT OF REPRESENTATIVE CHARLES C. DIGGS, JR.

Mr. Chairman, I appreciate the opportunity to appear before your Subcommittee.

Mr. Chairman, the bill we are considering today S. 1404 is cast only in general terms—to prevent the imposition of import sanctions under section 5 of the UN Participation Act on any material designated as strategic or critical under the Stock Piling Act, unless its importation from communist countries is also prohibited. The bill's sponsor, however, Senator Byrd, candidly acknowledge that the sole effect of the bill would be to end the embargo against importation of chrome from Southern Rhodesia.

I am appearing here today, Mr. Chairman, to emphasize that this bill would not only place us in violation of our international legal obligations under the Charter of the United Nations, but it would be disastrous to our foreign policy interests in Black Africa. What is at stake here is, to be certain, our dedication to the principles of human rights, of self-determination, and to the principle of fundamental freedoms for all without regard to race and color. But, more importantly, and I stress, more urgently, what is at stake here is the possibility of our reneging on the one fairly solid instance where our pronouncements of such dedication have been accompanied by some concrete measures towards the demonstration of these principles. And I wish to underscore that the puzzle of this proposed bill is the unsubstantiated assertion, which is evidently its foundation, that the U.S. is facing a serious shortage of a strategic material. This assumption certainly appears to be negated by the very fact that the United States Government has, upon revision of chrome ore objectives, an excess in our present stockpile of chrome are of some two million two hundred fifty thousand (2,250,000) short dry tons.

Before examining these points in greater detail, I would like to review the situation in Southern Rhodesia, for an understanding of this is essential to a full comprehension of the principles of humanity and justice involved here.

The ratio of whites to Africans in Rhodesia is a striking phenomenon, it is 21 to 1, that is 95 of every 100 persons in Rhodesia is African. Further, half of the tiny white population, totaling 234,000 as compared to 4,930,000 Africans, is new to the area and has only come since World War II. May I emphasize that the stark disparity of these population facts, where a bare handful of one group is entrenching their repressive control against an overwhelming majority, is unique to Rhodesia.

It is against that background that we should review the five principles which the British have established as the basis for any settlement. These are:

Maintaining the principle of unimpeded progress towards majority rule.

Guarantees against retrogressive amendment of the constitution.

Immediate improvement in the political status of the African population.

Progress toward ending racial discrimination.

That the proposed basis for independence be acceptable to the people of Rhodesia as a whole.

(And the sixth principle, added later), the need to ensure that, regardless of race, there be no oppression of the majority by the minority or the minority by the majority.

These principles appear elementary and basic to any concept of a just and ordered society.

But the Constitution which the Smith regime purported to implement in March of last year was a categorical rejection of these principles. It is no wonder that no nation has conferred recognition upon Rhodesia as a state or as a government. Under the provisions of the constitution majority rule will never be possible. Further, it is only theoretically possible, in the foreseeable future, for the Africans to obtain even parity of representation, because under the constitution, Africans who pay less than 1% of the income tax now, must pay an income tax equal to that of the whites in order to obtain an equal number of seats in the House of Assembly.

The constitution further provided for the entrenchment of the Land Tenure Act which divides the land in Rhodesia equally between the whites and the Africans, so that the almost 5 million Africans have the same amount of land as the 234,000 whites, with the whites being allocated the cities and the developed farm and mineral land. The act provides that generally Africans "shall not own, lease or occupy land in the European area". Africans are only permitted to live in urban areas if they are employed there. This Act also makes special provisions for the Tribal Trust Lands. In the development of these areas, there are wholesale removals by administrative fiat of African communities from European designated areas, and without their livestock. This Act has a direct adverse effect upon the property of the churches in Rhodesia and their ability to function as it prohibits the multi-racial use of land and thus might force the closure of mission schools and hospitals in tribal areas.

There is presently pending the Property Owners Residential Protection Bill. This infamous measure is aimed at preventing racial friction and would permit the President upon application of 15 anonymous whites, on grounds of endangering of racial harmony or loss of property values, to declare a whole area to be an exclusive white area.

The Smith regime spends almost 10 times as much on the education of the white child as on the African child, or $196 per white child as compared to $20 per African child. A recent report on secondary school statistics in 44 black African countries showed that 31 of these had a higher percentage of secondary school students and only 8 had a lower percentage than Rhodesia.

With regard to what we consider basic liberties and fundamental rights, the constitution itself provides for a Declaration of Rights. But it adds that the Declaration itself is to authorize preventive detention. The Declaration of Rights, such as it is however, is mere pious pronouncements, for it is non-justiciable and no court can inquire into the validity of any law on the ground that it is inconsistent with the Declaration of Rights.

I might mention that notwithstanding the repressive laws, the situation in Rhodesia is not completely quiescent. Although the law bans demonstrations and permits indefinite detention without charges or trial, there are wire service reports of a demonstration last week, July 1, by 250 Salisbury University students, mostly black. The demonstrating students were arrested. The students had declared July 1 "an annual day of mourning until Africans are given an equal place in Rhodesian society."

