SENATE—*Friday, July 30, 1971*

The Senate met at 9:30 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

O God and Father of us all, whose grace is sufficient for all our need, brace us for hard duty this day. To our own consecrated energies add the reinforcement of Thy vivid presence and unfailing strength. Lead us out of confusion and uncertainty into clarity and certainty. May we obey the highest revelation of Thy will and the clearest guidance of conscience and be prepared either for reward or rebuff. May we hear Thee say "This is the way, walk ye in it."

O Lord, keep us ever mindful of those who confer for peace and the young who bear the burdens of war that we fail them not in our quest for that peace which is just and that order of life which points to Thy coming kingdom.

In the name of the Great Burden Bearer and Guide to all truth. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 30, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

ORDER OF BUSINESS

Mr. PROXMIRE obtained the floor.

Mr. PROXMIRE. Mr. President, I am happy to yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allocated 2 minutes outside of the time on cloture.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 29, 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.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the calendar, beginning with Calendar No. 302 and going through Calendar No. 307.

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

LINCOLN HOME NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (S. 489) to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 15, after the word "however", strike out "$5,860,000" and insert "$6,000,000"; and, in line 20, after the word "involved", strike out "herein." and insert "herein, and not to exceed $2,000,000 for acquisition of land."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and interpret for the benefit of the people the home of Abraham Lincoln in Springfield, Illinois, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the property at the northeast corner of Eighth and Jackson Streets, in the municipality of Springfield, county of Sangamon, in the State of Illinois, including improvements thereon, together with such adjacent lands and interests therein as the Secretary may deem necessary for the establishment and administration of the property as a national historic site. The Secretary is further authorized to acquire by any of the above means personal property used and to be used in connection with the national historic site.

SEC. 2. The property acquired pursuant to the first section of this Act shall be known as the Lincoln Home National Historic Site, and it shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $6,000,000 (February 1970 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost as indicated by engineering cost indices applicable to the types of construction involved herein and not to exceed $2,000,000 for acquisition of land.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–308), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 489 is to authorize the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, or exchange, the former home of Abraham Lincoln in Springfield, Illinois.

HISTORICAL BACKGROUND

The Lincoln Home in Springfield is the only home President Lincoln ever owned. It was during his years of ownership of this home that he emerged from a small town lawyer to a figure of national importance. It was during this same period that some of the most important episodes of his life prior to his inauguration as President occurred. Here, Lincoln received a committee from the Republican Nominating Convention bearing the formal notification of his nomination as the party's candidate. During the campaign Lincoln received well-wishers at the home, and on February 6, 1861, gave a "grand levee" to bid farwell to his friends and fellow citizens on the eve of his departure for Washington.

Lincoln purchased the property in 1844, and except for the 2 years he served in Congress, 1847–1849, it was the Lincolns' home until they moved to the White House. The years Lincoln spent there were crucial ones in the development of the man and the growth of his reputation. The simple, comfortable house at the corner of 8th and Jackson Streets is intimately associated with those years of trial and growth and eloquently preserves the memory of the man who called it home.

NEED

From 1887 until now, the State of Illinois has maintained the Home itself, as well as other Lincoln shrines in the area. The Home had been donated to the State by Robert Todd Lincoln, the son of the President. These other shrines include his tomb in Springfield, the log cabin village at New Salem where he spent his young manhood, and the Old State Capitol Building in Springfield where he matured as a legislator and uttered his "House Divided" speech.

However, the Committee is convinced that the Lincoln Home area, the shrine most intimately connected with Lincoln, the shrine where visitors feel a closeness and inspiration as nowhere else remains inadequately restored and preserved under the existing situation. Visitor facilities are totally inadequate considering the magnitude of interest in this home of one of our country's greatest figures. The State of Illinois recognizes that the Federal Government should act to save this historic area.

COST

The land acquisition cost is estimated at $2,003,000. This is the cost of acquiring 5.13

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acres, including 36 improvements. These improvements consist of 24 year-round residences, 1 service station, and 11 commercial offices. Real estate taxes on the private properties to be acquired totalled $31,460 in 1969. While the 18 period buildings in the 4-block area will remain, the incompatible structures will be removed to create a harmonious atmosphere and to allow construction of a small visitor center, landscaping, and parking facilities.

The City of Springfield has agreed to purchase and donate 2.29 acres of private land and will also donate 3.33 acres consisting of streets, walks, and alleys. The State of Illinois will make available the 1.08-acre site of the home itself. This is an instance where local, State and Federal governments can work harmoniously together toward a common goal.

Total development costs are estimated at $5,860,000, with annual operating costs of $502,400 by the fifth year after establishment.

METRIC SYSTEM STUDY AUTHORIZATION, 1972

The bill (S. 1257) to authorize an appropriation for fiscal year 1972 to carry out the metric system study was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated for the use of the Department of Commerce during fiscal year 1972, such sums, not to exceed a total of $144,000, as may be necessary to carry out the purposes of the Act of August 9, 1968 (82 Stat. 693; Public Law 90–472).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–309), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to authorize an appropriation for fiscal year 1972 for completion of the metric system study authorized by the act of August 9, 1968 (82 Stat. 693; Public Law 90–472).

This authorization would permit appropriations to cover the final 40 days of the metric system study and for an additional 30 days for a partial staff to complete administrative details. The final report of the study will be presented to Congress not later than August 9, 1971.

BACKGROUND OF THE LEGISLATION

Public Law 90–472 authorized the Secretary of Commerce to commence the metric system study with funds, not to exceed $500,000, which had been previously appropriated to the Department of Commerce. Funding for fiscal years 1969, 1970, 1971 was provided for in the appropriations for those years.

For the reasons hereinafter given, authorization for $144,000 for the final months of the study was found to be required for fiscal year 1972.

On March 3, 1971, the Secretary of Commerce transmitted legislation (S. 1257 and its companion bill, H.R. 6167) to the Congress to authorize $144,000 for the concluding months of the study. The letter of transmittal from the Secretary of Commerce and an accompanying statement of purposes and provisions of the legislation appear hereafter under the title "Departmental Reports." On June 18, 1971 the committee held hearings on S. 1257.

GENERAL STATEMENT

The requested authorization would provide funds for 16 National Bureau of Standards technical staff members working full time on the final aspects of the report up to the time of its submission, and for nine technical staff members for a period of 30 days thereafter who will complete the final administrative details of the study.

These funds would be used as follows:

Direct labor and personnel benefits	$48,900
Applied bureau overhead	19,600
Printing costs	75,500
Total	144,000

CONCLUSION

The committee reported this bill unanimously, without amendment. Its enactment is in accord with the metric system study program authorized by the 90th Congress.

COST OF THE LEGISLATION

The cost of the legislation is $144,000.

MORTGAGE PROTECTION LIFE INSURANCE FOR CERTAIN VETERANS

The bill (H.R. 943) to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–311), explaining the purposes of the measure.

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

EXPLANATION OF BILL

This bill would authorize the Administrator of Veterans' Affairs to purchase a commercial policy to provide mortgage protection life insurance for seriously disabled veterans who have received grants for specially adapted housing under chapter 21, title 38 of the United States Code. Veterans eligible for housing assistance grants of up to $12,500 under this chapter are principally service-connected quadriplegics, paraplegics and others who require the use of a wheelchair. Under the proposed bill, the Administrator would be authorized to purchase a mortgage insurance policy for the specially adapted housing up to $30,000 or the amount of the mortgage loan outstanding at the date the insurance is placed in effect, which ever is lesser. Insurance coverage under the bill would be automatic unless the eligible veteran elected, in writing, not to participate. The veteran would pay the standard premium rate, which would be deducted from his compensation payments. The Veterans' Administration would pay the additional premium occasioned by the veteran's disability. No insurance protection would extend beyond age 70, and the amount of insurance provided is reduced as the mortgage is amortized. Benefits under the policy would be payable only to the holder of the mortgage loan. No insurance would be payable if the loan were fully paid prior to the veteran's death.

A spokesman for the Veterans Administration in testifying before the Subcommittee on Housing and Insurance on July 13 of this year stated:

"Few, if any, of these veterans can obtain mortgage protection from commercial sources. The veterans have suffered greatly and deserve our most sympathetic, understanding, and consideration. Viewing these facts alone, the bills appear to warrant favorable consideration."

The spokesman further acknowledged that:

"* * * the life expectancy of many of the veterans of this group have been shortened by their service-connected disabilities, and that following their death, the income of their widows or other survivors generally is substantially reduced."

Notwithstanding the foregoing, the Veterans Administration formally opposes passage of this bill on the grounds that (1) widows do not wish to continue living in specially adapted housing; (2) the housing is readily marketable without a loss; and (3) most veterans covered under this bill are entitled to $20,000 to $25,000 worth of government issued or government sponsored life insurance, which could be used to satisfy the mortgage obligation. Although requested to do so by the committee, the Veterans Administration has yet to supply statistical data to support the first two assertions. Additionally, testimony by Michael Burns, Executive Director of the Paralyzed Veterans of America, contradicts the Administration's position. During his appearance before the subcommittee on July 13, Burns testified that:

"I must dispel one fallacious argument often used. The Veterans Administration and others have concluded * * * that the survivors of these veterans do not wish to continue living in specially adapted houses. We contend and can substantiate that they indeed wish to continue living there, but cannot afford to because of the high mortgage payments."

It should be further noted that specially adapted housing does not differ significantly from standard housing. Aside from alterations in bathroom facilities and in the side of the hallway and the absence of steps these houses are completely suitable for individuals without handicaps.

Finally, to require the meager amount of life insurance that is available to the survivors of disabled veterans to be used in satisfaction of the mortgage obligation imposes a sacrifice on the family of seriously disabled veterans which the committee did not feel is warranted. Accordingly, the committee unanimously recommends passage of this bill.

COSTS

As of January 3, 1971, 11,198 specially adapted housing grants have been issued with about 500 new grants being made each year. The Veterans Administration estimates that a maximum of 10,000 veterans would be affected at the present time. Estimated death claims will amount to about $1,750,000 for each of the next five fiscal years. Of that amount, $1,575,000 would be borne by the government. In addition, first year administrative costs would be $200,000, and thereafter approximately $40,000 per fiscal year. Informal communications to the committee indicate that the Veterans Administration is currently reevaluating its estimated figures to take into account that many mortgages particularly those of World War II and Korean War veterans have been substantially or completely amortized. More recent studies indicate that the yearly cost would be less than originally estimated and probably about $1.2 million per year.

SHIP MORTGAGE ACT, 1920

The Senate proceeded to consider the bill (S. 1275) to amend the maritime lien provisions of the Ship Mortgage Act of 1920 which had been reported from the Committee on Commerce with amendments in line 3, after the word "That", strike out "section 30 of"; in the same line, after the word "Mortgage", strike out "Act of" and insert "Act"; and, in line 4, after "U.S.C.", strike out "971–975" and insert "911–984"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the Ship Mortgage Act, 1920 (46 U.S.C. 911–984) is amended as follows:

(1) By striking from subsection B thereof (46 U.S.C. 973) the semicolon, substituting a period therefor and deleting all thereafter.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–310), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to protect terminal operators, ship chandlers, ship repairers, stevedores and other suppliers who furnish necessaries to a vessel. At the present time, a "prohibition of lien" clause in a charter party and the Ship Mortgage Act preclude a supplier from acquiring a lien on a chartered vessel for necessaries furnished to the vessel. The bill would amend the Ship Mortgage Act to permit a supplier to acquire such a lien despite a "prohibition of lien" clause in the charter party.

BACKGROUND AND NEED FOR THE LEGISLATION

Pursuant to long-established principles of maritime law, suppliers of necessaries to a vessel are accorded the right to impose a lien on the vessel in support of their right to collect proper charges for such necessaries. This is not unlike the law giving a plumber, carpenter or other artisan a lien on property for services furnished but not paid for. Over the years, priorities between maritime liens have been established (for example, see *Todd Shipyard Corporation* v. *City of Athens, et al.,* 83 F. Supp. 67 (1949) at 78–79), and the services and supplies constituting "necessaries" to the ship have likewise become fairly well defined.

Subsections P, Q, and R of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 971–973) authorized a maritime lien for necessaries furnished to a vessel.

Subsection P provides that any person furnishing repairs, supplies, towage, use of drydock or marine railway, or other necessaries, to any vessel upon the order of the owner or a person authorized by the owner shall have a maritime lien on the vessel.

Subsection Q provides that the managing owner, ship's husband, master, or any person to whom the management of the vessel at the port of supply is entrusted is presumed to have authority from the owner to procure such necessaries for the vessel. However, no person tortiously or unlawfully in possession or charge of a vessel shall have authority to bind the vessel.

Subsection R provides that the officers and agents of a vessel specified in subsection Q shall be taken to include such officers and agents when appointed by a charterer, by an owner pro hac vice, or by an agreed purchaser in possession of the vessel.

Subsection R contains an additional provision that would be repealed by S. 1275. This provision provides that "nothing in this section shall be construed to confer a lien when the furnisher knew, or by exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel therefor."

As some legal writers have pointed out, "No provision of the Lien Act has led to more litigation than the last clause of [subsection R] which puts the materialman under a duty to inquire whether charterers; purchasers and the like are 'without authority to bind the vessel' because of a term in the charter party or agreement of sale." (Gilmore and Black, "The Law of Admiralty," 558 (1957).)

The practice of inserting a "prohibition of lien" clause in a vessel charter party thus denies to the charter authority to create liens on the vessel for necessaries.

The "prohibition of lien" clause in a charter party and the above provision in Subsection R of the Ship Mortgage Act have created serious problems for American materialmen. Testimony at the hearings on the bill indicates that this problem is primarily encountered with foreign-flag vessels chartered to foreign operators. In order to protect themselves, American suppliers of necessaries must ascertain whether a vessel requesting necessaries is under charter and if so, whether the charter contains a "no lien provision." Alternatively, such a supplier can make a credit check on the financial responsibility of the vessel operator. Generally, a vessel requiring necessaries is unable to give sufficient notice so that the American supplier can do either. This has resulted in substantial losses or in costly litigation. For example, the committee received testimony that stevedores in the San Francisco Bay area have sustained losses over the years in excess of $2 million.

SHIP MORTGAGE ACT, 1920

Mr. MANSFIELD subsequently said: Mr. President, I move to reconsider the vote by which the bill (S. 1275) was passed.

The motion was agreed to.

Mr. MANSFIELD. I ask that the Chair lay before the Senate the message from the House of Representatives on H.R. 6239.

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives on H.R. 6239, an act to amend the maritime lien provisions of the Ship Mortgage Act of 1920, which was read twice by its title, considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, H.R. 6239 is the same bill, in effect, which was passed by the Senate earlier today. Therefore, I ask unanimous consent that S. 1275 be indefinitely postponed.

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

ENFORCEMENT OF LAWS WITHIN THE NATIONAL FOREST SYSTEM

The bill (H.R. 3146) to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–312), explaining the purposes of the measure.

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

SHORT EXPLANATION

This bill authorizes the Secretary of Agriculture to cooperate with any State or political subdivision in the enforcement of local law on lands within the national forest system. Such cooperation may include reimbursement for expenditure.

NEED FOR LEGISLATION

In the last several years use of national forest lands by citizens desiring to take advantage of the recreational, scenic and other assets of these forests has increased very substantially. The sheer number of people trying to enjoy these areas creates a temporary law enforcement problem, and often other factors intervene to cause an increasing strain on the ability of the State and local law enforcement agencies to cope with situations to provide adequate protection to the visitors and the forests.

For example, Alpine County in California has a total population of 484 persons. However, last year the national forest land, which comprises almost all of the county, was visited by the equivalent of 1,113,000 1-day tourists. Mono County, with a population of 4,016, had an equivalent of 3,970,000 1-day tourists, with as many as 9,000 persons going to one area of the county, Mammoth Lake, during the peak winter weekends.

NORTHWEST ATLANTIC FISHERIES ACT OF 1950

The bill (H.R. 9181) to amend the Northwest Atlantic Fisheries Act of 1950 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–313), explaining the purposes of the measure.

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

PURPOSE AND NECESSITY OF LEGISLATION

The purpose of H.R. 9181 is to bring the Northwest Atlantic Fisheries Act of 1950, as amended, into accord with two new protocols which amend the International Convention for the Northwest Atlantic Fisheries. The Senate approved both protocols on July 19, 1966, and they entered into force on December 19, 1969.

The protocol which deals with the manner in which regulations enter into force is designed to expedite adoption of regulations proposed by the International Commission for the Northwest Atlantic Fisheries. Under the previous procedure, each signatory government participating in the panel for the subarea to which a proposal applied had to approve such proposal before it could enter into force. Under the new procedure, a signatory government is deemed to have approved a proposal unless it objects within a specified period. H.R. 9181 conforms the

Northwest Atlantic Fisheries Act of 1950, as amended, to this protocol by requiring the Secretary of State with the concurrence of the Secretary of Commerce to take appropriate action on such proposals within a specified period.

The protocol which deals with the enforcement of convention regulations empowered the Commission to make new proposals on international enforcement. Under the original convention, each signatory nation could enforce the conservation regulations only with regard to its own nationals and vessels. Under the new enforcement scheme proposed by the Commission, authorized inspectors from any signatory nation can enforce the conservation regulations with regard to the nationals and vessels of all signatory nations in the area covered by the convention. H.R. 9181 empowers the Secretary of the Department in which the Coast Guard is operating and the Secretary of Commerce, with the concurrence of the Secretary of State, to issue the necessary regulations to implement the proposed enforcement scheme which enters into force on July 1, 1971. It also requires U.S. nationals and vessels to accept inspection as authorized by the Commission by enforcement personnel of other signatory nations.

In order to assure that the United States is represented by the full number of Commissioners to which it is entitled at any meeting of the Commission, the President is empowered by H.R. 9181 to appoint alternate Commissioners. In the event that a regularly appointed Commissioner should be absent from a meeting or in the event of a vacancy, the alternate Commissioner would be entitled to sit at that meeting only.

BACKGROUND AND LEGISLATIVE HISTORY

The International Convention for the Northwest Atlantic Fisheries was signed in Washington on February 8, 1949, by the following nations: The United Stats of America; Canada; Denmark; France; Iceland; Italy; Newfoundland; Norway; Portugal; Spain; and the United Kingdom of Great Britain and Northern Ireland. Since that time, the Governments of Romania, the Union of Soviet Socialist Republics, and the Federal Republic of Germany have become signatories to the convention.