It is not necessary for me to review the UN international legal obligations under the Charter with respect to Chapter VII, decisions of the Security Council. These were discussed by the Department of State witnesses yesterday. But I would like to underscore the congressional authorization to the President in section 5 of the UN Particpation Act, empowering him to apply economic sanctions in accordance with such Security Council decisions under Article 41 of the Charter. It was Mr. Acheson, as Under Secretary of State, who presented to the House Foreign Affairs Committee the explanation of the various sections of the UN Participation Act. He stated that, by virtue of section 5 "the President has the authority to do what we have by international treaty agreed to do". (Hearing, House Committee on Foreign Affairs, Dec. 7, 1945, 79th Congress, 1st session, p. 21).

The Senate report notes that "the basic decision in this regard was made when the Charter was ratified . . ." (S. Report No. 717, 79th Congress, 1st session.) Any declaration here that the President in issuing the Executive Orders to carry out the mandatory decisions of the Security Council was acting unilaterally is unfounded.

It should be emphasized that our obligation not to permit the importation of any chrome for whatever reasons, is absolute. Security Council Res. 232 of December 16, 1966, which the US supported specifically prohibited the importation of chrome. S.C. Res. 253 of May 29, 1968, which we supported, calls upon all states to prevent the importation into the territories of all commodities and products originating in Southern Rhodesia. In S.C. Res. 277 of March 17, 1970, we supported the call upon Member States to take more stringent measures to prevent any circumvention of these resolutions. Any importation of chrome is in fact a violation of our legal obligations and I stress that the Administration's decision to permit Union Carbide to import chrome allegedly bought and paid for before the effective date of the Executive Order, couched though it was in hardship policy niceties, obviously represented a relaxation in our adherence to the express language of the resolution, under which such importation is prohibited. But the present bill would be a clear, calculated denial of our legal obligations and of our duty as a UN Member State to carry out the decisions of the Security Council.

I do not believe it necessary to elaborate beyond what was said yesterday on U.S. interests in a vital United Nations, in supporting its mandatory decisions and actions with respect to Rhodesia, and in our interest vis-a-vis Black Africa. Mr. Chairman, in my visits to 38 of the 41 Arican countries, I have had the opportunity for personal, frank and open talks with their leaders and their people. And, in connection with the United States, nothing gives greater concern than our position of mere mouth service against the evils of apartheid and minority rule. Our position with regard to Rhodesia, however short of the goal which the African states would seek, has nevertheless been concretely demon-

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strated by our support of and adherence to sanctions. We must not abandon our resolve and our charter obligations to adhere to sanctions.

I would now like to comment on our situation with regard to chrome. Obviously, I am no expert at all in our needs in this area. But the Office of Emergency Preparedness with the concurrence of the interested departments and agencies, including the Department of Defense, is strongly recommending the passage of S. 773 which would authorize the disposal of 1,313,699 short dry tons of excess metallurgical grade chrome from the national and supplemental stockpiles. OEP reported that, in establishing new and reduced stockpile objectives, for this ore, "ample allowance was made for any contingency that might arise in an emergency." I reiterate that without any specialized knowledge or information at all in this area, I would think that this disposes of the argument that there is a shortage of chrome critical to the defense needs of the country. Further, I understand that only 10% of the domestic consumption of chrome is used for defense purposes. Thus, it would appear that U.S. needs in the event of a national emergency are presently provided for.

With respect to any inference that the present high price of Russian chrome is the sole result of sanctions, I have several comments. First, information requested on Major Raw Materials Market Prices of Mr. Bliss during the hearings of the House Subcommittee on Africa on "Rhodesia and U.S. Foreign Policy" showed that from 1958 onwards the prices of these ores generally were rising. Of the 22 commodities only manganese, cobalt and vanadium did not go up in price. 19 rose in price. And if we look more specifically at the pre-sanctions and sanctions, prices of several ferrous alloys, we find that the price of such ores was generally going up both before and during sanctions. The following price comparisons were made in deflated dollars, that is the prices have been deflated so that they are truly comparable. The price of antimony increased 45% in the pre-sanctions period and 209% from 1967–70. Nickel increased 3% pre-sanctions and 13% from 1967–70. Vanadium, on the other hand, dropped 20% pre-sanctions, but increased 73% from 69–70. Similarly, Turkish metallurgical chrome prices fell by 17% in the 1960–66 period, but rose by 45% 67–70. (This 45% is in inflated dollars). Thus, although sanctions are no doubt a factor in the price situation, the picture of rising prices for these ores is obviously due to many different factors and cannot be attributed in the case of chrome to sanctions alone.

Several minor points should also be mentioned on the price of Russian chrome. Although we do not doubt these figures, the prices we have been given, a $25 to $72 rise, should be supported by invoices or transaction sheets, or by giving the base year for the $25 quotation, since I understand prior to 1965 there were no published prices for chrome. Secondly, taking the 25 to 72 increase, we have a 188% increase, not a 288% as suggested yesterday. Finally, a valid comparison would require use of deflated dollars.

Obviously, with respect to the impact of sanctions, sanctions have not had the result foreseen. On the other hand, frank acknowledgement of this should not obscure our realization of the very real impact which sanctions have had and are increasingly effecting on the economy of Rhodesia. Mr. Newsom has detailed some of them, the shortage of rolling stock, of modern machinery, of spare parts and of imported equipment. In addition to a significant slowdown in the growth rate, Rhodesia is in the throes of a serious foreign exchange shortage. Obviously, we cannot say how acute the shortage is and we cannot predict its possibilities for influencing the bargaining situation. Frankly, Mr. Chairman, I am not at all optimistic about a satisfactory settlement being reached. But I do acknowledge that, although unknown variables, the critical exchange supply, the economic situation, and the concern of the business community with respect to sanctions and Smith's programs are all factors which may have a bearing on the prospects for settlement.

In conclusion, Mr. Chairman, I urge that US interests dictate unequivocally that the United States continue to adhere to its international obligations and its enforcement of UN sanctions against Rhodesia and that for broad policy reasons we must reject any inroads on our support of the United Nations in its effort to secure for the people of Rhodesia basic human rights, self-determination and fundamental freedoms for all without regard to race.

EXHIBIT 6

[From the Washington Post, July 9, 1971]

CHROME EMBARGO

A move to end a U.S. embargo on importing chrome ore from Rhodesia appeared doomed when Sen. Gale McGee (D-Wyo.), chairman of the Foreign Relations Subcommittee on African Affairs, disclosed his opposition.

After his panel ended two days of hearings on a bill to lift the embargo, McGee told reporters that in view of revived British talks with the Ian Smith government in Rhodesia "this is not an opportune moment" to act.

He said he would recommend that the full committee not take any action at this time on the bill, which is supported by some American business firms and conservative political groups.

EXHIBIT 7

EXEMPTION OF CHROME ORE FROM LIST OF MATERIALS SUBJECT TO RHODESIAN EMBARGO

Mr. CANNON. Mr. President, on March 29, the distinguished senior Senator from Virginia (Mr. BYRD), introduced the bill S. 1404 which, if enacted, will exempt chrome ore from the list of materials subject to the Rhodesian embargo and thus end our dependency upon the Soviet Union for this highly important commodity.

Under the Byrd proposal, the President could not ban the importation of a strategic material from a free world country if the importation of the same material is permitted from a Communist-dominated country. The importance of this proposed measure was brought forcibly to my attention within the past few days. My Subcommittee on the National Stockpile and Naval Petroleum Reserves currently has under consideration some 28 administration proposals to release excess materials from the national and supplemental stockpiles. One of these—S. 773—if approved, would permit the disposal of 1,313,600 short dry tons of metallurgical grade chromium—chrome ore equivalent—from the Government stockpiles. This constitutes about 30 percent of this material we now have on hand to assure an adequate supply in case of emergency.

Mr. President, this proposal creates somewhat of a problem. There is no domestic production of the type of material in question and we are dependent upon foreign sources to supply our requirements. Based upon the present rate of consumption, the amount to be disposed of would supply our total requirements for a period of less than 2 years. Testimony before my subcommittee left it unmistakably clear that while the amount of the material to be released could be readily absorbed by the consuming industry and might serve the temporary expediency of holding world chrome ore prices in line, the relief would be shortlived. The principal importation sources in calendar year 1970 in descending order, were the U.S.S.R., Turkey, and South Africa, with the Soviet Union supplying about 60 percent of our needs. Rhodesia was formerly a prime source of supply, providing about 40 percent of our annual requirements. However, as you know, United States imports are currently banned in conformity with the United States observance of the mandatory U.N. sanctions against Rhodesia.

To further illustrate the shifting of our dependency upon the Soviet Republic as a source of supply, in calendar year 1965 and prior to imposing sanctions against Rhodesia, 36 percent of our imports came from Rhodesia and about an equal amount from the Soviet Republic. As might be expected prices have risen accordingly. The price per ton of ore imported from the U.S.S.R. in 1965 was $25 as opposed to $72 in calendar year 1971. This is an increase of about 288 percent. It is apparent therefore that while the release of the metallurgical grade chromite covered by the bill S. 773 would serve a temporary expediency, there can be no permanent relief until the importation of chrome ore from Rhodesia can be resumed.

Mr. President, I strongly urge that the Committee on Foreign Relations, to which was referred the bill—S. 1404—introduced by the senior Senator from Virginia, take prompt action on the measure, mindful that it raises a serious problem for this Nation, which, unfortunately, we cannot continue to ignore.

ORDER FOR RECOGNITION OF SENATOR BROCK TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from Tennessee (Mr. BROCK) tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes and with the period not to exceed 30 minutes.

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

ORDER FOR BAYH AMENDMENT TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow when the Chair lays before the Senate the unfinished business, which will be done immediately at the close of the period for the transaction of routine morning business, the amendment by the Senator from Indiana (Mr. BAYH) dealing with a limitation on subsidies be made the pending question.

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 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.

RESCISSION OF ORDER TO MAKE BAYH AMENDMENT PENDING QUESTION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order making the amendment by the Senator from Indiana (Mr. BAYH) the pending question on tomorrow at the time the unfinished business is laid before the Senate be vacated.

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

ORDER FOR RECOGNITION OF SENATOR BAYH TOMORROW TO CALL UP HIS AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at such time as amendments may be in order from the floor—with respect to H.R. 9270, the Department of Agriculture appropriation bill—the distinguished Senator from Indiana (Mr. BAYH) be recognized for the purpose of calling up his amendment.

Mr. GRIFFIN. Mr. President, reserving the right to object, first of all I want to express my appreciation for the cooperation of the majority whip.