The convention has as its purpose the investigation, protection, and conservation of the fisheries of the Northwest Atlantic Ocean in order to make possible the maintenance of a maximum sustained catch from those fisheries. Without such an effort, it was feared by those whose livelihood depended on the fisheries in the Northwest Atlantic Ocean that the stocks would be depleted. The convention established the International Commission for the Northwest Atlantic Fisheries, in which each contracting government has one vote and to which each contracting government may appoint not more than three Commissioners. The area covered by the convention is divided into five geographical subareas. These subareas include the water off the west coast of Greenland, Labrador, Newfoundland, Nova Scotia, and New England, and separate regulations are adopted with respect to each subarea.

In order to implement the U.S. role in the convention, Congress passed and the President signed the Northwest Atlantic Fisheries Act of 1950 (Public Law 81-845). In brief, the original act did four things: (1) it provided for U.S. representation on the Commission; (2) it established the U.S. Advisory Committee and set forth its rights and functions; (3) it vested in the Secretary of the Interior administration and enforcement authority and the power to make rules and regulations; and (4) it described offenses and set forth the penalties for them. The act was amended once in 1968 by Public Law 90-420. This amendment implemented a new protocol which added certain species of fish to the marine life covered by the convention.

Since the inception of the convention, conservation measures have been proposed by the Commission and have entered into force for three of the five subareas. Other conservation measures have been proposed for the remaining two subareas. Conservation measures generally relate to the use of minimum mesh sizes when fishing for specified species of fish and to maximum catches, and to other related matters.

While these conservation regulations supposedly have been enforced by the member states, there is considerable feeling among those in the U.S. fishing industry that the convention has proved to be less than a success. Those in the industry and in Government pointed out two shortcomings in the convention. In the first place, the original language in the convention provided no specific period of time for entry into force of proposed regulations. As a result, several proposed conservation measures have not gone into effect due to the failure of various member states to signify their approval. In the second place, the U.S. fishing industry was concerned that the other member states might not be enforcing the conservation regulations, vis-a-vis their own nationals, as strongly as were U.S. officials in the case of American fishermen.

In order to ameliorate these problems, the United States proposed two amendments to the convention. One amendment would facilitate the entry into force of conservation regulations by specifying a time limit within which a member state is to signify its approval or disapproval of such regulations. The other amendment proposed by the United States would empower the Commission to formulate an international enforcement scheme wherein inspectors from any signatory nation could enforce the conservation reguations with regard to the nationals and vessels of all signatory nations in the area covered by the convention. The United States already participates in similar enforcement schemes under the provisions of four other international fishery conventions.

These two proposals were approved by the member states late in 1965. The Senate approved the protocols on July 19, 1966, and they entered into force on December 19, 1969. The Commission's proposed enforcement scheme takes effect on July 1, 1971.

In order to implement these protocols, the Department of State in an Executive Communication to the President of the Senate, April 29, 1971, proposed legislation to amend the Northwest Atlantic Fisheries Act of 1950, as amended, the North Pacific Fisheries Act of 1954 and for other purposes (a copy of which appears in this report under the caption of Department and Agency Comments.)

On May 11, Senator Magnuson introduced this proposed legislation as S. 1822. However, during the hearings before the House Committee on Foreign Affairs on the companion bill, H.R. 8791, a question arose as to a possible conflict with that Committee's jurisdiction. Since the North Pacific Fisheries Act of 1954 was considered originally by the House Committee on Merchant Marine and Fisheries, to avoid this possible conflict, H.R. 9181 was introduced in the House so as to amend only the Northwest Atlantic Fisheries Act of 1950 leaving the proposed amendments to the North Pacific Fisheries Act of 1954 for consideration by the House Committee on Merchant Marine and Fisheries. For this reason, H.R. 9181 as passed by the House of Representatives with the technical and clerical amendments and subsequently referred to the Committee represents only that proposal which would amend the Northwest Atlantic Fisheries Act of 1950.

CONCLUSIONS AND RECOMMENDATIONS

The Northwest Atlantic fishery is important, not only to the New England fishing industry and the United States as a whole, but also to other nations of the world. If a maximum sustained catch is to be maintained, effective conservation and enforcement measures must be taken.

The two protocols which would be implemented by H.R. 9181 were initiated by the United States and supported by its fishing industry. The estimated cost of U.S. participation in the new enforcement scheme is nominal. No new policy would be involved by our participation in the new enforcement procedure as the United States is already a participant in four other fishing conventions which authorize international inspection by signatory nations.

Due to the fact the new enforcement procedures takes effect on July 1, 1971, it is essential that H.R. 9181 become law so that the United States can fully participate in and benefit from the scheme for joint international enforcement.

ORDER OF BUSINESS

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

I ask unanimous consent to modify my request so that the time be taken out of the time of the distinguished Senator from Wisconsin.

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

EMERGENCY LOAN GUARANTEE ACT

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate S. 2308, a bill to authorize emergency loan guarantees to major business enterprises.

The time between now and 10:30 this morning is to be equally divided between the distinguished Senator from Texas (Mr. TOWER) and the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Texas.

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time consumed be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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.

Mr. PROXMIRE. I yield myself such time as I may require.

Mr. President, the motion to call off debate on the $2 billion emergency loan guarantee bill for big business should be rejected. Those of us who oppose this bill

are willing, under reasonable circumstances, to agree to a time limit on debate. Yesterday, the Senator from Connecticut, the Senator from Ohio and I agreed to limit debate on the emergency guarantee bill and pending amendments if the floor managers would agree to reduce the guarantee authority to $250 million, which is the amount being sought by the Lockheed Aircraft Corp. This would limit the bill's assistance only to Lockheed Aircraft Corp., which was the position initially taken by the administration.

Yesterday afternoon, we reached a tentative agreement with the bill's floor managers—the Senator from Alabama (Mr. SPARKMAN) and the Senator from Texas (Mr. TOWER). Under this tentative agreement, we agreed to limit debate on all pending amendments to 30 minutes and debate on the bill to 1 hour, if the Senate approved an amendment reducing the guarantee authority from $2 billion to $250 million.

I believe this was a fair and reasonable offer on our part. It was made in good faith. It would have permitted an up or down vote on the Lockheed loan guarantee, which is the main reason why we are asked to act by the start of the recess. This vote could have occurred last night. It could have occurred this morning. It could still occur this afternoon if the backers of cloture would withdraw their petition. Unfortunately, the tentative agreement was rejected by the floor managers of the bill who are now seeking cloture.

If aid to the Lockheed Aircraft Corp. is so urgent, why are the sponsors of the legislation so anxious to avoid a simple up or down vote? We gave them a chance yesterday. They rejected it. So they must bear their big share of responsibility for dragging out debate on the bill by refusing to agree to a reasonable compromise.

It is difficult for me to understand why our offer was rejected. It would have permitted the Senate to decide the question of the Lockheed loan guarantee promptly. By insisting on a so-called generic bill, the floor managers are jeopardizing the Lockheed loan guarantee itself. We have been told repeatedly how urgent it is to approve the Lockheed guarantee to avoid putting the company into bankruptcy. And yet when the bill's proponents were given a chance to vote directly on the Lockheed loan, they rejected it.

It seems to me to be highly unfair for the proponents of the legislation to maintain a rigid, uncompromising position on the bill and expect the Senate to vote for cloture. Why are they so insistent on retaining the general, $2 billion guarantee authority in view of the overwhelming case against a generic bill?

The Under Secretary of Defense is strongly to a generic $2 billion bill. He said it would weaken our defense procurement system.

The Secretary of Defense admitted in a press conference that there was a difference of opinion within the administration on the need for a general bill.

The administration's original bill was confined only to Lockheed.

The Under Secretary of the Treasury testified that he knew of no companies other than Lockheed who are in need of Federal loan guarantee assistance.

The Secretary of the Treasury has testified that he will accept either a general bill or a Lockheed bill, but he is primarily interested in saving Lockheed. He testified in committee that he preferred a Lockheed-only bill.

All of the independent economists and legal scholars who testified were strongly opposed to a general bill.

The business community is overwhelming opposed to a general bill.

The Congress is sharply divided on the wisdom of a general bill—such a bill just squeaked through the House Banking Committee by a vote of 18 to 16.

Mr. President, if the managers of the bill are so concerned about saving Lockheed, why are they delaying a Senate vote by insisting upon a generic bill which has generated so much controversy, and only lukewarm support at best from the administration? Their position does not make any sense unless they are afraid the Senate will reject the Lockheed guarantee on a straight up or down vote. That is the real reason why we are voting on cloture today.

Mr. President, those who want to bail-out Lockheed are not willing to subject their proposal to a vote on the merits. Really, in a sense, it is they who are preventing the Senate from working its will.

Mr. President, those who are opposed to the generic bill are not conducting a filibuster. But we strongly feel that more debate is needed on this sweeping proposal which could do irreparable damage to the national economy. I believe that most Senators understand the Lockheed situation, but many Senators are unaware of the great harm which could be done to the national economy if we approve a $2 billion loan guarantee bill for big business. Our only chance is to educate the Senate through more discussion and debate, since only a small part of the hearings were focused on a general bill.

It has been charged that we are conducting a filibuster to kill Federal aid to Lockheed. Nothing could be farther from the truth. We have demonstrated our good faith on this question. We have agreed to a straight vote on Lockheed. It is the other side that is obstructing Senate action on Lockheed.

Mr. President, I hope the Senate will vote again to reject the cloture petition. I realize that a majority of the Senate wants to vote on the Lockheed question. I respect that majority opinion. In fact, I agree with it. I am ready to vote on Lockheed right now. But I am not ready to vote on an ill-conceived generic bill which could substantially weaken our free enterprise system.

Mr. President, by refusing to vote on the Lockheed question, the sponsors of the legislation have forfeited any legitimate argument they may have for cloture. By now, I think their reason for clinging to a generic bill should be painfully obvious. They apparently feel that a generic bill will make the Lockheed bailout more palatable and less odious. Are they worried that the Senate would reject a Lockheed bill but that it might vote for a general bill?

Mr. President, everyone in this Chamber knows that we have a Lockheed bill before us. The newspapers call it the Lockheed bill. The CONGRESSIONAL RECORD calls it the Lockheed bill. What is wrong with voting on a Lockheed bill if that is what it is? Is the concept of aid to a large corporation so repugnant that it has to be disguised, whitewashed, and concealed? Is the Lockheed pill so bitter that it has to be sugar coated before it can be swallowed by the Senate?

Mr. President, the integrity of the Senate is on trial. If we go ahead and invoke cloture and pass a $2 billion guarantee bill, we are not really kidding anyone but ourselves. If we want to bail out Lockheed, let us be honest enough and courageous enough to submit the proposition to the Senate for an up-or-down vote. Let us stop playing games with a generic bill tailored exclusively for one company. Let us call a spade a spade and get on with the Senate's business.

I urge the Senate to reject the cloture petition in order to convince the sponsors of the legislation to permit an up-or-down vote on Lockheed.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The Senator from Wisconsin is obviously trying to shift the blame for the filibuster onto the proponents of the bill. He says that great harm would be done to the national economy if we enact a generic bill. That is not the opinion of the Chairman of the Federal Reserve Board. He says:

> We have nothing that can prevent a national emergency or cause injury to the national economy from failure of a large and well-established and credit-worthy firm.

That was in his testimony on behalf of a generic bill.

The Senator from Wisconsin knows that the Senator from Ohio has an amendment that would, in effect, make this a straight Lockheed bill by reducing the amount to $250 million and, I believe, also provides for the abolition of congressional review by a majority of the Members of the Senate. If that amendment were to come to a vote, I think it would be rejected and we could get a test on that because the Senator from Ohio could direct consideration to the measure in bringing up his amendment and not vote it up or down.

One thing is clear, and that is that a majority of the Members of the Senate will vote for a generic bill because they believe that the broad authority should exist.

The Senator from Wisconsin has suggested that all of us who favor a generic bill are dishonest, that they do not have the courage to vote up or down on a straight Lockheed bill, that all of us—he is suggesting a majority of the Senate, if indeed a majority ever does get to vote for this measure—are dishonest——

Mr. PROXMIRE. Oh, no—no——

Mr. TOWER. That they want to bail

out Lockheed under the guise of doing something else. That was clear in the suggestion of the Senator from Wisconsin, and he knows it.

Mr. PROXMIRE. Oh, no—no—will the Senator from Texas yield at that point?

Mr. TOWER. I will not yield——

Mr. PROXMIRE. The Senator knows that is not true, that I did not say that——

Mr. TOWER. Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Texas declines to yield.

Mr. TOWER. The implication was plain. The Senator from Wisconsin says that this is sugar-coated Lockheed legislation; that we are not honest enough to get a straight vote on Lockheed and, therefore, we are forcing on people some sugar-coated legislation, that Senators who want to support Lockheed and do not want to vote for it can vote for a generic bill and, therefore, they are covered and they have an explanation. That is plain in what the Senator from Wisconsin said, and I reject that, because I believe that the Members of this body are honorable men, men of conviction and men capable of voting on the issues regardless of how tough they may be. They will bite the bullet and do the right thing regardless of what the appearances may be, regardless of what they consider to be the national interest.

I reject the reference that it is the proponents of the measure who are trying to prevent the Senate from having an opportunity to vote it up or down.

Now the Senator from Wisconsin may be successful in his filibuster and he may be able to prevent a vote on this before August 6, but let it be made clear that it is the opponents of the legislation, not the proponents, who are preventing the Senate from the privilege of voting on this issue.

Mr. GAMBRELL. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the Senator from Georgia such time as he may require.

Mr. GAMBRELL. Mr. President, I should like to say that the day before yesterday, the Senator from Wisconsin and the Senator from Connecticut spent virtually the entire day arguing against doing something special for Lockheed, and then had the temerity yesterday to call a press conference and offer a deal to do something special for Lockheed and ask for a vote just on Lockheed as a concession for giving limited time on the debate of the whole matter.

It seems to me that this is a rather devious approach and obviously an effort to so confuse the legislative purpose as to achieve their ultimate result, which is to defeat any loan to Lockheed or anyone else.

The proponents of the bill yesterday made a vigorous effort to determine if there were some way we could bring this entire debate to a close if it were seriously considered as to whether we could make some arrangement to terminate the debate on the issue in order to let the Senate get on with its important business.

I do not see that the Senator from Wisconsin can validly come before this body this morning and say that the proponents are trying to confuse the issue. The proponents are not willing to vote on the straight Lockheed bill. The vote on the original amendment by a vote of 60 to 35 showed that this Senate would have been willing to go forward with a bill that would benefit Lockheed, obviously. It would obviously give Lockheed an opportunity to qualify for a loan.

It seems to me clear on the record that the Senate is anxious to get on with the business of passing a bill that not only will give Lockheed an opportunity to qualify in the time that they have, but also will give other companies the same right to obtain credit assistance under this legislation.

I yield the floor.

Mr. PROXMIRE. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes remaining.

Mr. PROXMIRE. Mr. President, how many minutes remain to the Senator from Texas?

The PRESIDING OFFICER. The Senator from Texas has 11 minutes remaining.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Connecticut 3 minutes.

Mr. WEICKER. Mr. President, very briefly, in response to the comments that have been made, I think the headlines that appeared in the Baltimore Sun this morning best describe the situation that happened yesterday. That headline read "Lockheed Supporters Duck Vote." That is exactly what happened yesterday. The Lockheed supporters ducked a vote.

To the Senator from Georgia, it was made very clear by the Senator from Wisconsin, the Senator from Connecticut, and the Senator from Ohio that all we wanted to do was, not to advocate special legislation for Lockheed, but rather to get a bill on the floor of the Senate of the United States that told it as it was. And we were willing in order to achieve a degree of integrity in the legislation to give up our right to debate, making it very clear, that were the bill changed to such special legislation, we would vote against it. In fact, I was candid enough to make the observation at 10:30 in the morning, that were that compromise to be accepted by the proponents of the bill, it would weaken their position. When the whip counts were taken later in the day, that proved to be the case. Thus there was no attempt to get a bill on the floor to telling it as it is.

There has been no attempt to sidestep or evade the issue at all by the Senator from Wisconsin, the Senator from Connecticut, and the Senator from Ohio.

We felt at best that if we could succeed on the compromise, we could have a bill that told it as it was. Second, we would do away with any encroachment on the free enterprise system. And if the compromise was rejected, as it was, it would make it clear that Lockheed could not stand on its own feet.

The reason that the generic bill is more popular, I would imagine, than a bill directed only at Lockheed, is that there is the possibility in it of something for every State. That is a lot more appealing than the narrow mission of helping just the Lockheed Corp.

Mr. President, as to the charge of a filibuster, it is very clear as to who has been conducting a filibuster. First of all, the minute it became clear that the Stevenson amendment had a chance of being adopted, the proponents of the bill wanted to extend the debate.

We could have had a vote last night on the compromise. The compromise was rejected by the proponents of the bill. So, it appears clear that the headline appearing in this morning's Baltimore Sun "Lockheed Supporters Ducked Vote" is accurate.

I think it has been a sorry affair from the beginning. Last night it reached its lowest point.

I would hope that the Senate of the United States would allow the debate to continue today. I would hope that we would have an opportunity once again to put our heads together in order that we could dispense with the matter. However, let us dispense with the matter with eyes wide open and with the idea that whatever we do here will be looked upon with pride by the American people.

Mr. TOWER. Mr. President, we get the continuing suggestion here that Senators who would vote for a generic bill, but would not vote for a straight Lockheed bill, are personally dishonest and dishonorable——

Mr. WEICKER. Personal privilege. Nobody has made that statement.

Mr. TOWER. And have not the courage to vote for something as it appears to be. There is nothing hidden in this bill. It should be pretty obvious to everybody that Lockheed will benefit from it, so let us not say it is all covered up and we are not telling it like it is. We have been telling it like it is on this floor, or like what we think it is, for the last 2 weeks. The fact of the matter is we are not ducking the vote. We will vote on the issue right now this very minute.

The Senator from Ohio could have brought his amendment up yesterday afternoon. He chose not to. He could have gotten a vote on it then. We would have had a vote. I would have agreed to controlled time for the Senator from Ohio, and we could have determined whether or not there was going to be a straight Lockheed bill or not, but the amendment was not brought up. They have had adequate opportunity to bring that up over the past 10 days and have the time.

Mr. President, let us understand who is precisely responsible for ducking the issue. It is the other side because they know they do not have the votes, and

they are determined to filibuster this bill through the 6th of August.

Mr. PROXMIRE. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Wisconsin has 4 minutes remaining. The Senator from Texas has 9.

Mr. PROXMIRE. Mr. President, I yield the remainder of my time to the Senator from Ohio.

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. There is insufficient time remaining to the Senator from Wisconsin for a quorum call.

Mr. PROXMIRE. Mr. President, would the Senator from Texas permit us to have a quorum call out of his time so that I can discuss the matter with my colleague for no more than a minute.

Mr. TOWER. That is all right. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. It will take unanimous consent.

Mr. TOWER. Mr. President, I ask unanimous consent that I be permitted to suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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. TAFT. Mr. President, I think the issue that is before the Senate has become abundantly clear. The true issue is whether we are going to vote for authority that would permit a Government guarantee of a loan of $250 million to the Lockheed Corp.

That is what the public generally understands as the issue in this bill. That is basically the Senate's understanding. As a result of what happened yesterday, I think it has become abundantly clear that the Senate does not wish to take that position.

My amendment was not called up yesterday because I feel that the public generally has not gotten full word on what is in this bill. I think the general public should have an opportunity for a full discussion of this matter and become acquainted with the broad impact and implications that would be involved in passage of a generic bill.

It is said that we want a separate vote on the Lockheed issue. We do want a separate vote on the Lockheed issue, but I would like to suggest something else. I think we should have, and I favor, a separate vote on the generic issue without Lockheed in it. How that issue may arise, I am not certain.

The history of the situation in which we find ourselves now is that in committee—where we heard testimony almost entirely on the Lockheed issue—with some information on a generic bill at the end because of the suggestion of committee members—it was thought there were not sufficient votes to report a Lockheed bill. The switch was made to a generic bill, or switching from a $250 million guarantee to a $2 billion guarantee, putting in a little bait, it might be called, for Senators from other States and interests which might have a business threatened in their communities, so that they could get help from this bill. It was a combination of those two issues which permitted the bill to come from the committee.

We should try to work this out as was attempted yesterday, until it was found through a poll that the Senate would be against the Lockheed bill. I would like to see a separate generic bill brought up. What would have to be done would be to get the assurance of the leadership on both sides, which should not be too hard, for a separate generic bill at an early date, and take the amendment and get a separate vote on the Lockheed issue, and see if the vote goes up or down.

I have every confidence from the poll conducted yesterday by the sponsors that the Senate will not vote for the Lockheed issue. The Senate should also examine into whether there should be a separate vote on the generic bill without the Lockheed issue involved. To some extent, this was the same issue involved in the Stevenson amendment, but I do not think it was understood that it was. At a later time I hope to bring that issue before the Senate and point out that they should have an opportunity to stand up and tell the country whether or not they think this separate loan authority, disregarding the Lockheed Corp., should be provided.

The basic impact of the statement of the Chairman of the Federal Reserve Board was that authority of this sort is needed to handle temporarily liquidated corporations, such as we have had in this country in the past 2 or 3 years. That is not what is involved in this bill.

Mr. TOWER. Mr. President, I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be permitted to meet during the session of the Senate today.

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

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize loan guarantees to major business enterprises.

Mr. BYRD of West Virginia. Mr. President, if neither side wishes to speak further, or has time, I suggest the time be yielded back; and I ask unanimous consent that the mandatory quorum call begin to run now.

Mr. TOWER. I yield back the remainder of my time.

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

CLOTURE MOTION

The PRESIDING OFFICER (Mr. STEVENSON). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read the cloture motion as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

John Tower, Bill Brock, Henry Jackson, Alan Cranston, William Saxbe, Jacob Javits, Hugh Scott, John Tunney, Wallace Bennett, Marlow W. Cook, Clifford P. Hansen, Henry Bellmon, Charles Percy, Richard S. Schweiker, Charles Mathias, and Robert Griffin.

CALL OF THE ROLL

The PRESIDING OFFICER. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll, and the following Senators answered to their names.

[No. 177 Leg.]

Aiken	Ellender	Prouty
Allen	Ervin	Proxmire
Bellmon	Gambrell	Randolph
Bentsen	Goldwater	Ribicoff
Boggs	Griffin	Schweiker
Brock	Hruska	Scott
Burdick	Hughes	Smith
Byrd, W. Va.	Mansfield	Sparkman
Cannon	Mathias	Stennis
Chiles	McGee	Stevenson
Cotton	McIntyre	Taft
Cranston	Metcalf	Tower
Dominick	Montoya	Weicker
Eastland	Pell	Young

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana (putting the question).

The motion is agreed to, and the Sergeant at Arms is directed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names.

Allott	Brooke	Cooper
Anderson	Buckley	Curtis
Baker	Byrd, Va.	Dole
Beall	Case	Eagleton
Bennett	Church	Fannin
Bible	Cook	Fong

Fulbright	Jordan, Idaho	Pearson
Gravel	Kennedy	Percy
Gurney	Long	Roth
Hansen	Magnuson	Saxbe
Harris	McClellan	Spong
Hart	Miller	Stevens
Hartke	Mondale	Symington
Hollings	Moss	Talmadge
Inouye	Muskie	Thurmond
Javits	Nelson	Tunney
Jordan, N.C.	Packwood	Williams

The PRESIDING OFFICER (Mr. STEVENSON). A quorum is present.

The question is, Is it the sense of the Senate that debate on the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises shall be brought to a close?

On this question, the yeas and nays are mandatory under the rule, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PELL. On this vote I have a pair with the senior Senator from Oregon (Mr. HATFIELD). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. RIBICOFF (when his name was called). On this vote I have a pair with the Senator from Oregon (Mr. HATFIELD). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. MOSS. On this vote I have a pair with the Senator from Rhode Island (Mr. PASTORE) and the Senator from Indiana (Mr. BAYH). If they were present and voting, they would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. MOSS subsequently said: Mr. President, in announcing my pair, I believe I announced it incorrectly. I have a pair with the Senator from Washington (Mr. JACKSON) and the Senator from Indiana (Mr. BAYH). If they were present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea" and the Senator from Indiana (Mr. BAYH) would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PASTORE), are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), would vote "yea."

I also announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PASTORE), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent and his pair has been previously announced.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The yeas and nays resulted—yeas 53, nays 37, as follows:

[No. 178 Leg.]

YEAS—53

Allott	Fannin	Packwood
Anderson	Fong	Pearson
Baker	Gambrell	Percy
Beall	Goldwater	Prouty
Bellmon	Griffin	Randolph
Bennett	Gurney	Roth
Bentsen	Hansen	Saxbe
Boggs	Hollings	Schweiker
Brock	Hruska	Scott
Byrd, W. Va.	Hughes	Smith
Case	Inouye	Sparkman
Cook	Javits	Stevens
Cooper	Jordan, Idaho	Talmadge
Cotton	Magnuson	Thurmond
Cranston	Mathias	Tower
Curtis	McIntyre	Tunney
Dole	Miller	Young
Dominick	Montoya	

NAYS—37

Aiken	Ervin	Mondale
Allen	Fulbright	Muskie
Bible	Gravel	Nelson
Brooke	Harris	Proxmire
Buckley	Hart	Spong
Burdick	Hartke	Stennis
Byrd, Va.	Jordan, N.C.	Stevenson
Cannon	Kennedy	Symington
Chiles	Long	Taft
Church	Mansfield	Weicker
Eagleton	McClellan	Williams
Eastland	McGee	
Ellender	Metcalf	

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—3

Moss, for.
Pell, for.
Ribicoff, for.

NOT VOTING—7

Bayh	Jackson	Pastore
Hatfield	McGovern	
Humphrey	Mundt	

The PRESIDING OFFICER. On this vote, the yeas are 53 and the nays are 37. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Mr. TOWER. Mr. President, I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. Under rule XXII, the clerk will state the motion.

The assistant legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

John Tower, Hugh Scott, William B. Saxbe, David H. Gambrell, Robert P. Griffin, Alan Cranston;
Bill Brock, Charles McC. Mathias, Henry Bellmon, Marlow W. Cook, Gordon Allott, Howard H. Baker Jr.;
John V. Tunney, Glenn Beall, Robert Dole, Jacob Javits, Wallace F. Bennett, Charles Percy.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1972

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous unanimous-consent agreement, the Chair lays before the Senate H.R. 10061, the Labor-HEW appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 10061) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, 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 which had been reported from the Committee on Appropriations with amendments.

Mr. MAGNUSON. Mr. President, may we have order?

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, time for debate is under control.

Who yields time?

Mr. MAGNUSON. Mr. President, it is impossible to hear what the Chair is saying.

The PRESIDING OFFICER. The Senate will be in order. The Chair recognizes the Senator from Washington.

Mr. MAGNUSON. Mr. President, I should like to present the usual motion and ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text for purpose of further amendment, provided that no point of order shall be considered to have been waived by reason thereof.

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

The amendments agreed to en bloc are as follows:

On page 2, line 15, after "1973", insert a colon and *"Provided further,* That $20,000,000 of this appropriation shall be used by the Office of Economic Opportunity to finance Emergency Food and Medical Services programs in eligible areas of exceedingly high unemployment, as defined in section 6 of the Emergency Employment Assistance Act of 1971, to be reimbursed to the Manpower Training Services Appropriation by the Office of Economic Opportunity immediately upon enactment of an appropriation Act for the Office of Economic Opportunity in fiscal year 1972.

On page 5, line 26, after the word "rendered", strike out "$81,391,000" and insert "$91,391,000".

On page 7, at the beginning of line 12, strike out "$35,500,000" and insert "$36,750,000".

On page 9, line 14, after "(Public Law 89–793)", strike out "$581,201,000" and insert "$658,201,000"; and, in line 15, after the word "Which", strike out "$55,193,000" and insert "$194,993,000".

On page 10, at the beginning of line 13, strike out "$312,753,000" and insert "$329,652,000".

On page 10, line 23, after the word "Act", strike out "$326,651,000" and insert "$333,651,000".

On page 11, line 7, after the word "Act", strike out "$82,771,000" and insert "$122,771,000".

On page 12, line 1, after the word "countries", strike out "when required by the law of such countries;"; and in line 4, after the word "aircraft", strike out "$94,425,000" and insert "$99,840,000".

On page 12, line 13, after "(42 U.S.C. 2681-2687)", strike out "$266,704,000" and insert "$281,704,000"; and, in line 17, after the word "facilities;", insert "$8,300,000 for grants and $6,700,000 for loans shall remain available until expended for hospital experimentation projects pursuant to section 304 and

section 643A of the Public Health Service Act;".

On page 13, line 19, after "(42 U.S.C. 253a)", strike out "$85,700,000" and insert "$96,682,000".

On page 14, line 24, strike out "$8,956,000" and insert "$9,755,000".

On page 15, line 3, after the word "Act", strike out "$237,531,000" and insert "$258,233,000".

On page 15, line 8, after the word "Act" strike out "$211,624,000" and insert "$252,590,000".

On page 15, line 12, strike out "$41,828,000" and insert "$44,948,000".

On page 15, line 17, after the word "diseases", strike out "$148,204,000" and insert "$163,629,000".

On page 15, line 23, after the word "stroke", strike out "$108,590,000" and insert "$139,187,000".

On page 16, line 5, after the word "diseases", strike out "$106,662,000" and insert "$112,979,000".

On page 16, line 12, after the word "research", strike out "$168,490,000" and insert "$179,318,000".

On page 16, line 17, after the word "development", strike out "$109,668,000" and insert "$126,093,000".

On page 16, line 22, after the word "disorders", strike out "$36,022,000" and insert "$40,187,000".

On page 17, line 5, after the word "sciences", strike out "$26,436,000" and insert "$31,991,000".

On page 17, line 10, after the word "resources", strike out "$71,948,000" and insert "$75,948,000".

On page 17, line 14, after the word "Sciencies", strike out "$3,763,000"and insert "$4,288,000".

On page 17, after line 17, insert:

"HEALTH MANPOWER

"To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, 422 with respect to training grants title VII, and title VIII of the Public Health Service Act, $206,306,000, and an additional $5,000,000 to carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, 91st Congress)."

On page 18, line 8, after the word "Act", strike out "$22,781,000" and insert "$25,086,000".

On page 18, line 14, after the word "provided", strike out "$3,565,000" and insert "$5,065,000".

On page 18, line 18, after the word "Health", strike out "$11,442,000" and insert "$11,792,000".

On page 20, line 20, after the word "of", strike out "$55,212,000" and insert "$60,700,000".

On page 22, line 22, after the word "parts", insert "B"; in line 24, after the word "Act", strike out "$688,836,000" and insert "$670,551,000"; in the same line, after the word "which", strike out "$575,000,000" and insert "$560,000,000"; on page 23, at the beginning of line 3, strike out "$15,000,000" and insert "$12,500,000"; in line 5, after the word "and", strike out "$30,000,000" and insert "$21,715,000"; and, in line 8, after the semicolon insert "$5,000,000 for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended:".

On page 24, line 3, after "1965", strike out "$33,700,000" and insert "$44,200,000".

On page 24, after line 3, insert:

"YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION

"For carrying out, except as otherwise provided, the Juvenile Delinquency Prevention and Control Act of 1968, $15,000,000."

On page 24, line 14, after "(74 Stat. 364)", strike out "$99,163,000" and insert "$100,140,000".

On page 25, line 6, after the word "Service", strike out "$39,537,000" and insert "$40,481,000".

On page 28, line 6, after the word "Youth", strike out "$14,251,000" and insert "$16,251,000".

On page 32, line 21, after the word "of", where it appears the second time, strike out "$600,000,000" and insert "$580,000,000".

On page 32, after line 21, insert a new section, as follows:

"SEC. 209. None of the funds contained in this title may be used for payments to any State for fiscal year 1972 for services, staff training, and administrative expenses under titles I, IV (part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceed 115 percent of the aggregate amount estimated for these purposes for such State for fiscal year 1971."

On page 33, after line 5, insert:

"NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

"SALARIES AND EXPENSES

"For necessary expenses of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345), $200,000."

On page 33, after line 11, insert:

"NATIONAL COMMISSION ON MARIHUANA AND DRUG ABUSE

"SALARIES AND EXPENSES

"For necessary expenses of the National Commission on Marihuana and Drug Abuse, authorized by section 601 of the Act of October 27, 1970 (Public Law 91–513), as amended by the Act of May 24, 1971 (Public Law 92–13), $1,228,000 to remain available until expended."

On page 35, after line 4, insert:

"COMMISSION ON RAILROAD RETIREMENT

"SALARIES AND EXPENSES

"For necessary expenses of the Commission on Railroad Retirement, established by the Act of August 12, 1970 (Public Law 91–337), $483,000: *Provided*, That the unobligated balance of the appropriation granted under this heading for the fiscal year 1971 shall remain available during the current fiscal year."

Mr. MAGNUSON. Mr. President, at this point also, in order to facilitate a study of the committee recommendations by Members of the Senate, their staffs, and others, I ask unanimous consent to have printed in the RECORD a table and summary which shows in detail the progress of the bill and the figures up to date.

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

Departments of Labor-Health, Education, and Welfare and Related Agencies, 1972 (H.R. 10061)

SUMMARY OF BILLS

Budget estimates, 1972, including unauthorized amounts and Emergency Employment Assistance	$23,598,753,000
Budget estimates, 1972, excluding unauthorized amounts and Emergency Employment Assistance	20,223,638,000
House Committee recommendations	20,364,746,000
House passed bill	20,461,247,000
Senate Committee recommendations	21,032,725,000
The bill as reported to the Senate:	
Total increases recommended by committee over House allowance	+571,478,000
Under the included estimates	−2,566,028,000
Over the excluded estimates	−2,566,028,000

Items included in the $571,478,000 increases recommended:

LABOR	
Workplace Standards Administration, salaries and expenses	+$10,000,000
Bureau of Labor Statistics, salaries and expenses	+1,250,000
HEALTH, EDUCATION, AND WELFARE	
Health Services and Mental Health Administration:	
Mental health	+77,000,000
Comprehensive health planning and services	+16,899,000
Maternal and child health	+7,000,000
Regional medical programs	+40,000,000
Disease control	+5,415,000
Medical facilities construction	+15,000,000
Patient care and special health service	+10,982,000
National Institutes of Health:	
Division of biologist standards	+799,000
National Cancer Institute	+20,702,000
National Heart and Lung Institute	+40,966,000
National Institute of Dental Research	+3,120,000
National Institute of Arthritis and Metabolic Diseases	+15,425,000
National Institute of Neurological Diseases and Stroke	+30,597,000
National Institute of Allergy and Infectious Disease	+6,317,000
National Institute of General Medical Sciences	+10,828,000
National Institute of Child Health and Human Development	+16,425,000
National Eye Institute	+4,165,000
National Institute of Environmental Health Sciences	+5,555,000
Research resources	+4,000,000
John E. Fogarty International Center for Advanced Study in Health Sciences	+525,000
Health manpower	+211,306,000
National Library of Medicine	+2,805,000
Buildings and facilities	+1,500,000
Office of the director	+350,000
Social and Rehabilitation Service:	
Special programs for the aging	+10,500,000
Youth development and delinquency prevention	+15,000,000
Research and training	+977,000
Salaries and expenses	+944,000
Office of Child Development	+2,000,000
RELATED AGENCIES	
National Commission on Libraries and Information Science, salaries and expenses	+200,000
National Commission on Marihuana and Drug Abuse, salaries and expenses	+1,228,000
Commission on Railroad Retirement, salaries and expenses	+483,000
DECREASES	
Social and Rehabilitation Service, rehabilitation services and facilities, basic State grants	−18,285,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972