I have not had an opportunity to confer with the ranking Member on our side who will handle this bill, the Senator from Nebraska (Mr. HRUSKA), and I find I cannot get in touch with him at this time. Without his consent, I do not believe I can agree to this unanimous consent request. So temporarily I will have to object, but perhaps it could be done tomorrow.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. I thank the distinguished assistant Republican leader. I appreciate his explanation and his reasons, under the circumstances, for objecting to the request, and I certainly understand his position. I also understand that this is not with prejudice to the junior Senator from Indiana, who, on tomorrow, at such time as amendments to the bill may be offered, may be present to offer his amendment, or it may be that some agreement can be worked out tomorrow on the matter.

HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1972—UNANIMOUS - CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent with respect to H.R. 9382, the Housing and Urban Development appropriation bill, Senators in control of the time on the bill may yield time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the last quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if the distinguished minority whip has no statement or question at this time, I shall proceed to state the program for tomorrow.

Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m.

After recognition of the two leaders under the standing order, the distinguished Senator from Tennessee (Mr. BROCK) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, the period not to exceed 30 minutes.

At the close of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 9270, the Department of Agriculture appropriation bill.

Time thereon is limited, under the agreement, to 2 hours. Time on amendments will be limited to 30 minutes on any amendment with the exception of amendments dealing with a ceiling on subsidies, in which case there will be a time limitation of 1 hour, with the further exception that 2 hours will be allotted on an amendment to be offered by the Senator from Indiana (Mr. BAYH).

Rollcall votes are expected on amendments, and, in accordance with usual practice, there will be a rollcall vote on passage of the appropriation bill.

I have been requested by the majority leader to remind Senators of the program for Friday, in connection with which rollcall votes are expected.

On Friday, at the conclusion of the period for the transaction of routine morning business, the Senate will proceed, under the order previously entered, to consider H.R. 9417, the Department of the Interior appropriation bill. A rollcall vote is expected on passage of that bill, following which the Senate is expected to proceed to the consideration of the bill making appropriations for the Departments of State, Justice, and Commerce, and a rollcall vote is expected on passage of that measure, with possible rollcall votes, of course, on any amendments thereto. So a busy day is in the offing for Friday.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 41 minutes p.m.) the Senate adjourned until tomorrow, Thursday July 15, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 1971:

DEPARTMENT OF JUSTICE

David Luke Norman, of the District of Columbia, to be an Assistant Attorney General, vice Jerris Leonard.

U.S. DISTRICT COURTS

C. Stanley Blair, of Maryland, to be a U.S. district judge for the district of Maryland, vice a new position created by Public Law 91–272, approved June 2, 1970.

U.S. PATENT OFFICE

Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office, vice Isaac G. Stone, resigned.

IN THE AIR FORCE

The following officer to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Selmon W. Wells, [redacted] (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. Louis L. Wilson, Jr., [redacted] (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

Vice Adm. Thomas F. Connolly, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be lieutenant colonel

Sherwood, Robert W. [redacted].

To be major

Choice, Fred D., Jr. [redacted].
Dubois, Raymond E. [redacted].
Dunne, William A. [redacted].
Malloy, John F., Jr. [redacted].
Mosley, Lavaughn C., Jr. [redacted].
Smith, Luther S. [redacted].

To be captain

Boynton, Robert E. [redacted].
Bulger, Dennis B. [redacted].
Council, Robert L. [redacted].
Damron, Donald W. [redacted].
Davis, Warner A. [redacted].
Davison, Max A. [redacted].
Eaton, Frederick A. [redacted].
Ellithorp, Herman A. [redacted].
Everett, Harry L., III [redacted].
Foust, Edward D. [redacted].
Fryar, Harold D. [redacted].
Gabriel, Dale C. [redacted].
Gardner, Elijah H. [redacted].
Gibbs, James M. [redacted].
Grimshaw, James M. [redacted].
Inman, Ralph E. [redacted].

Ivanhoe, John R. xxxx
Kurnick, John E. xxx-xx-xxxx
Langston, John W. xxx-xx-xxxx
Lemieux, Robert E. xxx-xx-xxxx
Mannschreck, Dannen D. xxx-xx-xxxx
McLean, William F. xxx-xx-xxxx
Melton, Sam E., Jr. xxx-xx-xxxx
Merrill. Bruce W. xxx-xx-xxxx
Mock, Robert L. xxx-xx-xxxx
Nelson, James M. xxx-xx-xxxx
Ness, Leroy T. xxx-xx-xxxx
Nurnberg, Richard A. xxx-xx-xxxx
Oakes, Bobby R. xxx-xx-xxxx
Pfetsch, John J. xxx-xx-xxxx
Porst, Edward A. xxx-xx-xxxx
Quash, Joseph A. xxx-xx-xxxx
Rea, Paul W. xxx-xx-xxxx
Reddy, Thomas G. xxx-xx-xxxx
Reiber, Curtis B. xxx-xx-xxxx
Remy, James E. xxx-xx-xxxx
Reynolds, James B. xxx-xx-xxxx
Robnett, Gary B. xxx-xx-xxxx
Roque, Francis X. xxx-xx-xxxx
Ruple, Charles W. xxx-xx-xxxx
Sangster, James H. xxx-xx-xxxx
Schilley, George R. xxx-xx-xxxx
Scott, Linda N. xxx-xx-xxxx
Spine, Mary L. xxx-xx-xxxx
Stanton, Gary A. xxx-xx-xxxx
St. Onge, Roland J., Jr. xxx-xx-xxxx
Taylor, Dell W. xxx-xx-xxxx
Waller Benjamin F. xxx-xx-xxxx
Washington, Bernard W. xxx-xx-xxxx