TITLE I U.S. DEPARTMENT OF LABOR

Appropriation/activity	1971 comparable [1] [2]	1972 Budget estimate [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
MANPOWER ADMINISTRATION, SALARIES AND EXPENSES [4]							
Planning, research and evaluation	$4,628,500	$5,034,300	$4,685,000	$4,685,000	+$56,500	−$349,300	
Training program development and administration:							
Training and employment	18,575,455	34,641,900	9,554,800	9,554,800	−9,020,655	−25,087,100	
Trust fund transfer	*(13,023,700)*		*(13,547,500)*	*(13,547,500)*	*(+523,800)*	*(+13,547,500)*	
Job Corps direction	10,059,800	10,292,600			−10,059,800	−10,292,600	
Institutional training administration	2,711,200	2,784,300	2,784,300	2,784,300	+73,100		
Apprenticeship services	7,408,686	8,150,800	8,150,800	8,150,800	+742,114		
Unemployment insurance	81,700	7,485,500	491,500	491,500	+409,800	−6,994,000	
Trust fund transfer	*(5,629,000)*		*(6,994,000)*	*(6,994,000)*	*(+1,365,000)*	*(+6,994,000)*	
Civil Rights compliance	88,900	833,500	85,400	85,400	−3,500	−748,100	
Trust fund transfer	*(672,700)*		*(716,700)*	*(716,700)*	*(+44,000)*	*(+716,700)*	
Executive direction:							
General administration	3,925,600	4,383,400	2,332,700	2,332,700	−1,592,900	−2,050,700	
Trust fund transfer	*(420,900)*		*(596,100)*	*(596,100)*	*(+175,800)*	*(+596,100)*	
Financial and management services	4,792,159	7,582,100	3,146,400	3,146,400	−1,645,759	−4,435,700	
Trust fund transfer	*(2,476,100)*		*(2,267,600)*	*(2,267,600)*	*(−208,500)*	*(+2,267,600)*	
Manpower management data systems	3,597,600	8,533,600	6,337,100	6,337,100	+2,739,500	−2,196,500	
Trust fund transfer	*(1,633,200)*		*(1,725,100)*	*(1,725,100)*	*(+91,900)*	*(+1,725,100)*	
Total, Manpower Administration, salaries and expenses	55,869,600	[23] 89,722,000	[37] 37,568,000	[37] 37,568,000	−18,301,600	−52,154,000	
Total, trust fund transfers	*(23,855,000)*		*(25,847,000)*	*(25,847,000)*	*(+1,992,000)*	*(+25,847,000)*	
Total available	79,724,600	89,722,000	63,415,000	63,415,000	−16,309,600	−26,307,000	
EMERGENCY EMPLOYMENT ASSISTANCE							
Emergency employment assistance		983,419,000				−983,419,000	
Federal support		16,581,000				−16,581,000	
Total, emergency employment assistance		1,000,000,000	(44)	(44)	(44)	[44] −1,000,000,000	(44)
MANPOWER TRAINING SERVICES [5]							
Private sector, on-the-job training	260,700,000	260,500,000	260,500,000	260,500,000	−200,000		
Public sector, on-the-job training	126,800,000	125,800,000	35,400,000	35,400,000	−91,400,000	−90,400,000	
Institutional training:							
Regular	327,576,000	324,852,000	324,852,000	324,852,000	−2,724,000		
Job Corps	156,735,000	197,197,000			−156,735,000	−197,197,000	
Inschool work support	329,800,000	235,500,000			−329,800,000	−235,500,000	
Postschool work support:							
Operation Mainstream	38,800,000	38,800,000			−38,800,000	−38,800,000	
Out of school	127,000,000	127,000,000			−127,000,000	−127,000,000	
Special targeting	177,900,000	172,800,000	52,000,000	52,000,000	−125,900,000	−120,800,000	
Computerized job placement	22,274,000	22,274,000	22,274,000	22,274,000			
Program support	55,412,000	61,673,000	53,773,000	53,773,000	−1,639,000	−7,900,000	
Total, manpower training services	[7] 1,622,997,000	[10] 1,566,396,000	[38] 748,799,000	[38] 748,799,000	−874,198,000	−817,597,000	
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES [6]							
Payments to Federal employees	84,400,000	80,000,000	80,000,000	80,000,000	−4,400,000		
Payments to ex-servicemen	220,775,000	174,500,000	174,500,000	174,500,000	−46,275,000		

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

TITLE I—U.S. DEPARTMENT OF LABOR—Continued

Appropriation/activity	1971 Comparable [1] [2]	1972 Budget Estimate [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES—Continued							
Trade adjustments assistance	$11,905,000	$20,000,000	$20,000,000	$20,000,000	+$8,095,000		
Total, Federal unemployment benefits and allowances	[7] 317,080,000	274,500,000	274,500,000	274,500,000	−42,580,000		
Limitation on Grants to States for Unemployment Insurance and Employment Services [8]							
Unemployment insurance service	*(369,047,000)*	*(411,000,000)*	*(411,000,000)*	*(411,000,000)*	*(+41,953,000)*		
Employment Service	*(374,453,000)*	*(395,000,000)*	*(395,000,000)*	*(395,000,000)*	*(+20,547,000)*		
Total, Limitation on Grants to States for Unemployment Insurance and Employment Services	*(743,500,000)*	*(806,000,000)*	*(806,000,000)*	*(806,000,000)*	*(+62,500,000)*		
Subtotal, Manpower Administration—Federal funds	[7] 1,995,946,600	2,930,618,000	1,060,867,000	1,060,867,000	−935,079,600	$1,869,751,000	
Subtotal, Manpower Administration—Trust	*(767,855,000)*	*(806,000,000)*	*(831,847,000)*	*(831,847,000)*	*(+64,492,000)*	*(+25,847,000)*	
Total, Manpower Administration	2,763,301,600	3,736,618,000	1,892,714,000	1,892,714,000	−870,587,600	−1,843,904,000	
LABOR-MANAGEMENT SERVICES ADMINISTRATION							
Labor-management relations services	536,900	788,000	788,000	788,000	+251,100		
Labor-management policy development	1,015,100	1,363,300	1,363,300	1,363,300	+348,200		
Administration of reporting and disclosure laws	11,173,111	12,938,778	12,938,778	12,938,778	+1,765,667		
Veterans' reemployment rights	1,744,527	2,042,229	2,042,229	2,042,229	+297,702		
Federal labor-management relations	1,937,000	4,274,373	4,274,373	4,274,373	+2,337,373		
Executive direction and administrative services	1,228,120	1,391,320	1,391,320	1,391,320	+163,200		
Total, Labor-Management Services Administration	[7] 17,634,758	22,798,000	22,798,000	22,798,000	+5,163,242		
WORKPLACE STANDARDS ADMINISTRATION							
Improving and protecting wages of the Nation's workers	25,831,316	28,157,000	28,157,000	28,157,000	+2,325,684		
Government contract wage standards	2,283,900	2,664,800	2,664,800	2,664,800	+380,900		
Improving safety and other working conditions of workers	14,778,396	32,541,300	32,541,300	42,541,300	+27,762,904	+10,000,000	+$10,000,000
Advancing opportunities and status of women	1,177,200	1,394,900	1,394,900	1,394,900	+217,700		
Federal contract compliance	1,604,900	2,705,800	2,705,800	2,705,800	+1,100,900		
Workmen's compensation	[9] 7,337,000	8,184,400	8,184,400	8,184,400	+847,400		
Program development and administration	5,020,400	5,742,800	5,742,800	5,742,800	+722,400		
Total, Workplace Standards Administration	[7] 58,033,112	81,391,000	81,391,000	91,391,000	+33,357,888	+10,000,000	+10,000,000
FEDERAL WORKMEN'S COMPENSATION BENEFITS							
Federal civilian employees benefits	95,627,200	75,600,000	75,600,000	75,600,000	−20,027,200		
Armed Forces reservists benefits	10,775,000	9,500,000	9,500,000	9,500,000	−1,275,000		
War Claims Act benefits	400,000	400,000	400,000	400,000			
Other benefits	2,997,800	4,500,000	4,500,000	4,500,000	+1,502,200		
Total, Federal workmen's compensation benefits	109,800,000	90,000,000	90,000,000	90,000,000	−19,800,000		
BUREAU OF LABOR STATISTICS							
Manpower and employment	10,036,200	12,521,500	11,271,500	12,521,500	+2,485,300		+1,250,000
Prices and cost of living	4,476,300	5,594,000	5,119,000	5,119,000	+642,700	−475,000	
Wages and industrial relations	4,266,200	5,841,800	5,430,800	5,430,800	+1,164,600	−411,000	
Productivity, technology and growth	1,831,500	2,003,200	2,003,200	2,003,200	+171,700		
Foreign labor and trade	548,300	590,500	590,500	590,500	+42,200		
Executive direction and staff services	5,417,600	6,775,500	6,775,000	6,775,000	+1,357,400	−500	
Revision of the consumer price index	1,587,100	4,309,500	4,310,000	4,310,000	+2,722,900	+500	
Total, Bureau of Labor Statistics	28,163,200	[10] 37,636,000	35,500,000	36,750,000	+8,586,800	−886,000	+1,250,000

Footnotes at end of table.

Appropriation/activity	1971 Comparable [1] [2]	1972 Budget Estimate [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
BUREAU OF INTERNATIONAL LABOR AFFAIRS							
International organizations affairs	$237,200	$258,400	$258,400	$258,400	+$21,200		
Foreign labor and manpower policy and program development	389,900	439,900	439,900	439,900	+50,000		
Labor and manpower technical services	150,100	203,800	203,800	203,800	+53,700		
Trade negotiations and economic policy development	586,400	630,300	630,300	630,300	+43,900		
Executive direction and management services	426,200	463,600	463,600	463,600	+37,400		
Total, Bureau of International Labor Affairs	1,789,800	1,996,000	1,996,000	1,996,000	+206,200		
SPECIAL FOREIGN CURRENCY							
Overseas labor conference support	75,000	300,000	100,000	100,000	+25,000	−$200,000	
Overseas labor and manpower technical cooperation		225,000				−225,000	
Total, Special Foreign Currency	75,000	525,000	100,000	100,000	+25,000	−425,000	
OFFICE OF THE SOLICITOR							
Fair labor standards	681,400	725,010	725,010	725,010	+43,610		
General legal services	904,860	960,146	960,146	960,146	+55,286		
Manpower legal services	551,300	746,220	589,220	589,220	+37,920	−157,000	
Trust fund transfer	*(157,000)*		*(157,000)*	*(157,000)*		*(+157,000)*	
Legislation and legal counsel	396,040	421,894	421,894	421,894	+25,854		
Labor-management laws	446,140	479,464	479,464	479,464	+33,324		
Labor relations and civil rights	732,400	772,220	772,220	772,220	+39,820		
Field legal services	2,826,940	3,211,794	3,211,794	3,211,794	+384,854		
Administrative and management services	479,520	534,252	534,252	534,252	+54,732		
Total, Office of the Solicitor, salaries and expenses	7,018,600	7,851,000	7,694,000	7,694,000	+675,400	−157,000	
Total, trust fund transfers	*(157,000)*		*(157,000)*	*(157,000)*		*(+157,000)*	
Total available	7,175,600	7,851,000	7,851,000	7,851,000	+675,400		
OFFICE OF THE SECRETARY							
Executive direction	3,009,700	3,458,600	3,458,600	3,458,600	+448,900		
Management and central services	7,224,411	6,666,000	6,051,000	6,051,000	−1,173,411	−615,000	
Trust fund transfer	*(615,000)*		*(615,000)*	*(615,000)*		*(+615,000)*	
Appeals from determinations of Federal employee claims	187,700	197,400	197,400	197,400	+9,700		
Promoting employment of the handicapped	722,000	760,000	860,000	860,000	+138,000	+100,000	
Total, Office of the Secretary, salaries and expenses	11,143,811	11,082,000	10,567,000	10,567,000	−576,811	−515,000	
Total, trust fund transfers	*(615,000)*		*(615,000)*	*(615,000)*		*(+615,000)*	
Total available	11,758,811	11,082,000	11,182,000	11,182,000	−576,811	+100,000	
Total appropriations, Department of Labor	[7] 2,229,604,881	[10] 3,183,897,000	1,310,913,000	1,322,163,000	−907,441,881	−1,861,734,000	+$11,250,000
Total trust funds	*(768,127,000)*	*(806,000,000)*	*(832,619,000)*	*(832,619,000)*	*(+64,492,000)*	*(26,619,000)*	
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION							
MENTAL HEALTH							
1. Research:							
(a) Grants	$90,600,000	$92,400,000	$92,400,000	$94,400,000	+$3,800,000	+$2,000,000	+$2,000,000
(b) Direct operations	26,573,000	28,059,000	28,059,000	28,059,000	+1,486,000		
Subtotal	117,173,000	120,459,000	120,459,000	122,459,000	+5,286,000	+2,000,000	+2,000,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Appropriation/activity	1971 Comparable [1] [2]	1972 Budget Estimate [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued							
MENTAL HEALTH—continued							
2. Manpower development:							
(a) Grants	$116,350,000	$113,300,000	$120,050,000	$120,050,000	+$3,700,000	+$6,750,000	
(b) Direct operations	5,832,000	6,365,000	6,365,000	6,365,000	+533,000		
Subtotal	122,182,000	119,665,000	126,415,000	126,415,000	+4,233,000	+6,750,000	
3. State and community assistance:							
(a) Community mental health centers:							
(1) Construction			10,000,000	20,000,000	+20,000,000	+20,000,000	+$10,000,000
(Obligations)	(27,678,000)		(10,000,000)	(20,000,000)	(−7,678,000)	(+20,000,000)	(+10,000,000)
(2) Staffing	90,100,000	105,100,000	135,100,000	145,100,000	+55,000,000	+40,000,000	+10,000,000
Subtotal	90,100,000	105,100,000	145,100,000	165,100,000	+75,000,000	+60,000,000	+20,000,000
(b) Narcotic addiction and alcoholism programs	21,595,000	45,193,000	70,193,000	125,193,000	+103,598,000	+80,000,000	+55,000,000
(c) Mental health of children			10,000,000	10,000,000	+10,000,000	+10,000,000	
(d) Direct operations	3,478,000	6,459,000	6,459,000	6,459,000	+2,981,000		
Subtotal	115,173,000	156,752,000	231,752,000	306,752,000	+191,579,000	+150,000,000	+75,000,000
4. Drug abuse initiative		67,000,000	67,000,000	67,000,000	+67,000,000		
5. Rehabilitation of drug abusers	20,584,000	21,323,000	21,323,000	21,323,000	+739,000		
6. Program support	13,460,000	14,252,000	14,252,000	14,252,000	+792,000		
Total, mental health	388,572,000	[25] 499,451,000	581,201,000	658,201,000	+269,629,000	+158,750,000	+77,000,000
SAINT ELIZABETHS HOSPITAL (INDEFINITE)	22,848,000	23,144,000	23,144,000	23,144,000	+296,000		
(Obligations)	(45,327,000)	(49,709,000)	(49,709,000)	(49,709,000)	(+4,382,000)		
HEALTH SERVICES RESEARCH AND DEVELOPMENT	57,678,000	62,070,000	62,070,000	62,070,000	+4,392,000		
COMPREHENSIVE HEALTH PLANNING AND SERVICES							
1. Partnership for health:							
(a) Grants:							
(1) Planning	22,000,000	25,000,000	25,000,000	25,000,000	+3,000,000		
(2) Formula	90,000,000	100,000,000	90,000,000	95,000,000	+5,000,000	−5,000,000	+5,000,000
(3) Project	108,813,000	133,713,000	153,713,000	+158,713,000	+49,900,000	+25,000,000	+5,000,000
Subtotal	220,813,000	258,713,000	268,713,000	278,713,000	+57,900,000	+20,000,000	+10,000,000
(b) Direct operations	8,234,000	10,919,000	10,919,000	10,919,000	+2,685,000		
Subtotal	229,047,000	269,632,000	279,632,000	289,632,000	+60,585,000	+20,000,000	+10,000,000
2. Migrant health	15,062,000	18,101,000	18,101,000	20,000,000	+4,938,000	+1,899,000	+1,899,000
3. National Health Service Corps	3,000,000	10,000,000	10,000,000	15,000,000	+12,000,000	+5,000,000	+5,000,000
4. Medical care standards and implementation	6,691,000	7,068,000	7,068,000	7,068,000	+377,000		
5. Program direction and management services	2,395,000	2,471,000	2,471,000	2,471,000	+76,000		
Total	256,195,000	307,272,000	317,272,000	334,171,000	+77,976,000	+26,899,000	+16,899,000
Less: trust fund transfer	−4,519,000	−4,519,000	−4,519,000	−4,519,000			
Total appropriation	251,676,000	[26] 302,753,000	312,753,000	329,652,000	+77,976,000	+26,899,000	+16,899,000
MATERNAL AND CHILD HEALTH							
1. Formula grants	117,850,000	119,650,000	119,650,000	123,394,000	+5,544,000	+3,744,000	+3,744,000
2. Project grants	83,350,000	90,380,000	90,380,000	93,636,000	+10,286,000	+3,256,000	+3,256,000
3. Research and training	16,935,000	21,106,000	21,106,000	21,106,000	+4,171,000		
4. Program management	4,083,000	4,477,000	4,477,000	4,477,000	+394,000		

Footnotes at end of table.

Appropriation/activity	1971 Comparable [1] [2]	1972 Budget Estimate [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
MATERNAL AND CHILD HEALTH—Continued							
5. Family planning services:							
(a) Grants and contracts	$37,765,000	$88,815,000	$88,815,000	$88,815,000	+$51,050,000	----------	----------
(b) Direct operations	1,510,000	2,223,000	2,223,000	2,223,000	+713,000	----------	----------
Subtotal	39,275,000	91,038,000	91,038,000	91,038,000	+51,763,000	----------	----------
Total	261,493,000	326,651,000	326,651,000	333,651,000	+72,158,000	+$7,000,000	+$7,000,000
REGIONAL MEDICAL PROGRAMS							
1. Grants	99,500,000	40,500,000	70,500,000	110,500,000	+11,000,000	+70,000,000	+40,000,000
(Obligations)	(70,298,000)	(75,104,000)	(115,104,000)	(155,104,000)	(+84,806,000)	(+80,000,000)	(+40,000,000)
2. Technical assistance and disease control	8,811,000	8,883,000	8,883,000	8,883,000	+72,000	----------	----------
3. Program management	3,297,000	3,388,000	3,388,000	3,388,000	+91,000	----------	----------
Total	111,608,000	52,771,000	82,771,000	122,771,000	+11,163,000	+70,000,000	+40,000,000
DISEASE CONTROL							
1. Prevention and control	39,496,000	38,500,000	38,500,000	38,500,000	−996,000	----------	----------
2. Laboratory improvement	7,461,000	7,788,000	7,788,000	7,788,000	+327,000	----------	----------
3. Occupational health	17,662,000	25,216,000	25,216,000	26,966,000	+9,304,000	+1,750,000	+1,750,000
4. Radiological health	10,377,000	11,574,000	11,574,000	11,574,000	+1,197,000	----------	----------
5. Community environmental management	4,962,000	5,875,000	8,875,000	12,540,000	+7,578,000	+6,665,000	+3,665,000
6. Program direction	2,382,000	2,472,000	2,472,000	2,472,000	+90,000	----------	----------
Total	82,340,000	[27] 91,425,000	94,425,000	99,840,000	+17,500,000	+8,415,000	+5,415,000
MEDICAL FACILITIES CONSTRUCTION							
1. Construction grants:							
(a) Hospitals and public health centers	16,400,000	----------	16,400,000	16,400,000	----------	+16,400,000	----------
(b) Long-term care facilities	20,800,000	----------	20,800,000	20,800,000	----------	+20,800,000	----------
(c) Outpatient facilities	70,000,000	70,000,000	70,000,000	70,000,000	----------	----------	----------
(d) Rehabilitation facilities	15,000,000	15,000,000	15,000,000	15,000,000	----------	----------	----------
(e) Modernization	50,000,000	----------	50,000,000	50,000,000	----------	+50,000,000	----------
Subtotal	172,200,000	85,000,000	172,200,000	172,200,000	----------	+87,200,000	----------
2. Direct loans	30,000,000	30,000,000	30,000,000	30,000,000	----------	----------	----------
3. Interest subsidies	5,000,000	20,300,000	20,300,000	20,300,000	+15,300,000	----------	----------
(New loans subsidized)	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	----------	----------	----------
4. District of Columbia medical facilities	15,000,000	----------	40,627,000	55,627,000	+40,627,000	+55,627,000	+15,000,000
5. Administration and technical assistance	3,154,000	3,577,000	3,577,000	3,577,000	+423,000	----------	----------
Total	225,354,000	138,877,000	266,704,000	281,704,000	+56,350,000	+142,827,000	+15,000,000
PATIENT CARE AND SPECIAL HEALTH SERVICES	85,730,000	71,682,000	85,700,000	96,682,000	+10,952,000	+25,000,000	+10,982,000
NATIONAL HEALTH STATISTICS	13,052,000	15,900,000	15,900,000	15,900,000	+2,848,000	----------	----------
RETIREMENT PAY AND MEDICAL BENEFITS FOR RECOMMISSIONED OFFICERS (INDEFINITE) [14]	19,501,000	23,196,000	23,196,000	23,196,000	+3,695,000	----------	----------
BUILDINGS AND FACILITIES	----------	----------	----------	----------	----------	----------	----------
(Obligations)	(11,052,000)	(3,127,000)	(3,127,000)	(3,127,000)	(−7,925,000)	(----------)	(----------)
OFFICE OF THE ADMINISTRATOR	11,892,000	12,359,000	12,359,000	12,359,000	+467,000	----------	----------
Total, Health Services and Mental Health Administration	1,531,744,000	1,620,279,000	1,886,874,000	2,059,170,000	+527,426,000	+438,891,000	+152,296,000
NATIONAL INSTITUTES OF HEALTH							
RESEARCH INSTITUTES (ANALYSIS BY APPROPRIATION)							
Biologics Standards	8,725,000	8,956,000	8,956,000	9,755,000	+1,030,000	+799,000	+799,000
National Cancer Institute	230,462,000	[17] 23,4338,000	[39] 237,531,000	[39] 258,233,000	+27,771,000	+23,895,000	+20,702,000
National Heart and Lung Institute	191,627,000	195,492,000	211,624,000	252,590,000	+60,963,000	+57,098,000	+40,966,000
National Institute of Dental Research	34,703,000	38,829,000	41,828,000	44,948,000	+10,245,000	+6,119,000	+3,120,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Appropriation/activity	1971 Comparable [1] [2]	1972 Budget Estimate [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
NATIONAL INSTITUTES OF HEALTH—Con.							
RESEARCH INSTITUTES (ANALYSIS BY APPROPRIATION)—Continued							
National Institute of Arthritis and Metabolic Diseases	$134,425,000	$135,433,000	$148,204,000	$163,629,000	+$29,204,000	+$28,196,000	+$15,425,000
National Institute of Neurological Diseases and Stroke	99,482,000	96,521,000	108,590,000	139,187,000	+39,705,000	+42,666,000	+30,597,000
National Institute of Allergy and Infectious Diseases	98,124,000	99,342,000	106,662,000	112,979,000	+14,855,000	+13,637,000	+6,317,000
National Institute of General Medical Sciences	154,527,000	150,400,000	168,490,000	179,318,000	+24,791,000	+28,918,000	+10,828,000
National Institute of Child Health and Human Development	93,676,000	103,232,000	109,668,000	126,093,000	+32,417,000	+22,861,000	+16,425,000
National Eye Institute	30,406,000	32,639,000	36,022,000	40,187,000	+9,781,000	+7,548,000	+4,165,000
National Institute of Environmental Health Sciences	19,990,000	25,271,000	26,436,000	31,991,000	+12,001,000	+6,720,000	+5,555,000
Research Resources	66,431,000	68,069,000	71,948,000	75,948,000	+9,517,000	+7,879,000	+4,000,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	3,682,000	3,319,000	3,763,000	4,288,000	+606,000	+969,000	+525,000
Special Cancer Research Initiative		100,000,000	100,000,000	100,000,000	+100,000,000		
Total	1,166,260,000	1,291,841,000	1,379,722,000	1,539,146,000	+372,886,000	+247,305,000	+159,424,000
HEALTH MANPOWER							
1. Medical, dental, and related health professions:							
(a) Institutional support	147,350,000	256,358,000			−147,350,000	−256,358,000	
(1) Family practice of medicine				5,000,000	+5,000,000	+5,000,000	+5,000,000
(b) Student assistance:							
(1) Direct loans	25,000,000	25,000,000		30,000,000	+5,000,000	+5,000,000	+30,000,000
(2) Scholarships	15,500,000	15,500,000		18,500,000	+3,000,000	+3,000,000	+18,500,000
Subtotal	40,500,000	[4] 40,500,000		[4] 48,500,000	+8,000,000	+8,000,000	+48,500,000
(c) Construction	131,600,000	98,000,000			−131,600,000	−98,000,000	
(d) Educational grants and contracts and direct operations	14,924,000	17,050,000		17,050,000	+2,126,000		+17,050,000
Subtotal	334,374,000	411,908,000		70,550,000	−263,824,000	−241,358,000	+70,550,000
2. Nursing:							
(a) Institutional support	11,500,000	18,837,000			−11,500,000	−18,837,000	
(b) Student assistance:							
(1) Direct loans	17,110,000	17,110,000		21,000,000	+3,890,000	+3,890,000	+21,000,000
(2) Scholarships	17,000,000	17,000,000		22,000,000	+5,000,000	+5,000,000	+22,000,000
(3) Traineeships	10,470,000	10,470,000		12,470,000	+2,000,000	+2,000,000	+12,470,000
Subtotal	44,580,000	44,580,000		55,470,000	+10,890,000	+10,890,000	+55,470,000
(c) Construction	9,500,000				−9,500,000		
(d) Educational grants and contracts and direct operations	9,196,000	10,720,000		10,720,000	+1,524,000		+10,720,000
Subtotal	74,776,000	74,137,000		66,190,000	−8,586,000	−7,947,000	+66,190,000
3. Public health:							
(a) Institutional support	9,571,000	9,571,000		15,571,000	+6,000,000	+6,000,000	+15,571,000
(b) Traineeships	8,400,000	8,400,000		10,400,000	+2,000,000	+2,000,000	+10,400,000
(c) Direct operations	530,000	573,000		573,000	+43,000		+573,000
Subtotal	18,501,000	18,544,000		26,544,000	+8,043,000	+8,000,000	+26,544,000
4. Allied health:							
(a) Institutional support	9,750,000	10,000,000		15,000,000	+5,250,000	+5,000,000	+15,000,000
(b) Traineeships	3,750,000	3,750,000		7,750,000	+4,000,000	+4,000,000	+7,750,000
(c) Educational grants and contracts and direct operations	5,987,000	16,904,000		20,000,000	+14,013,000	+3,096,000	+20,000,000
Subtotal	19,487,000	30,654,000		42,750,000	+23,263,000	+12,096,000	+42,750,000

Footnotes at end of table.

Appropriation/activity	1971 Comparable [1] [2]	1972 Budget Estimate [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
NATIONAL INSTITUTES OF HEALTH—Con.							
HEALTH MANPOWER—continued							
5. Program direction and manpower analysis	$5,272,000	$6,682,000	----------	$5,272,000	----------	−$1,410,000	+$5,272,000
Total	452,410,000	[15] [16] 541,925,000	[40] (----------)	[40] 211,306,000	−$241,104,000	−330,619,000	+211,306,000
NATIONAL LIBRARY OE MEDICINE	21,510,000	21,981,000	$22,781,000	+25,086,000	+3,576,000	+3,105,000	+2,305,000
BUILDING AND FACILITIES	----------	3,565,000	3,565,000	5,065,000	+5,065,000	+1,500,000	+1,500,000
(Obligations)	(6,715,000)	(6,981,000)	(6,981,000)	(8,481,000)	(+1,766,000)	(+1,500,000)	(+1,500,000)
OFFICE OF THE DIRECTOR	10,886,000	11,442,000	11,442,000	11,792,000	+906,000	+350,000	+350,000
SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)	28,944,000	25,545,000	25,545,000	25,545,000	−3,399,000	----------	----------
HEALTH EDUCATION LOANS:							
Payment of sales insufficiencies and interest losses	3,083,000	4,000,000	4,000,000	4,000,000	+917,000	----------	----------
Total, National Institutes of Health	1,683,093,000	1,900,299,000	1,447,055,000	1,821,940,000	+138,847,000	−78,359,000	+374,885,000
SOCIAL AND REHABILITATION SERVICE							
GRANTS TO STATES FOR PUBLIC ASSISTANCE							
1. Maintenance assistance	5,617,189,000	6,655,321,000	6,655,321,000	6,655,321,000	+1,038,132,000	----------	----------
2. Assistance to repatriated U.S. nationals	770,000	687,000	687,000	687,000	−83,000	----------	----------
3. Medical assistance	3,216,142,000	3,827,619,000	3,827,619,000	3,827,619,000	+611,477,000	----------	----------
4. Social services	756,886,000	838,200,000	838,200,000	838,200,000	+81,314,000	----------	----------
5. State and local training	45,070,000	43,866,000	43,866,000	43,866,000	−1,204,000	----------	----------
Subtotal, noncontrollable	9,636,057,000	11,365,693,000	11,365,693,000	11,365,693,000	+1,729,636,000	----------	----------
6. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	----------	----------	----------
Total	[18] 9,682,057,000	[13] [19] 11,411,693,000	*11,411,693,000	*11,411,693,000	+1,729,636,000	----------	----------
WORK INCENTIVES							
1. Training and incentives	71,780,000	197,136,000	181,136,000	181,136,000	+109,356,000	−$16,000,000	----------
2. Child care	26,400,000	78,000,000	78,000,000	78,000,000	+51,600,000	----------	----------
Total	98,180,000	275,136,000	259,136,000	259,136,000	+160,956,000	−16,000,000	----------
REHABILITATION SERVICES AND FACILITIES							
1. Basic State grants	503,000,000	518,000,000	575,000,000	560,000,000	+57,000,000	+42,000,000	−15,000,000
2. Innovation	3,200,000	----------	----------	----------	−3,200,000	----------	----------
3. Rehabilitation service projects	27,650,000	52,210,000	57,210,000	57,210,000	+29,560,000	+5,000,000	----------
4. Vocational rehabilitation facilities	1,750,000	----------	3,051,000	3,051,000	+1,301,000	+3,051,000	----------
5. Grants for the developmentally disabled:							
(a) Formula grants	11,215,000	11,215,000	30,000,000	21,715,000	+10,500,000	+10,500,000	−8,285,000
(b) Service project grants	23,575,000	23,575,000	23,575,000	23,575,000	----------	----------	----------
(c) University affiliated facilities	----------	----------	----------	5,000,000	+5,000,000	+5,000,000	+5,000,000
Subtotal	34,790,000	34,790,000	53,575,000	44,790,000	+10,000,000	+10,000,000	−8,785,000
Total	570,390,000	605,000,000	688,836,000	670,551,000	+100,000,000	+65,000,000	−18,000,000
SPECIAL PROGRAMS FOR THE AGING [20]							
1. State planning and service grants:							
(a) Community programs	9,000,000	9,000,000	9,000,000	15,000,000	+6,000,000	+6,000,000	+6,000,000
(b) Areawide projects	2,200,000	5,200,000	5,200,000	5,200,000	+3,000,000	----------	----------
(c) Planning and operations	4,000,000	4,000,000	4,000,000	4,000,000	----------	----------	----------
Subtotal	15,200,000	18,200,000	18,200,000	24,200,000	+9,000,000	+6,000,000	+6,000,000
2. Foster grandparents	10,500,000	10,500,000	10,500,000	15,000,000	+4,500,000	+4,500,000	+4,500,000
3. Retired senior volunteer program	500,000	5,000,000	5,000,000	5,000,000	+4,500,000	----------	----------
4. White House Conference on Aging	1,650,000	----------	----------	----------	−1,650,000	----------	----------
Total	27,850,000	[28] 33,700,000	33,700,000	44,200,000	+16,350,000	+10,500,000	+10,500,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Appropriation/activity	Comparable 1971 [1] [2]	Budget estimate, 1972 [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
SOCIAL AND REHABILITATION SERVICE—Con.							
YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION [21]	$15,000,000	$10,000,000	[43] (.....)	$15,000,000	.....	+$5,000,000	+$15,000,000
RESEARCH AND TRAINING							
1. Research:							
(a) Social and rehabilitation projects	29,257,000	24,125,000	$29,257,000	29,257,000	.....	+5,132,000	.....
(b) Income maintenance projects	9,000,000	11,000,000	11,000,000	11,000,000	+$2,000,000	.....	.....
(c) Special centers	14,918,000	12,375,000	13,941,000	14,918,000	.....	+2,543,000	+977,000
Subtotal	53,175,000	47,500,000	54,198,000	55,175,000	+2,000,000	+7,675,000	+977,000
2. Training:							
(a) Rehabilitation	33,065,000	14,650,000	33,065,000	33,065,000	.....	+18,415,000	.....
(b) Community services	8,900,000	4,000,000	8,900,000	8,900,000	.....	+4,900,000	.....
(c) Aging	3,000,000	3,000,000	3,000,000	3,000,000	.....	.....	.....
Subtotal	44,965,000	21,650,000	44,965,000	44,965,000	.....	+23,315,000	.....
Total	98,140,000	[29] 69,150,000	99,163,000	100,140,000	+2,000,000	+30,990,000	+977,000
SOCIAL AND REHABILITATION ACTIVITY OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)	4,000,000	10,000,000	8,000,000	8,000,000	+4,000,000	−2,000,000	.....
SALARIES AND EXPENSES	36,272,000	40,881,000	39,937,000	40,881,000	+4,609,000	.....	+944,000
Less: trust fund transfer	−390,000	−400,000	−400,000	−400,000	−10,000	.....	.....
Total appropriation	35,882,000	[30] 40,481,000	39,537,000	40,481,000	+4,599,000	.....	+944,000
Total, Social and Rehabilitation Service	10,531,499,000	12,455,160,000	12,540,065,000	12,549,201,000	+2,017,702,000	+94,041,000	+9,136,000
SOCIAL SECURITY ADMINISTRATION							
FEDERAL FUNDS							
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS							
1. Matching payments for supplementary medical insurance	1,245,282,000	1,376,400,000	1,376,400,000	1,376,400,000	+131,118,000	.....	.....
2. Hospital insurance for the uninsured	878,688,000	503,351,000	503,351,000	503,351,000	−375,337,000	.....	.....
3. Military service credits	105,000,000	235,000,000	235,000,000	235,000,000	+130,000,000	.....	.....
4. Retirement benefits for certain uninsured persons	370,916,000	350,546,000	350,546,000	350,546,000	−20,370,000	.....	.....
Total	2,599,886,000	2,465,297,000	2,465,297,000	2,465,297,000	−134,589,000	.....	.....
SPECIAL BENEFITS FOR DISABLED COAL MINERS [41]	.....	[41] 644,249,000	[41] 644,249,000	[41] 644,249,000	+644,249,000	.....	.....
Definite	.....	(384,615,000)	(384,615,000)	(384,615,000)	(+384,615,000)	.....	.....
Indefinite	.....	(259,634,000)	(259,634,000)	(259,634,000)	(+259,634,000)	.....	.....
Total	.....	644,249,000	644,249,000	644,249,000	+644,249,000	.....	.....
SOCIAL SECURITY ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)	.....	750,000	.....	.....	.....	−750,000	.....
Total, Federal Funds	2,599,886,000	3,110,296,000	3,109,546,000	3,109,546,000	+509,660,000	−750,000	.....
TRUST FUNDS							
Limitation on salaries and expenses	*(1,044,708,000)*	*(1,134,640,000)*	*(1,134,640,000)*	*(1,134,640,000)*	*(+89,932,000)*	.....	.....
Limitation on construction	*(2,800,000)*	*(18,194,000)*	*(18,194,000)*	*(18,194,000)*	*(+15,394,000)*	.....	.....
(Obligations)	(20,357,000)	(13,314,000)	(13,314,000)	(13,314,000)	(−7,043,000)	.....	.....
Total, Social Security Administration	2,599,886,000	3,110,296,000	3,109,546,000	3,109,546,000	+509,660,000	−750,000	.....
OFFICE OF CHILD DEVELOPMENT [22]							
1. Research and demonstrations	5,500,000	13,500,000	11,500,000	13,500,000	+8,000,000	.....	+2,000,000
2. White House Conference on Children and Youth	2,541,000	304,000	304,000	304,000	−2,237,000	.....	.....
Subtotal	8,041,000	13,804,000	11,804,000	13,804,000	+5,763,000	.....	+2,000,000

Footnotes at end of table.