To be first lieutenant

Ahlers, Robert C. xxx-xx-xxxx
Ashmore, Lee E. xxx-xx-xxxx
Beeson, Frank J. xxx-xx-xxxx
Bolton, John D. xxx-xx-xxxx
Bouknight, Glenn E. xxx-xx-xxxx
Brown, Lynn B. xxx-xx-xxxx
Bruno, Robert A. xxx-xx-xxxx
Byce, Mills M. xxx-xx-xxxx
Cadorette, Raymond P. xxx-xx-xxxx
Cameron, Alexander W. xxx-xx-xxxx
Carey, John L. xxx-xx-xxxx
Carter, William G. xxx-xx-xxxx
Chapin, Gale W. xxx-xx-xxxx
Colonna, Delio G., Jr. xxx-xx-xxxx
Copeland, Guy L. xxx-xx-xxxx
Cumper, James W., Jr. xxx-xx-xxxx
Davies, Thomas E. xxx-xx-xxxx
Dellert, Bette A. xxx-xx-xxxx
De Spain, Richard C. xxx-xx-xxxx
Dickens, William P., Jr. xxx-xx-xxxx
Durr, David R. xxx-xx-xxxx
Forester, Jesse P., Jr. xxx-xx-xxxx
Fricas, John xxx-xx-xxxx
Gorski, Raymond J., Jr. xxx-xx-xxxx
Gresdo, Dennis J. xxx-xx-xxxx
Gutzwiller, Donald J. xxx-xx-xxxx
Halcrow Charles M. xxx-xx-xxxx
Harris, Robert F. xxx-xx-xxxx
Hawkins, William E. xxx-xx-xxxx
Hogg, Alexander III xxx-xx-xxxx
Judd, Curtis E. xxx-xx-xxxx
Kelly, Shelley H. xxx-xx-xxxx
Kesling, Peter R. xxx-xx-xxxx
Klumph, Forest A. xxx-xx-xxxx
Krantz, Thomas L. xxx-xx-xxxx
Lagarde, Douglas C. xxx-xx-xxxx
Leassear, Leonard A. xxx-xx-xxxx
Leonhard, John F. xxx-xx-xxxx
Little, Michael E. xxx-xx-xxxx
Lutz, James E. xxx-xx-xxxx
McCurdy, James R. xxx-xx-xxxx
McGovern, Patrick M. xxx-xx-xxxx
McLaughlin, Ronald M. xxx-xx-xxxx
McWard, Robert G. xxx-xx-xxxx
Miller, Billy J. xxx-xx-xxxx
Miller, John D., Jr. xxx-xx-xxxx
Missroon, James B. xxx-xx-xxxx
Morris, Linda L. xxx-xx-xxxx
Moss, Larry W. xxx-xx-xxxx
Mullek, Paul J. xxx-xx-xxxx
Northington, Edward F. xxx-xx-xxxx
O'Connell, David L. xxx-xx-xxxx
O'Connor, James L. xxx-xx-xxxx
Oleskevich, James M. xxx-xx-xxxx
Osborne, Timothy W. xxx-xx-xxxx
O'Sullivan, Joseph M. xxx-xx-xxxx
Pair, David E. xxx-xx-xxxx
Parr, Neal M. xxx-xx-xxxx
Perkin, Joe C. xxx-xx-xxxx
Pritchett, James L. xxx-xx-xxxx
Randall, Amos xxx-xx-xxxx
Rawls, Richard W. xxx-xx-xxxx
Sanderson, David E. xxx-xx-xxxx
Saugstad, Edward S. xxx-xx-xxxx
Sherry, James F. xxx-xx-xxxx
Silcox, Franklin H. xxx-xx-xxxx
Smeeks, Frank C., Jr. xxx-xx-xxxx
Sullivan, Daniel W. xxx-xx-xxxx
Sullivan, Max D. xxx-xx-xxxx
Taylor, John M. xxx-xx-xxxx
Tesch, Thomas N. xxx-xx-xxxx
Vass, James E., Jr. xxx-xx-xxxx
Waddell, Edgar C., Jr. xxx-xx-xxxx
White, Edward D., Jr. xxx-xx-xxxx
Williams, James A. xxx-xx-xxxx
Williams, Robert H. xxx-xx-xxxx
Wishik, Jeffrey L. xxx-xx-xxxx
Wright, Thomas J. xxx-xx-xxxx
Zimmerman, Matthew A. xxx-xx-xxxx