Appropriation/activity	Comparable 1971 [1] [2]	Budget estimate, 1972 [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TRUST FUNDS—Continued							
OFFICE OF CHILD DEVELOPMENT—continued							
3. Head Start:							
(a) Full-year programs	$278,308,000	$290,552,000			−$278,308,000	−$290,552,000	
(b) Experimental programs	3,200,000	3,200,000			−3,200,000	−3,200,000	
(c) Summer programs	46,579,000	48,920,000			−46,579,000	−48,920,000	
(d) Career development and technical assistance	18,000,000	18,000,000			−18,000,000	−18,000,000	
(e) Evaluation	2,500,000	3,000,000			−2,500,000	−3,000,000	
(f) Parent and child centers	5,000,000	5,792,000			−5,000,000	−5,792,000	
Subtotal	353,587,000	369,464,000			−353,587,000	−369,464,000	
4. Salaries and expenses	8,321,000	9,800,000	$2,447,000	$2,447,000	−5,874,000	−7,353,000	
Total	369,949,000	[15] 393,068,000	[42] 14,251,000	[42] 16,251,000	−353,698,000	−376,817,000	+$2,000,000
DEPARTMENTAL MANAGEMENT							
Office for Civil Rights	9,640,000	11,879,000	11,879,000	11,879,000	+2,239,000		
Less: trust fund transfer	−947,000	−1,049,000	−1,049,000	−1,049,000	−102,000		
Total appropriation	8,693,000	10,830,000	10,830,000	10,830,000	+2,137,000		
DEPARTMENTAL MANAGEMENT							
1. Executive direction	9,838,000	8,251,000	8,251,000	8,251,000	−1,587,000		
2. Public information	784,000	808,000	808,000	808,000	+24,000		
3. Community and field services	5,835,000	6,469,000	6,469,000	6,469,000	+634,000		
4. Legal services	4,969,000	5,235,000	5,235,000	5,235,000	+266,000		
5. Financial management:							
(a) Audit	13,607,000	14,604,000	14,604,000	14,604,000	+997,000		
(b) Other	2,675,000	2,844,000	2,844,000	2,844,000	+169,000		
Subtotal	16,282,000	17,448,000	17,448,000	17,448,000	+1,166,000		
6. Facilities engineering and construction	6,437,000	6,755,000	6,755,000	6,755,000	+318,000		
7. Administrative management	6,471,000	6,982,000	6,982,000	6,982,000	+511,000		
8. Surplus property utilization	1,519,000	1,577,000	1,577,000	1,577,000	+58,000		
Total	52,135,000	53,525,000	53,525,000	53,525,000	+1,390,000		
Less: trust fund transfer	−5,725,000	−5,955,000	−5,955,000	−5,955,000	−230,000		
Total appropriation	46,410,000	[21] 47,570,000	47,570,000	47,570,000	+1,160,000		
Total, Departmental Management	55,103,000	58,400,000	58,400,000	58,400,000	+3,297,000		
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	[18] 16,771,274,000	[15] [18] 19,537,502,000	19,056,191,000	19,614,508,000	+2,843,234,000	+77,006,000	+558,317,000
Limitation of trust fund transfers	*(1,059,089,000)*	*(1,164,757,000)*	*(1,164,757,000)*	*(1,164,757,000)*	*(+105,668,000)*		
Consisting of—							
Definite appropriations	16,728,925,000	19,231,528,000	18,750,217,000	19,308,534,000	+2,579,600,000	+77,006,000	+558,317,000
Indefinite appropriations	42,349,000	305,974,000	305,974,000	305,974,000	+263,625,000		
TITLE III—RELATED AGENCIES							
RELATED AGENCIES							
National Commission on Libraries and Information Science		[32] $200,000	([45])	$200,000	+$200,000		+$200,000
National Commission on Marihuana and Drug Abuse	$700,000	[33] 1,228,000	([45])	1,228,000	+528,000		+1,228,000
National Labor Relations Board	41,827,000	[34] 48,468,000	$48,468,000	48,468,000	+6,641,000		
National Mediation Board	2,454,000	2,796,000	2,796,000	2,796,000	+342,000		
Railroad Retirement Board:							
Payment for military service credit	19,969,000	20,757,000	20,757,000	20,757,000	+788,000		
Limitation on salaries and expenses	*(19,160,000)*	*(18,838,000)*	*(18,838,000)*	*(18,838,000)*	*(−322,000)*	(.....)	(.....)

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

TITLE III—RELATED AGENCIES—Continued

Appropriation/activity	New budget (obligational) authority fiscal year 1971 [1] [2] (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1972 [3]	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1971	Budget estimates, 1972	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
RELATED AGENCIES—Continued							
Commission on Railroad Retirement	$300,000	[33] $483,000	([43])	$483,000	+$183,000	----------	+$483,000
Federal Mediation and Conciliation Service	9,722,000	10,289,000	$10,289,000	10,289,000	+567,000	----------	----------
U.S. Soldiers' Home (trust fund appropriation):							
Operation and maintenance	10,557,000	11,353,000	11,353,000	11,353,000	+796,000	----------	----------
Capital outlay	128,000	80,000	80,000	80,000	−48,000	----------	----------
Office of Economic Opportunity	894,268,000	[36] 780,410,000	([43])	----------	−894,268,000	−$780,410,000	----------
President's Council on Youth Opportunity	300,000	----------	----------	----------	−300,000	----------	----------
Cabinet Committee on Opportunities for Spanish-Speaking People	725,000	890,000	([43])	----------	−725,000	−890,000	----------
Occupational Safety and Health Review Commission	75,000	400,000	400,000	400,000	+325,000	----------	----------
Total, related agencies	981,025,000	877,354,000	94,143,000	96,054,000	−884,971,000	−781,300,000	+1,911,000
Limitation on trust fund transfers	*(19,160,000)*	*(18,838,000)*	*(18,838,000)*	*(18,838,000)*	*(−322,000)*	(----------)	(----------)
Grand total	19,981,903,881	23,598,753,000	20,461,247,000	21,032,725,000	+1,050,821,119	−2,566,028,000	+571,478,000
Limitation on trust fund transfers	*(1,846,376,000)*	*(1,989,595,000)*	*(2,016,214,000)*	*(2,016,214,000)*	*(+169,838,000)*	*(+26,619,000)*	----------
Consisting of—							
Definite appropriations	19,939,554,881	23,292,779,000	20,155,273,000	20,726,751,000	+787,196,119	−2,566,028,000	+571,478,000
Indefinite appropriations	42,349,000	305,974,000	305,974,000	305,974,000	+263,625,000	----------	----------

[1] 1971 appropriations are adjusted to be comparable to the 1972 estimates and to reflect the limitation contained in sec. 410 of Public Law 91–204.

[2] Includes 1971 supplemental appropriations to finance pay act costs in 1971. Authority to transfer funds between appropriations was granted thereby permitting absorption of the increased pay costs in addition to supplemental appropriations provided. (Public Law 92–18).

[3] Includes budget amendments for 1972 increased pay costs (H. Doc. 92–93) as follows:

Department of Labor	$12,063,000
Department of HEW	63,715,000
Related agencies	4,066,000
Total	79,844,000

[4] Formerly titled "Manpower Administration, salaries and expenses," "Bureau of Apprenticeship and Training, salaries and expenses," and *"Limitation on Unemployment Insurance Service, salaries and expenses."*

[5] Formerly titled "Manpower training activities."

[6] Formerly titled "Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities."

[7] Includes supplemental appropriations for program costs in 1971 in the following amounts:

Manpower training services	$105,000,000
Federal unemployment benefits and allowances	50,675,000
Labor Management Services Administration: Salaries and expenses	500,000
Workplace Standards Administration: Salaries and expenses	9,218,000
Total	165,393,000

[8] Formerly titled *"Limitation on grants to States for unemployment compensation and employment service administration."*

[9] Formerly titled "Employees' compensation claims and expenses."

[10] Funding in 1972 for manpower activities provided for under the Economic Opportunity Act of 1964, contingent upon enactment of proposed legislation is included in the President's budget estimates (amounts included are not specified in the President's budget).

[11] Funds formerly included in Environmental Health Service, "Air Pollution Control" and "Office of the Administrator" are included under appropriations for the Environmental Protection Agency in the 1972 estimates.

[12] **Funds formerly included in Environmental Health Service, "Environmental Control" are included under appropriations for the Environmental** Protection Agency, "Disease control," and "Departmental management" within the Department of Health, Education, and Welfare in the 1972 estimates. In 1971, $28,385,000 of this appropriation was transferred to other accounts within the Department of Health, Education, and Welfare. **All of balance of the 1971 appropriations under the heading "Environmental Health Service"** was transferred to the Environmental Protection Agency.

[13] Formerly titled "Communicable diseases."

[14] Formerly titled "Retired pay of commissioned officers."

[15] The following amounts for 1972, contingent upon enactment of proposed legislation, are included in the President's budget estimates:

Health manpower	$458,275,000
Grants to States for public assistance	225,000
Youth development and delinquency prevention	10,000,000
Child development	376,817,000
Total	845,317,000

[16] **"Dental Health" and "Construction of Health, Educational Research, and Library Facilities" are included in "Health Manpower" in the 1972** estimates.

[17] Does not include 1971 supplemental appropriation for program costs in 1972 in the following amount:

Cancer research initiatives	$100,000,000

[18] Includes supplemental appropriation for program costs in 1971 in the following amount:

Grants to States for public assistance	**$1,047,587,000**

[19] The President's budget indicates that supplemental appropriations will be requested in the following amounts for 1972 if proposed legislation is enacted:

Grants to States for public assistance	−$495,000,000
Welfare reform	580,744,000
Community assistance	162,000,000
Total	247,744,000

[20] Formerly titled "Programs for the aging."

[21] Formerly titled "Juvenile Delinquency Prevention and Control."

[22] Formery titled "Office of Child Development."

[23] Reflects proposed budget amendment of −$260,000 reducing the estimate by this amount which was formerly budgeted for reimbursement to HEW for State Merit System activities now transferred to the Civil Service Commission. (H. Doc. 92–93.)

[24] Includes proposed budget amendment of $2,620,000 to provide for improvements in statistical measures of economic activity, including em**ployment, prices, and wages. (H. Doc. 92–130.)**

[25] **Includes proposed budget amendments of $7,000,000 for prevention** and treatment of alcohol abuse and alcoholism (H. Doc. 92–93) and **$67,000,000 to combat the drug abuse problem (H. Doc. 92–133).**

[26] Includes proposed budget amendments of $15,000,000 to set up Family Health Center programs to deliver health care in medically underserved **areas (H. Doc. 92–93), $10,000,000 to initiate the Emergency Health Personnel Act (National Health Service Corps) of 1970 (H. Doc. 92–93),** $10,000,000 for block formula grants for public health services to support local efforts to control venereal disease and community immunization activities (H. Doc. 92–130), and $15,000,000 for the continuation of the rodent control program at the same level as 1971 (H. Doc. 92–130).

[27] Includes proposed budget amendment of $8,435,000 to fund functions of the National Institute for Occupational Safety and Health, as authorized by the Occupational Safety and Health Act of 1970 (H. Doc. 92–93), and $2,000,000 to implement the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695 (H. Doc. 92–130).

[28] Includes proposed budget amendment of $7,850,000 to maintain and expand the 1971 level of operations (H. Doc. 92–117).

[29] Includes proposed budget amendment of $2,150,000 for research and **training activities under the Older Americans Act, Public Law 89–73, to** continue at the 1971 level of operations (H. Doc. 92–117).

[30] Includes proposed budget amendment of $1,800,000 to finance the cost of 55 additional positions to operate a revised quality control system in the administration of maintenance payments to public assistance recipients. (H. Doc. 92–93).

[31] Reflects proposed budget amendment of −$651,000 reducing the estimate by this amount due to the transfer of the Office of State Merit Systems from HEW to the Civil Service Commission. (H. Doc. 92–93.)

[32] This amount is a proposed budget amendment to provide for initial costs for 1972 for this new Commission established by Public Law 91–345. (H. Doc. 92–130.)

[33] This amount is a proposed budget amendment to provide for the expansion of the marijuana and drug abuse study currently underway by the Commission in accordance with the recently enacted amendment authorizing additional appropriations. (H. Doc. 92–139.)

[34] Includes proposed budget amendment of $2,450,000 to provide funds to handle unanticipated workload due to large increases in number of cases filed under the National Labor Relations Act. (H. Doc. 92–130.)

[35] Includes proposed budget amendment of $483,000 to provide funds for the Commission to carry out study of the benefit and financing structure of the railroad retirement system for report to Congress as directed by Public Law 91–377 in order to put system on a sound actuarial basis. This proposal replaces previous request (S. Doc. 92–18) for 1971 supplemental appropriation not acted on due to late transmission. (H. Doc. 92–130.)

[36] Contingent upon enactment of proposed legislation.

[37] House bill authorizes transfer of $25,847,000 from unemployment trust fund for which no request was made in the budget and defers action on $26,207,000 included in the budget for activities previously authorized by the Economic Opportunity Act which expired on June 30, 1971. Thus, the only change in the House bill from the budget request is a reduction of $100,000 for planning, evaluation, and research.

[38] Represents full budget request minus $817,597,000 authorized by the expired OEO Act.

[39] Does not include $100,000,000 advance appropriation for fiscal year 1972 for the National Cancer Institute contained in the Second Supplemental.

[40] The House did not consider this item because authorizing legislation for most of the appropriation has not been passed. The Senate Committee has included funds for those health manpower activities for which authorizing legislation exists.

[41] Covers estimated obligations for 3 fiscal years as follows: 1970—$6,734,000; 1971—$252,900,000; 1972—$384,615,000.

[42] The House and Senate did not consider an estimate of $376,817,000 for Head Start which is dependent on proposed legislation.

[43] The House did not consider this item.

[44] Not considered by the House and Senate in this appropriation bill. To be considered in a special and separate appropriation bill.

[45] Includes $11,841,000 for activities of the Division of Dental Health.

*The proposed general provision limiting social services, administration, and training to 110 percent of the 1971 budget estimate was deleted by the House committee: according to the May State estimates, the cost of dropping this limitation is about $232,000,000. The Senate committee concurred with the House action.

Mr. MAGNUSON. Mr. President, may I inquire how much time is allotted to the appropriations for Labor and HEW, both on the bill and on amendments?

The PRESIDING OFFICER. The clerk will read the agreement.

The assistant legislative clerk read as follows:

Ordered, That effective on Friday, July 30, 1971, at 11:00 a.m., whether or not cloture has been invoked on S. 2308, or whether there is any other business pending before the Senate, it shall be put aside and the Senate proceed to the consideration of H.R. 10061, Labor, HEW appropriations bill, with time for debate on the bill to be limited to 3 hours to be equally divided and controlled by the Majority and Minority Leaders or their designees and that debate on any amendment to the bill, except committee amendments which shall come out of the time on the bill, be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill and time on amendments to amendments be limited to 30 minutes under the same conditions.

Mr. MAGNUSON. Mr. President, now I yield to the distinguished Senator from New Mexico (Mr. MONTOYA), on my time on the bill, such time as he may require.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1971

Mr. MONTOYA. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2317.

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate the amendment of the House of Representatives to the bill (S. 2317), an act to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, which was to strike out all after the enacting clause, and insert:

TITLE I—THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 101. This title may be cited as the "Public Works and Economic Development Act Amendments of 1971".

SEC. 102. (a) Paragraph (1) of subsection (a) of section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended by striking out "and" at the end of subparagraph (B), by striking out the colon at the end of subparagraph (C) and inserting in lieu thereof the following: "; and", and by adding at the end thereof the following:

"(D) in the case of a redevelopment area so designated under section 401(a)(6), the project to be undertaken will provide immediate useful work to unemployed and underemployed persons in that area.".

(b) Subsection (c) of section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended by inserting immediately following the first sentence thereof the following: "In the case of any State or political subdivision thereof which the Secretary determines has exhausted its effective taxing and borrowing capacity, the Secretary may reduce the non-Federal share below such per centum or may waive the non-Federal share in the case of such a grant for a project in a redevelopment area designated as such under section 401(a)(6) of this Act.".

SEC. 103. Section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $800,000,000 per fiscal year for the fiscal years ending June 30, 1972, and June 30, 1973. Any amounts authorized for the fiscal year ending June 30, 1972, under this section but not appropriated may be appropriated for the fiscal year ending June 30, 1973. Not less than 25 per centum nor more than 35 per centum of all appropriations made for the fiscal years ending June 30, 1972, and June 30, 1973, under authority of the preceding sentences shall be expended in redevelopment areas designated as such under section 401(a)(6) of this Act."

SEC. 104. Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 105. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "and June 30, 1971" and inserting in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

SEC. 106. Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended as follows:

(1) Paragraph (2) of subsection (a) is amended by striking out "40 per centum" and inserting in lieu thereof "50 per centum".

(2) Paragraph (6) of subsection (a) is amended to read as follows:

"(6) those communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which the Secretary determines have one of the following conditions:

"(A) a large concentration of low-income persons;

"(B) rural areas having substantial outmigration;

"(C) substantial unemployment; or

"(D) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment.

No redevelopment area established under this paragraph shall be subject to the requirements of subparagraphs (A) and (C) of paragraph (1) of subsection (a) of section 101 of this Act. No redevelopment area established under this paragraph shall be eligible to meet the requirements of section 403(a)(1)(B) of this Act:

"(7) those areas where per capita employment has declined significantly during the next preceding ten-year period for which appropriate statistics are available."

SEC. 107. The first sentence of section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended by striking out "thereof" and all that follows down through and including the period at the end of the sentence and inserting in lieu thereof the following: "of such reviews shall terminate or modify such designation whenever such an area no longer satisfies the designation requirements of section 401, but in no event shall such a designation of an area be terminated prior to the expiration of the third year after the date such area was so designated."

SEC. 108. Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

SEC. 109. Subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and for the two-fiscal-year period ending June 30, 1973, to be available until expended, not to exceed $305,000,000."