To be second lieutenant

Allen, Roy J., Jr. xxx-xx-xxxx
Alley, Claude R. xxx-xx-xxxx
Bresnan, Frederick J. xxx-xx-xxxx
Conn, Joseph N. xxx-xx-xxxx
Dale, Thomas D. xxx-xx-xxxx
Dye, Robert J. xxx-xx-xxxx
Eargle, Francis L. xxx-xx-xxxx
Elias, Thomas E. xxx-xx-xxxx
Fucci, Joseph A. xxx-xx-xxxx
Helmick, John C., Jr. xxx-xx-xxxx
Jobe, Jerry L. xxx-xx-xxxx
Littlejohn, Edward H. III xxx-xx-xxxx
Mattina, John C. xxx-xx-xxxx
Mickley, Brian T. xxx-xx-xxxx
Miller, William J., Jr. xxx-xx-xxxx
O'Halloran, Peter F. xxx-xx-xxxx
Raupp, Lloyd N. xxx-xx-xxxx
Rennie, Donald S. xxx-xx-xxxx
Sayre, Richard G. xxx-xx-xxxx
Sydow, John H. xxx-xx-xxxx
Thornton, Dale E. xxx-xx-xxxx
White, Lance M. xxx-xx-xxxx
Whitten, Arthur R. xxx-xx-xxxx
Yount, Everett R., Jr. xxx-xx-xxxx

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Arndt, Kenneth R. xxx-xx-xxxx
Barnhart, John D. xxx-xx-xxxx
Bendall, Robert W. xxx-xx-xxxx
Bilyj, Myron xxx-xx-xxxx
Christopher, Charles D. xxx-xx-xxxx
Crosson, Thomas E. xxx-xx-xxxx
Deppe, David C. xxx-xx-xxxx
Dueweke, Michael J. xxx-xx-xxxx
Enos, Gary W. xxx-xx-xxxx
Fox, Jimmy T. xxx-xx-xxxx
Gorby, John C. xxx-xx-xxxx
Haagenson, Robert S. xxx-xx-xxxx
Hagan, William R. xxx-xx-xxxx
Harpole, Jan H. xxx-xx-xxxx
Heinemann, Warren F. xxx-xx-xxxx
Hilliard, David W. xxx-xx-xxxx
Isom, James H. xxx-xx-xxxx
Johnson, Berner R., Jr. xxx-xx-xxxx
Juskowiak, Gary L. xxx-xx-xxxx
Kerins, James W. xxx-xx-xxxx
McGavic, David W. xxx-xx-xxxx
McGhee, Raymond Y., Jr. xxx-xx-xxxx
Morris, Jeffrey B. xxx-xx-xxxx
Morrison, Gary A. xxx-xx-xxxx
Oberholtzer, William I. xxx-xx-xxxx
Plagemann, David J. xxx-xx-xxxx
Powers, Keith P. xxx-xx-xxxx
Reed, James T., Jr. xxx-xx-xxxx
Rodriguez, Robert W. xxx-xx-xxxx
Shott, George C., Jr. xxx-xx-xxxx
Simonsen, Peter C. xxx-xx-xxxx
Stone, Larry Z. xxx-xx-xxxx
Strebel, Paul J. xxx-xx-xxxx
Sutcliffe, Peter C. xxx-xx-xxxx
Williams, Thomas D. xxx-xx-xxxx
Wong, Chadwick W. xxx-xx-xxxx

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Flanagan, Stephen A. xxx-xx-xxxx
Johnson, Terry L. xxx-xx-xxxx
Kleinkauf, Richard T. xxx-xx-xxxx
McMurdo, Strathmore K., Jr. xxx-xx-xxxx

IN THE NAVY

Doyle E. Campbell, Medical Corps, U.S. Navy, for temporary promotion to the grade of commander in the Medical Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law:

Daly, Richard G.
Hardy, John S., Jr.
Malinovsky, Michael R.
Mullen, John O.
Rohren, Charles H.
Vasquez, Guillermo A.
Ellsworth, Robert M.
Harris, Clarence M.
McCarthy, John J.
Prutsok, Leonard G.
Rhyne, Dennis A.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Currivan, John D.
Smethers, James R.
Krasik, Steven L.
Taylor, Kent D.

George H. Huban, Jr., U.S. Navy, for temporary promotion to the grade of lieutenant in the Supply Corps, subject to qualification therefor as provided by law.

John F. Anderson, Supply Corps, U.S. Navy, for permanent promotion to the grade of lieutenant in the Supply Corps, subject to qualification therefor as provided by law.

William D. Cohen, Judge Advocate General's Corps, U.S. Navy, for permanent promotion to the grade of lieutenant in the Judge Advocate General's Corps, subject to qualification therefor as provided by law.

David W. Anderson, Supply Corps, U.S. Navy, for transfer to and appointment in the line, not restricted in the performance of duty, in the permanent grade of ensign.

Thomas F. House, Jr., Civil Engineer Corps, U.S. Navy, for transfer to and appointment in the Supply Corps in the permanent grade of ensign.

James P. Lawton, U.S. Navy, for transfer to and appointment in the Supply Corps in the permanent grade of ensign.

George C. Leland, U.S. Navy, for temporary promotion to the grade of lieutenant and for permanent promotion to the grade of lieutenant (junior grade) in the line, subject to qualification therefor as provided by law.

The following-named Naval Reserve Officers' Training Corps candidates to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Kasica, James A.
Long, Robert H.