SEC. 110. Section 512 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3191) is amended to read as follows:

"SEC. 512. There is hereby authorized to be appropriated not to exceed $500,000 for the two-fiscal-year period ending June 30, 1973, to continue the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs and projects in Alaska in cooperation with the government of the State of Alaska. Nothing contained in this section shall be construed as precluding the establishment of a regional commission for Alaska.".

SEC. 111. Section 2 of the Act of July 6, 1970 (Public Law 91–304) is amended by striking out "1971" and inserting in lieu thereof "1972".

SEC. 112. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under the Public Works and Economic Development Act of 1965.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

SEC. 201. This title may be cited as the "Appalachian Regional Development Act Amendments of 1971".

SEC. 202. The second sentence of subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows: "To carry out this section there is hereby authorized to be apppropriated to the Commission, to be available until expended, not to exceed $2,700,000 for the two-fiscal-year

period ending June 30, 1973 (of such amount not to exceed $525,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff), and not to exceed $3,300,000 for the two-fiscal-year period ending June 30, 1975 (of such amount not to exceed $575,000 shall be available for expenses of the Federal Cochairman, his alternate, and his staff).".

SEC. 203. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended by striking out "1971" and inserting in lieu thereof "1975".

SEC. 204. Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

SEC. 205. There is inserted after section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"SEC. 208. (a) In order to provide a system of airports in the Appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the 'Secretary') is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including firefighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

SEC. 206. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of the Social Security Act requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

SEC. 207. (a) The first sentence of subsection (a)(1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs carried out under subsection (a) of this section and conducted on lands other than federally owned lands shall not exceed 75 per centum of the total cost thereof. For the purposes of this section, such project costs may include the reasonable value (including donations) of planning engineering, real property acquisition (limited to the reasonable value of the real property in its unreclaimed state and costs incidental to its acquisition, as determined by the Commission), and such other materials and services as may be required for such project."

SEC. 208. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, to nonprofit, limited dividend, or cooperative organizations, or public bodies, for planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectured fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require payments of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c)(1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organizations and public bodies for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

SEC. 209. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND VOCATIONAL AND TECHNICAL EDUCATION DEMONSTRATION PROJECTS."

(b) The first sentence of subsection (a) of such section is amended by inserting "and operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b)(1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating vocational and technical educational project which will serve to demonstrate areawide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of a vocational and technical education demonstration project shall exceed 80 per centum of its costs.

"(3) Grants under this section for operation of components of vocational and technical education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of vocational and technical education demonstration projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of

that Act may be a component of a vocational and technical education demonstration project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of a vocational and technical education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a vocational and technical education demonstration project shall be made unless the facility is publicly owned.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

SEC. 201. (a) Section 214(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended to read as follows:

"(a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the President is authorized to provide funds to the Federal Cochairman to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs, as hereafter defined, 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 program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets the applicable requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations 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 Cochairman with respect to a supplemental grant for any project under such program."

(b) The first sentence of subsection (c) of such section is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

SEC. 211. Subsection (a) (2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

SEC. 212. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, in section 201 for the Appalachian Development Highway System and Local Access Roads, and in section 208 for Appalachian Airport Safety Improvements, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $282,000,000 for the two-fiscal-year period ending June 30, 1973; and $294,000,000 for the two-fiscal-year period ending June 30, 1975."

SEC. 213. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking "1971" and inserting in lieu thereof "1975".

SEC. 214. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or actively receiving Federal financial assistance under the Appalachian Regional Act of 1965.

Mr. MONTOYA. Mr. President, the Senate today can complete action on legislation continuing two proven programs of great benefit to millions of Americans. S. 2317 authorizes extension of the Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965. This bill and S. 575 were introduced by Senator RANDOLPH and myself, along with cosponsorship of other Members.

This legislation was passed by the Senate on July 21 following failure of the Senate to override the Presidential veto of S. 575 which, in addition to continuing these programs, also authorized an accelerated public works program.

The House of Representatives passed S. 2317 on July 28 after adding one amendment. This amendment, I believe, improves the legislation by providing that unfunded authorizations under the Public Works and Economic Development Act for the fiscal year 1972 be carried over to the fiscal year 1973.

In approving S. 2317, the Senate increased authorizations for the Economic Development Administration from $550 million, as provided in S. 575, to $800 million. This increase, together with liberalized criteria for participation in EDA programs, is intended to stimulate public works construction activities and thereby reduce unemployment. In the event that the full $800 million is not appropriated, it is desirable for the unfunded authorization to be available in 1973.

Mr. President, it is important that the Appalachian and Economic Development programs receive permanent authority to continue their operations. Therefore, I recommend that the Senate concur and adopt S. 2317 as amended by the House of Representatives.

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

Mr. RANDOLPH. Mr. President, I am gratified that the Senate today has the opportunity to extend two important programs with which I have been associated for more than 6 years. During that time, the Appalachian and EDA programs have been valuable mechanisms through which many American communities and millions of people have benefited. When President Nixon vetoed S. 575, he called particular attention to the achievements of the Appalachian and Economic Development programs. It was obvious that he did not oppose their extension. His veto was based on the inclusion in S. 575 of the accelerated public works program, about which the President had serious reservations.

The Senate failed to override his veto but has now developed legislation continuing the Appalachian and Economic Development programs. By its action today the Senate can send this bill to the President, thereby, giving him the opportunity to reaffirm his confidence in these programs by signing it into law.

My colleague from New Mexico (Mr. MONTOYA) the chairman of our Subcommittee on Economic Development, has explained the amendment to S. 2317 added by the House of Representatives. I concur in his observations that this is a good amendment which will improve the legislation before us.

Mr. President, the Appalachian and EDA programs are important to this country because they are concerned directly with the welfare of people. They have proven themselves to be viable instruments for community improvements to enable more of our citizens to share in the great abundance of the American economy.

I know firsthand what has been accomplished in the past 6 years in West Virginia and elsewhere in the country. I am therefore gratified that the President has endorsed these two programs and that the Congress has given its approval by moving swiftly to pass this legislation by large majorities in both Houses.

Mr. President, I urge the Senate to complete this action by accepting S. 2317 as amended.

Mr. JAVITS. Mr. President, let us understand what this is all about. This is a bill which the President vetoed and which subsequently came back and which we adopted certain aspects of, which we thought would now not be vetoed and which we are now joining without a conference and without the House amendments; is that correct?

Mr. MONTOYA. That is correct.

Mr. JAVITS. What did the House do to the bill?

Mr. MONTOYA. There is only one simple amendment——

Mr. MAGNUSON. Mr. President, I am going to ask unanimous consent that the time taken on this discussion not be

taken out of the time limitation on the HEW appropriation bill. I thought this was going to take only about 1 minute.

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

Mr. MONTOYA. It is a very simple amendment, in which the House provided that any unused authorization for the first year would carry over to the second year.

Mr. JAVITS. It is a 2-year bill?

Mr. MONTOYA. That is right.

Mr. JAVITS. What is substituted is the alleged $2 billion in public works which was in the veto.

Mr. MONTOYA. $500 million.

Mr. JAVITS. That is the net substitution.

Mr. MONTOYA. Yes.

Mr. JAVITS. Which stands in the place of the $2 billion?

Mr. MONTOYA. That is right.

Mr. JAVITS. Is there any assurance that the administration will not again turn this bill back?

Mr. MONTOYA. We have no assurance. We have the opinion of our colleagues on the other side of the aisle that the President might sign this.

Mr. JAVITS. I thank the Senator very much.

Mr. BAKER. Mr. President, in response to the queries by the Senator from New York, title I is missing completely from the bill and it was passed by the House without the so-called accelerated works program. However, there is an addition to the traditional title V, the EDA bill, $880 million in excess of the bill which we passed with title I appended. It is my hope that the bill will be approved by the President. It is my hope that the Senate will concur in the House amendments. They are really not important to the issue at hand. It is also my hope that we will take up shortly the bill reported yesterday in the Public Works Committee, for economic disaster relief, which will replace in part, I believe, and more effectively, the provisions of and the import of title I in the bill that was vetoed.

Mr. MONTOYA. The addition was $250 million a year, increasing the authorization to $800 million. The addition in the new bill totals $500 million for 2 years.

Mr. BAKER. I do not want to be in conflict with the distinguished chairman, but let me simply say that it is my understanding the functions of HEW as provided in the bill are now incorporated in titles II and III of the bill. The total funding level is $880 million. Where that new money arose, I do not know.

Mr. JAVITS. That will be the impact of it, the $800 million.

Mr. BAKER. $800 million.

Mr. JAVITS. Is there any difference in the technique introduced as a result of this change in the terms of the bill?

Mr. BAKER. There is no change in the program design, or in implementation of same. This is a good program.

Mr. JAVITS. The alleged impact of the amendment, then, will be the same as it was under the veto.

Mr. BAKER. Yes. That is my estimate.

Mr. President, I am pleased to join Chairman RANDOLPH, Senator COOPER, and Senator MONTOYA in endorsing S. 2317 which contains a 4-year extension of the Appalachian Regional program and a 2-year extension of the Public Works and Economic Development program. This legislation represents the culmination of several months of intensive work which has demonstrated the legislative capability of these able men.

S. 2317 replaces S. 575 which originally contained the extensions of Appalachia and EDA. To get back into what seems now ancient history, the bill originated in the Senate Public Works Committee as simply an extension of the excellent Appalachian Regional Development program with some modification of and elaboration upon program authority. As the bill progressed it gathered titles and controversy until it was sent to the President so encumbered with measures of dubious merit that it was vetoed. That veto was sustained in the Senate by the votes of many Senators keenly interested in the continuation of the Appalachian program, but there has never been at any time during the development of this bill any indication that support for the Appalachian program had diminished. The President in his veto message stated that he supported the program 100 percent. I know that, while it was with some anxiety that I voted to sustain that veto, it was also with confidence that this extension which comes to the Senate today would be placed in first priority.

I am pleased that S. 2317 has come to the floor so quickly and without the problem of an accelerated public works proposal appended to it. I am confident that it will win the support of this body.

Mr. COOPER. Mr. President, I hope we can get agreement as to what changes have actually been made in the bill. In the first bill, S. 575, the House added a new title I—a $2 billion accelerated public works program.

S. 575, as passed by the Senate, had two titles extending the Public Works and Economic Development Act and the Appalachian Regional Development Act. The bill authorized $3.5 billion for these two programs.

As I said, the House added a new title and an additional $2 billion.

I supported the veto of S. 575, as the Senator knows, and the Senate sustained the veto. After the Senate vote, the Senator from New Mexico (Mr. MONTOYA), and the Senator from West Virginia (Mr. RANDOLPH) on the majority side, and the Senator from Tennessee (Mr. BAKER) and I, on the minority side, met with the chairman of the House Committee on Public Works, Representative BLATNIK, Representative JONES of Alabama, and Representative HARSHA, on the minority side. We tried to work out some amendments to the vetoed bill which we hoped would be agreed to by the Senate and by the House and which we hoped would be satisfactory to the President. This is what was done.

An additional $250 million per fiscal year for fiscal years 1972 and 1973 was added to title I of the Public Works and Economic Development Act—grants for public facilities. In addition, the eligibility criteria in section 401(a)(6) of the act was somewhat expanded. That would enable some of the $500 million added to the bill to be used under certain circumstances for public works.

We also provided that, whatever the amount appropriated under the authority in title I of EDA during the 2-year extension of the program, no more than 35 percent of that sum could be used in accelerated public works. For example, if $800 million, the full fiscal year 1972 authorization, should be appropriated for the public facilities grants—at least 25 percent but no more than 35 percent of that amount could be used for accelerated public works. That would be as I calculated it——

Mr. JAVITS. Roughly $250 million.

Mr. COOPER. It would be $280 million. So, that is the most that could be used for accelerated public works. And it would be less if the full authorization is not funded. In view of the history of appropriations for this program, I think it is unlikely that the full $800 million will be appropriated. For example, only this year the Senate passed the appropriations bill for this program and approved approximately $106 million for public facilities grants.

I think my colleagues will agree with me that that is exactly what happened. We brought that proposal before the Senate Public Works Committee and approved it. Every one of the Members of the majority and minority sides of the committe approved it. The bill S. 2317 passed the Senate without any question on July 21.

So, I think that is the proposal before the Senate. I am taking a good deal of the time of the Senator from New Mexico because I am responding to a Member on this side who helped to sustain the veto, and I think he has a right to know about the changes in this bill.

Mr. JAVITS. Mr. President, may I say to my colleague that I voted to sustain the veto because I thought that was right and that a better job could be done on the bill. I am very much satisfied. I welcome very much what the Senator from Tennessee (Mr. BAKER) has said on the considered judgment of the other measure which would be a measure for disaster relief. I think this is the correct way in which to do it.

I make the point only because Senators like myself, who are well known to be very favorable to labor, were considered to have cast an antilabor vote.

Our job here is to vote as we think is required in the best public interest, and that includes labor matters. And when one can justify what one has done in the longer view of the public interest, it is important that the record be made clear so that we are able to do so.

Mr. COOPER. Mr. President, I owe a debt of gratitude to the chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), and to the chairman of the subcommittee (Mr. MONTOYA), and I want also to pay tribute to the ranking minority member of the subcommittee, the Senator from Tennessee (Mr. BAKER). They have all put their efforts into this matter. We hope that this legislation will be signed by the President.

As has been said, the other bill which was proposed by Senator BAKER for economic disaster relief, S. 2278, would go more directly to the problems of unemployment than title I of the vetoed bill. The Baker proposal has been amended somewhat but it was approved by the Committee on Public Works yesterday

and will be reported to the Senate on Monday.

Mr. JAVITS. Mr. President, I hope very much that the President will not veto the bill. I hazard the guess that if he were to do so, he would not find quite the same receptivity in this Chamber that he did before.

Mr. RANDOLPH. Mr. President, I believe that the colloquy which has taken place between several Senators is helpful as we formalize S. 2317 and forward that important measure to the President of the United States, hopefully, today.

I do feel that the inquiry made by the able Senator from New York (Mr. JAVITS) is helpful in giving the members of the Public Works Committee of the Senate—both Democrats and Republicans who have worked closely on this measure—the opportunity to respond to the questions asked by the Senator from New York.

The Senator from New York a few days ago joined with 87 of his colleagues in the passage, by a vote of 88 to 2, of S. 317. That measure has now passed the Senate and has been amended in the House only by the addition of a carry-over amendment. It is exactly the measure that we will be voting on at this time and will be sending to the President of the United States.

I hope, as has been expressed, that the President will sign this legislation. The Appalachian provisions are identical with those in S. 575. Authorizations for the economic development provisions are raised, and that is clearly understood. However, in so doing we have not tried to provide the answer for accelerated public works, which was not approved by reason of the failure to override the veto. We have included in the public works and economic development section the oportunity to carry forward the necessary construction of facilities in approximately 1,100 areas of the country that are eligible for the type of facilities which the Senator from New York supports so very often in this body.

The Senator from Tennessee and the Senator from New Mexico and others of the Public Works Committee—in fact, all of us—have now very promptly, and yet with well-reasoned consideration, reported disaster relief legislation.

As the Senator from Kentucky knows, it is stopgap legislation to provide immediate relief to those areas of the country where the impact of unemployment is heaviest. Then, we shall have another job to do. In the fall or coming months we will give consideration and hopefully present to this body legislation which is planned to take care of economic situations which may arise in this and allow us to act, not in a haphazard fashion, but to have on the shelf the tools with which to work. Just as in the case of hurricanes, tornadoes, and floods we have appropriated money here to take care of human needs, we must be prepared for other circumstances, critical in nature, which are caused not by natural disorders of this earth but by the economics of this country getting out of control and causing inflation or unemployment in the country.

All of us on the Committee on Public Works appreciate the inquiries, the questioning of the Senator from New York. I especially commend all those who worked earlier on S. 575 and now on S. 2317. I express the further hope, as I have many times, that the President will sign this legislation and give us the opportunity to fulfill our responsibility to the American people and to the communities in this country.

Mr. JAVITS. Mr. President, I thank the chairman of the committee very much. Also, I wish to thank very much the Senator from New Mexico (Mr. MONTOYA), the Senator from Tennesse (Mr. BAKER), the Senator from Kentucky (Mr. COOPER), and all Members for what I know to be a difficult and fine job.

Mr. COOK. Mr. President, I rise today in support of the appropriations bill for the continuation of the Appalachian Regional Commission. I believe this program to be a unique venture in Federal-State cooperation. The success of the program has been aptly demonstrated both in Kentucky and other participating States. It has allowed the State and local units of government to assume a full partnership role with the Federal Government in bringing to bear maximum leadership and resources on the problems confronting the Appalachian region.

Far from creating a drain on the Treasury of the United States, the supplementation feature of the basic act has been the key to the mobilization of the available, non-Federal financial resources. Also, because the States utilize the administrative capability of local and State people, the administration of the program is both efficient and economical. Unlike many agencies or commissions, it has no field staff.

Thus, the Appalachian dollars appropriated today will be well spent tomorrow.

I urge its speedy adoption.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to concur in the House amendment.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes, in which the concurrence of the Senate is requested.

HOUSE BILL REFERRED

The bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 10061) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the legislative assistant to the Senator from New Hampshire (Mr. COTTON) be permitted to have the privilege of the floor during rollcall votes.

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

QUORUM CALL

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BYRD of West Virginia. Mr. President, I suggest the time be equally divided between both sides.

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

The legislative clerk proceeded to call the roll.

Mr. MAGNUSON. 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. MAGNUSON. Mr. President, as Senators may recall, congressional action has already been completed on the Office of Education appropriation bill for 1972. The bill now before the Senate covers the balance of the authorized programs—and I underscore the word "authorized"—for the Departments of Labor, and Health, Education, and Welfare, and the related agencies.

For the last 2 years, our committee has expressed its concern about the apparent downgrading of health as reflected by the budget request.

This year we were told the administration would propose a "national health strategy" designed to overcome the "piecemeal" approach to dealing with the health care crisis. An amended budget was transmitted to Congress to implement this "health strategy."

The committee applauds the $67 million initiative to deal with the problem of drug abuse, the $100 million increase for cancer research and the $90 million increase proposed for health manpower.

But beyond these three increases, the budget for health is at a virtual standstill, a step backward in view of today's inflated dollar.