The following-named officers of the U.S. Navy for promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Acre, Clifton H.
Anderson, Merlin F.
Ator, Roy E.
Banister, Robert L.
Beck, Allen E.
Anderson, Charles E.
Ashlock, Edward L.
Aycock, Joe E.
Beagle, Charles B.
Bennett, James P.
Berry, Jack W.
Boor, Leo J.
Brackett, John W.
Brown, David A.
Cameron, Robert M.
Campbell, Leonard M.
Carter, John G.
Comeau, Thomas A.
Creel, Cecil D.
Currie, Henry T.
Dallman, Rogert A., Sr.
Davis, Neil C.
Desantis, Armand J.
Dill, Mylnor A.
Dresbach, Melvin L.

Dunning, James L.
Fairchild, John O.
Finfrock, Patrick
Fisher, John S.
Folkers, Dale C.
Frantz, James A.
Garrahan, Richard
Glover, Thomas J.
Graham, Dennis L.
Gregory, James A.
Halliday, Alvin L.
Hand, John M.
Harris, Harold D.
Hartman, David L.
Hawtin, David R.
Hennegan, Dennis S.
Hillman, Lester R.
Holiway, Weldon Y.
Howell, Robert D., Sr.
Hughes, Charles E.
Hulsey, William D., Jr.
Jeffcoat, James J.
Kayler, Robert S.
Kloke, Carl H.
Lane, Richard D.
Lardner, Thomas P.
Londot, Jack L.
Mansfield, John A.
Martin, David F.
May, Harlin C.
McGee, Thomas E.
McKay, Russell L.
Melton, William G.
Miller, Richard S.
Moen Rodney C.
Mueller, Robert A.
Myrick, Jerry E.
Northrup, Donald J.
Oliver, Richard H.
Propst, Edward R.
Rasmussen, Anker M.
Renwick, David
Rice, Charles O.
Rigg, Donald A.
Romito, Vincent A.
Russell, George W., Jr.
Russell, Richard L.
Schier, Robert M.
Sears, James A.
Sherrill, James D.
Shaw, Larry R.
Southerland, Macy J.
Stanford, Edmund H.
Sullivan, James S.
Tessier, Harley D.
Thompson, James E.
Toomey, Thomas P.
Turk, Joseph
Turney, Jack E.
VanDyne, Leroy T.
Blackmon, Joe L.
Bowers, William E.
Brasil, Robert F.
Bunch, Duane W.
Campbell, Cager W.
Carroll, John H.
Chisholm, Leonard M.
Coons, Bard S.
Critser, Arthur E.
Curry, Samuel G., II
Daughton, Gary L.
Deffenbaugh, Dale C.
Detwiler, Donald V.
Dorsey, Edward B.
Duke, Arnold L.
Espy, Ira J.
Feuerbacher, August A.
Fischer, Henry A.
Flanders, Mack H.
Foster, Charles L.
Garner, James H.
Giles, James
Goodrum, Daniel J.
Green, William L., Jr.
Hale, Charles A.
Hammond, Riley G.
Harris, Bobby L.
Harter, Larry L.
Haver, Richard I.
Hendricks, Jerry F.
Hight, Harvey B.
Holder, "J" "D"
Howard, John D.
Hudson, James E.
Hughes, James
Huszar, Martin W.
Kay, Raymond E.
Kearns, Thomas O.
Krygier, Thomas J.
Lappin, Thomas L.
Larsen, Raymond H.
Losli, Gerald G.
Marino, Raffaele
Matthews, Dale M.
McCullough, Harvey T., Jr.
McGrath, Daniel J.
McLean, Angus L., Jr.
Mercer, Laurice W.
Millspice, Edgar J., Jr.
Morales, Vicente
Mullen, George A.
Nolin, Robert
Nowling, Clyde J.
Pirozzoli, David P.
Quinn, Richard A.
Renshaw, James A.
Reuter, Kenneth E.
Ridener, Linville L.
Rockwood, Donald J., Jr.
Rumer, William H.
Russell, Perry B.
Schelin, Theodore C.
Schmid, Walter A.
Shelton, Lynn D.
Shreve, Julius G.
Smith, David W.
Spence, Herbert, Jr.
Sturgill, Cleveland H.
Taylor, Douglas K.
Thomas, Gordon J.
Thomson, Bruce L.
Toon, Norbert L.
Turley, Brian D.
Twombly, Bennett C.
Walsh, Myles E.
Werling, Robert
Williams, Alton L.
Wilson, Philip B.
Yott, George J.
Wheeler, Sidney W.
Wilson, Jerrold B.
Yavorosky, Vincent M.

SUPPLY CORPS

Bishop, Charles R.
Frial, Ernesto F.
Kyser, Harold H.
Lord, Don
Platt, Larry D.
Verbic, Alan R.
Elkins, Franklin D.
Kuzel, Norman E.
Lockey, Donald L.
Mitchell, Donald R.
Sutton, Morris L.

CIVIL ENGINEER CORPS

Blake, Joseph A., Jr.
Ferguson, Carl E.
Davis, William L.

MEDICAL SERVICE CORPS

Auld, John N.
Boyce, Richard
Chapman, Raymond N., Jr.
Cooper, James M.
Davis, Leslie A.
Figura, Richard T.
Fowler, David W.
Grisham, Onis H.
Harrington, Gary R.
Janoski, Thomas J.
Johnson, John L., Jr.
Knight, James D.
Kubal, John L.
Lauver, David J.
Lindsay, Richard J.
McClintock, Thomas W.
Nelson, Lee D.
Pakowski, Lawrence P.
Powers, James M.
Renish, John F.
Ryder, Richard G.
Shibley, David R.
Simmons, Larry O.
Sparks, Buddy T.
Strnad, William R.
Vrabel, John W.
Wayland, Marshall W., Jr.
Welch, Richard R.
Wiggins, Michael C.
Yates, Ronald R.
Benson, Milton J.
Carroll, Norman E.
Collins, Jimmy R.
Cox, Peter T.
English, Jerry W.
Foro, Bradley R.
Glover, Wayne P.
Guilliams, Lewis W.
Helley, John A.
Jay, George W.
Johnson, Wesley J.
Knight, Paul L.
Land, Clarence E.
Laverick, George R.
Masterson, Francis W., Jr.
McKee, Roland E.
Oaks, Wendell M., Jr.
Peterman, Eugene A.
Prucino, Joseph F.
Rinard, Lanny A.
Sciarrini, Dominic E.
Shockley, Richard S.
Smith, James T.
Storment, John H.
Suttle, Douglas
Waddington, Gregory
Weeks, William E., Jr.
White, William L.
Williamson, Robert L.

IN THE MARINE CORPS

The following named (platoon leaders class) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to qualifications therefor as provided by law:

Ahrens, Paul R.
Battaglini, James R.
Blazanin, Michael C.
Biose, Robert B.
Bowman, Denham W.
Boyer, David R.
Brinkley, Clyde S., Jr.
Carney, James T.
Chambless, Ronald W.
Conry, Kevin A.
Craig, Stewart I.
Crayton, Louis B.
Davis, Douglas R.
Durham, Jan M.
Edwards, Michael E.
Farmer, Jackie L.
Foss, Charles C., II
Fremin, John P.
Fry, David R.
Goodchild, Robert G.
Hagain, Emory J.
Hamilton, Phillip T.
Heinz, John H.
Hibbens, Steven C.
Himes, John
Howald, Russell J.
Huck, Richard A.
Kossey, Michael E.
Mahoney, Roger E.
Mc Hale, Kevin J.
Mc Mahon, John F.
Mead, Marshall
Meisenback, William K.
Meng, Ronald L.
Moore, Steven B.
Moore, Timothy B.
Morstatt, George J.
Mott, Charles L., Jr.
Musella, Martin L.
Najjar, Joseph A.
Napoleon, Henry, Jr.
Nicoletti, Thomas E.
Pardo, Cruz
Petro, Gregory P.
Pitner, Robert P.
Pittman, Lonny D.
Queen, Harold E., II
Randall, Bruce A.
Rerucha, John W.
Rueger, Ronald L.
Russo, Joseph L.
Scott, George R.
Seitz, Peter A.
Shi, James S.
Sultenfuss, Frank W.
Thurston, Arleigh E.
Tourney, Michael R.
Treleaven, Peter L.
Vogel, Robert C.
Vontungeln, Michael
Vonwald, Gregory J.
Walker, Sheldon E., Jr.
Young, Stephen M.
Younkins, James M.

The following-named Army Reserve Officers' Training Corps graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to qualifications therefor as provided by law:

Knapp, John W.

The following-named Naval Reserve Officers' Training Corps graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Ramsey, Donald W. Brown, Dennis L.

The following-named staff noncommissioned officer for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Shivers, Stephen L.

CONFIRMATION

Executive nominations confirmed by the Senate July 14, 1971:

DEPARTMENT OF THE INTERIOR

Richard Stockwell Bodman, of California, to be an Assistant Secretary of the Interior.

EXTENSIONS OF REMARKS

CONQUEST OF CANCER ACT

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, July 14, 1971

Mr. GRIFFIN. Mr. President, I was pleased to cast my vote with the majority in the Senate in favor of S. 1828, the Conquest of Cancer Act. When this bill was first introduced in the Senate on May 11, 1971, I was one of its cosponsors.

Mr. President, this legislation will now be considered by the Committee on Interstate and Foreign Commerce of the House of Representatives.

Mr. President, there is no health concern more important than the deep concern of millions of Americans about cancer. A 1966 poll revealed that 62 percent of all the people of America fear cancer more than any other disease. This concern is warranted, for of the 200 million Americans alive today, 50 million will develop some form of cancer and 34 million will die of cancer if better methods of prevention and treatment are not discovered.

Cancer strikes without regard to age, race, or economic level. It kills the old and the young. Of the deaths from cancer, half will occur after the age of 65. Among children and young people cancer will cause more deaths than any other disease.

The cost of this disease to our Nation is staggering. The number of cancer deaths last year—in one year—was eight times the number of lives lost in 6 years in Vietnam, 5½ times the number killed in automobile accidents' and more than the number of Americans killed in battle in all 4 years of World War II.

Also, as any who has lost a loved one to this dread disease can attest, cancer is an ugly disease. It strikes as harshly at human dignity as it does at human life. In addition, more often than not, it represents financial catastrophe for the family which it strikes.

But, while this dread disease continues, there is strong evidence that we in our generation may be on the verge of making some significant headway in the battle. Recently there has been a broad and powerful wave of advances in cancer research. Our continuing support of biochemical research has yielded advances