Our committee recognizes that increased funding alone is not the sole an-

swer to providing an adequate level of health for all our people. But the committee is equally persuaded that the budget request which with few exceptions, shows a year-to-year decline in real dollars and level of effort, fails to deal effectively with the magnitude of the problem. Consequently, for the third successive year, our committee must express grave concern about the apparent downgrading of health as reflected by the budget request.

Crippling cuts were recommended in such major health programs as the regional medical program, Hill-Burton medical facilities construction, the public health service hospital system, and various biomedical research programs. Health problems still beset the American people and this must be recognized as a serious threat to our society.

All of us on the committee are mindful of the importance of holding down Federal expenditures in an inflationary period, but we feel that we would not be fulfilling our responsibilities were we not to exercise independent judgment in considering this appropriation bill.

The Congress must again reassert its leadership in the health field.

The House, in its action on the budget request, recognized this principle and added approximately $418 million over the budget estimates to take care of what they describe as "some of the more glaring deficiencies."

But some gaps still remained, and it was up to this committee to treat these remaining issues, and carefully review all these programs.

The committee has recommended approximately $228 million that the House did not consider because of no authorization at the time they concluded hearings. Most of that is in health manpower, as will be found from the charts I will have printed in the RECORD.

The Senate committee recommendations amount to approximately $343 million over the House for those programs that the House did consider.

Although that is a significant sum, it should not be termed "inflationary." It should be carefully noted that only about one-third of the Senate increase would actually be expended in fiscal year 1972, with the remaining two-thirds being expended in subsequent years. This is not extraordinary but rather reflects the necessary time lag between appropriations and actual expenditures, the letting of contracts, the approval of grants for biomedical research, and all the other things that go into the health field. The point to be made here is that the expenditure increases over the budget request—not the appropriation figures—are the amounts that affect the anticipated fiscal year 1972 budget deficit.

Thus, the bill will increase budget expenditures by about $125 million over the House for these programs. At a time of a trillion dollar economy and a plus-$200 billion Federal budget, $125 million hardly seems too high a price to pay or too large an investment to make in the health and well-being of the American people when all factors are considered.

Certainly a Nation as wealthy as ours can afford the increase in this bill. In fact, our ranking as 13th in that key indicator of health—infant mortality rates—strongly suggests that we are not investing enough in health. It is the belief of this committee that the citizens of the United States, with its great abundance, should have the best health and lowest infant death rate. This committee shares that expectation and has recommended a bill that will take us one step closer to that goal.

HIGHLIGHTS OF THE BILL

The following is a summary of the key increases over the budget request recommended in the Senate bill.

There are many, many items in this bill. I need not tell the Senate about its length, its importance, and its complexity. We heard literally hundreds of witnesses on all phases of the HEW operations. I do not know how many line items are in the bill, but there are well over 200 or 300, and those are subdivided into other items and thousands of individual projects within the field of health and social rehabilitation. I am going to quickly review here—and it has all been put into the RECORD—the key increases over the budget recommended by the Senate bill for the Department of Labor, and HEW.

DEPARTMENT OF LABOR

We recommend $10 million over the budget request and $11,125,000 over the House bill. Ten million dollars is for improving the safety and other working conditions of workers, and $1,125,000 is to restore the House cut in the Bureau of Labor Statistics.

The purpose of the increase of $10 million over the budget request and $11 million over the House figure is to implement the bill that Congress passed some time ago for occupational safety and working conditions of workers in our Nation. That bill brought several million people in the labor force under the safety provisions and we need to support that program into full effect. This is not to be confused with separate labor safety bills involved in mining, the railroad labor safety bill, the maritime safety bill, and other acts covering definite occupations in the United States as specified.

We come now to the health part of the bill and the social services and rehabilitation requests that are involved with the health of the American people.

Of course, we had to consider the whole social security matter, but that is a fixed amount of mandatory expenditures, that we must review every year. I shall come to that a little later.

In the field of mental health, we recommend $158 million over the budget request and $77 million over the House bill. That should be broken down further into several important items.

For instance, for psychiatric training, the House bill includes an increase of $6,750,000 over the budget to restore this program to the 1971 level, and we concur in the House action.

Under this section, also, there is construction of community health centers. These are very important to the United States. We just do not have enough of them. We think there should be more centers established—new ones—because they, according to all the testimony, if one will read it, do a great job at the local level.

CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

The budget requested no funds. The House bill includes $10 million to keep this program alive. We concur in the House action, and has added an additional $10 million for a total of $20 million to provide a minimum level to each State under the formula allocation.

With regard to staffing of community mental health centers, I do not know how many witnesses appeared before the Senator from New Hampshire, me, and other committee members. The great plea, based on facts, was that we were very, very short of staff in these centers, people who are trained to handle the problems of people in these community health centers. Even the ones in existence are largely understaffed.

STAFFING OF COMMUNITY MENTAL HEALTH CENTERS

The House bill includes an increase of $30 million over the budget, to fund all approvable applications regardless of how construction was funded. We concur in the House action and have added $10 million in anticipation of a greater number of approved applications.

With regard to mental health of children, I intend to stress the importance of this item to Members of the Senate. The budget requested no funds for "Title IV—Mental Health of Children," contained in Public Law 91–211. The House bill includes $10 million over the budget to initiate this program, and we strongly concur in the House action.

Some of us thought there should be even more, but at least this will get the program going. Title IV has been on the statute books long enough, these needs have been with us even longer, but we have never been able to convince the budget authorities to recommend its funding.

ALCOHOLISM PREVENTION AND CONTROL

The budget contained no funds for formula grants to States. This is where a State or local subdivision of government—it might be a county or a city—attempts to establish rehabilitation programs and centers for alcoholics. There is ample local participation in many cases. Sometimes these centers are farms that were purchased by the county, or a State allocates funds to work on this important matter. The House bill includes $25 million. We not only concur in the House action, but have added $55 million for alcoholism grants. We think this is very important.

In the field of drug abuse—the two go together in the line item in this bill—the House bill includes the full increase of $67 million included in the budget amendment submitted by the President on June 21. We concur in the House action.

Sixty-seven million dollars will be added to the funds now in the bill, and this will be provided for these programs of drug abuse control. The President has been striving for this program. He has appointed a new coordinator, Dr. Jaffe, a man who is very distinguished and knowledgeable in his field. They are trying to put together all the programs in the various departments, of which there are many, to see if we can coordinate this effort.

The $67 million, coupled with what was already in the bill, some of it in other areas, will add up to $150 million for drug abuse and this program should prove to be initiated with good promise of success.

HOSPITAL IMPROVEMENT

The bill includes $2 million over the budget and House bill for State mental hospital staff improvement programs.

That is not a very large amount, but it helps to accomplish a great deal in State and local institutions devoted to care of the mentally ill. The HIP program helps to provide staff improvement and the better coordination of State mental health programs.

COMPREHENSIVE HEALTH PLANNING AND SERVICES

The $26,899,000 over the budget request and $16,899,000 over the House bill. The House bill includes $16 million over the original budget and $9 million over the amended budget to initiate a concerted effort to control venereal diseases, of which the number of cases is now rising, especially in the last 2 years, at an almost shocking rate. So we added to that amount.

The committee concurred in the House action and has added $5 million to State formula grants for VD control. We also added funds to improve migrant health services, and to increase the effort to establish comprehensive health centers, especially in model cities and in the urban areas.

Now we come to a relatively new program, regional medical programs. As I say, this is something of a new program, as programs go, though it has been in effect, now, 3 or 4 years, after a very modest beginning. It has turned out to be one of the finest programs in the United States. It has enlisted the support of something like 180,000 physicians, dentists, nurses, auxiliaries, trainees, and all the people involved in the health field, and most of them are volunteering their time and efforts. These 55 or so regional medical programs cover the United States. Their individual efforts are particularly helpful in the rural areas, and our hearing record is full of examples.

This program is just coming to fruition, and some amazing results have occurred. The States have plans, out West where the Senator from Nevada and I live, where there are long distances between population centers—Colorado, Montana, and those places—several of these programs are already doing tremendous work. They are devoting their time and efforts to going to small communities where there are no facilities at all, and seeing what they can do.

Even if, perhaps, they cannot do much, they will see to it, through their voluntary efforts, that the patient or person involved will be brought to a medical center. RMP's have also initiated emergency mobile care units. Some of these that treat coronary problems or heart attack victims have saved hundreds of lives. The success of those units is truly dramatic, and they have also gone into prevention work in the schools and the small communities.

We think this is one of the finest programs ever initiated, so we put in $70 million over the budget request and $40 million over the House bill. The present occupant of the chair (Mr. TUNNEY) knows what I mean, for the program has been at work in some of the most remote areas of California. Sometimes we do not think of California as having remote areas, but they are there. The Senate increase is to enable the RMP program to work in tandem with health maintenance organizations to improve the delivery of health care, especially in the area of kidney disease, and the early detection and prevention of respiratory diseases in children.

We had a lot of exciting and interesting testimony in the field of what they are doing in kidney diseases. They are making some progress in transplants. The Senator from New Hampshire and I have always been rather frustrated about the fact that when kidney machines are needed, there are never enough to go around and, of course, the costs are prohibitive. This program will help that.

We had some testimony that kidney transplants are now working in about 6 out of 10 cases or 7 out of 10. But when they do not work, the patient has to fall back on these expensive machines, and we want to see, under the regional medical programs, these machines made more available and personnel trained to operate them. Some of this effort should also go toward development of new types of machines or techniques that could reduce these astronomical costs that are so prohibitive.

So we are pleased with this item. We feel the money will not only be well spent, but will be spent for one of the finest programs in health that we have ever supported. RMP is not without its share of mistakes, and our report makes reference to some, but RMP has achieved more in a short time than most of us who helped to initiate this program ever dreamed could be accomplished.

DISEASE CONTROL

The $8,415,000 over the budget request and $5,415,000 over the House bill. The original budget contained no funds to carry out the Lead Based Paint Poisoning Prevention Act. Finally a budget amendment of $2 million was submitted on June 16. The House bill made that $5 million, and we added $2,500,000 for a total of $7,500,000 for implementation of the act.

I understand there will be an amendment or amendments offered by Senators from the floor to increase that figure. We did not have all the figures we needed to arrive at this amount, but we did suggest that many things can be done at the local level to avert the tragedy of lead-based paint poisoning, particularly at clinical centers, where they can diagnose this problem very quickly. We know how to prevent it, and we are strongly urging that the cities where this condition is most prevalent, where the problem is greater than, perhaps, in some of the rural areas, pass stricter building codes—that does not cost any money—and prohibit the use of lead-base paint in the remodeling of a tenement area or other housing. We are doing it in automobiles, or trying to, and they can do it by the simple procedure of enacting some tough building codes and then enforcing them.

In the meantime, we are going to help out here with the necessary research, and provide, we hope, the cities and the States with matching grants. It is mainly children and young people who become poisoned in this manner and the tragedy is that it could all be prevented.

That is about as far as the committee can go. We may provide a little more money in this field, but we, the Federal Government, cannot go around and remodel every structure in the United States that someone, years ago, put lead paint on. I do not see how we could do that. But we can certainly stop it in the future, because every time they remodel or build anew, they have got to get a building permit. We need some tough local ordinances, and State laws if necessary, so that they cannot get the permit without agreeing not to use these types of paint.

Our recommendation also restores the cut in the Arctic Health Research Center and provides additional funds for occupational safety and health and a human ecology center.

MEDICAL FACILITIES CONSTRUCTION

Now, this is more than a serious problem. We are short, conservatively, 50,000 doctors in the United States, 62,000 or perhaps 70,000 dentists, and 150,000 nurses. A part of the reason for these shortages is that the medical schools, the schools of nursing, the dental schools and all the health professions are in financial trouble. They have not been able to fulfill the obligation and responsibility in the way they want to, because of the lack of facilities to handle enough new students.

We had a goal, 2 years ago, in this bill, that we at least try to enroll in the existing medical schools 1,500 new students in the freshman year. We fell far short of the goal; we got about 546. A lot of the shortage is because they cannot get in; there are more applicants than there is space available for them. This was a very serious problem with us, and we suggested $142,827,000 over the budget request and $15 million over the House bill, for medical facilities construction. The budget included no funds for construction grants for hospitals and public health centers, long-term care facilities, or modernization. The House bill includes an increase of $87,200,000, the same as the comparable 1971 appropriation for these activities. Our committee concurs in the House action.

Only a portion of these funds would help, directly, the health professions schools. But some of us still think we have to do more in this field and that we have to have some help from the budget and the people downtown in order to encourage these medical schools and the other places to be able to try to meet at least a part of our need.

Both the House bill and the committee recommendation includes $40,627,000 over the budget to fund the provisions of the District of Columbia Medical Facilities Act. These are hospitals in the area which are not eligible under the regular Hill-Burton grant formulas. The committee has also included $15 million

to complete an experimental hospital, here at Georgetown University in the District of Columbia.

PUBLIC HEALTH SERVICE HOSPITALS

Public Health Service hospitals are scattered throughout the United States. We put in $25 million over the budget request and $10,982,000 over the House bill. The budget request included no funds to operate the PHS hospitals after June 30, 1971. The hospitals are now open by virtue of special language in the continuing resolution, which we passed a few weeks ago. The committee recommends an increase of $19.5 million over the budget request and $5.5 million over the House bill to operate the hospitals for the remainder of the year and an additional amount of $5,500,000 for much needed minor repairs at the hospitals as well as to expand the program of training of paramedical personnel at the hospitals. Some of these people, as well as the PHS hospitals, might be used very effectively to implement the drug control program.

NIH MEDICAL RESEARCH

This includes all the National Institutes of Health. I could name them, but they will be in the record. This is all research money for grants and contracts as it pertains to biomedical research—and the training of people who can handle research in all these different fields. We were $247,305,000 over the budget request and $159,424,000 over the House bill. The House bill approved the increases in the budget request and added $87,881,000 to bring up to the 1971 program level all research and training grant and contract programs that were cut below that level in the budget. Our committee concurs in the House action and has included an additional $159,424,000 for selected research initiatives in many areas that are detailed in our report.

To cite just two:

Total funds available to the National Cancer Institute for fiscal year 1972 amount to $358 million, an increase of $128 million over 1971 and double the amount available in 1970. This represents the most spectacular funding increase of all the Institutes.

In recognition that heart disease is the Nation's No. 1 killer, we recommended $252 million for the National Heart and Lung Institute, an increase of $61 million over 1971.

NIH HEALTH MANPOWER

This is $42,576,000 over the budget request for authorized programs and $211,306,000 over the House bill. The House bill did not consider any of the items under this heading because at that time action had not been completed on the authorizing legislation. In recognition of the recent extension on the health manpower student assistance authorization, the committee has included $211,306,000 for the authorized health manpower programs, which are primarily student assistance. This is the minimum we need.

The increase we provided here in health manpower could assist over 18,500 more students of nursing, veterinary medicine, optometry, pharmacy, podiatry, osteopathy, dentistry, and medicine meet the costs of their education and training. Enactment of these recommendations would also expand the training programs in allied health and Public Health, which are so important in meeting our health manpower needs.

OTHER NIH

Other NIH programs in general, would receive $4,955,000 over the budget request and $4,155,000 over the House bill. The major increases are for the operations of the National Library of Medicine, the equipment for the Dental Health Center, and NIH overall program direction.

At the end of my introductory remarks I will add more detailed comments about these and other health programs in this bill.

SOCIAL AND REHABILITATION SERVICE

This is a very complex and, I must say, confusing portion of our health effort in HEW. I do not want to imply that we are criticizing in any way the work they are doing, but it is pretty difficult at times not to find what we think is some overlapping and duplication.

The Department keeps telling us they are looking at that day to day, week to week, and are trying to coordinate these efforts; but we feel there must be some duplication. That is not necessarily bad in all cases. People in need must be helped. But we are trying to get as much as we can for the dollar we appropriate, and I think some of these programs have not been too efficient or as efficient as they could be. I am hopeful that they will all become more efficient. But we are not going to be niggardly so far as finances are concerned with the Federal Government's participation in this very important part of American society. So we put in $94,041,000 over the budget request and $9,136,000 over the House bill.

REHABILITATION SERVICES AND FACILITIES

The committee recommends $688,836,000, $65,551,000 over the budget request but $18,285,000 below the House bill. We shifted around the priorities, as it were, because our increase over the budget is primarily for basic State grants where funds go to the States and help them handle the program and case load in the field of rehabilitation services. This is mainly services and manpower, when we get down to it. It does not involve bricks, mortar, and equipment. We hope it is getting out to the people involved, who need this help.

We also increased the formula grants to States for programs under developmental disabilities—that is an increase of $10.5 million, almost 100 percent greater than for 1971, and we added $5 million for the university affiliated facilities which contribute significantly to the objectives of the Developmentally Disabled Act.

SPECIAL PROGRAMS FOR THE AGING

The House bill includes $33,700,000 for these programs, which dovetail into four or five others in the bill, and that was the same as the amended budget request. It includes programs such as foster grandparents, retired senior volunteer programs, and we added $10,500,000 to the bill for the community programs for the aging and the foster grandparents program.

YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION

The House bill did not consider this item because action had not been completed on the authorizing legislation. Our committee recommends $15,000,000, an increase of $5 million over the budget request, to carry out the provisions of the act which was extended through fiscal year 1972 by enactment of Public Law 92–31.

REHABILITATION AND SOCIAL WORK RESEARCH AND TRAINING

The House bill added $30,013,300 which almost restores this program to the 1971 level. We concur in the House action and added $977,000 to completely restore the budget cut in the research area.

For all other SRS activities we recommended the same as the budget estimate and $4,855,000 over the House bill. The amount includes restoration of House cuts in areas such as child development research and demonstrations, SRS salaries and expenses, and selected small items which the House did not consider.

I must say, in all fairness, that the House has a bill that is almost comparable to ours, and I am hopeful that we will not have too much trouble in conference. The House has what I would say is a good bill in these fields.

The administration has suggested, and I think with legitimate reason, that we place a limitation on the HEW grants to the States and other divisions of government under welfare for the Federal contribution, toward the costs of services, service and administrative personnel. Last year they suggested 110 percent. That would mean that no State could "up" their personnel and services in administration of welfare programs by more than 10 percent over the previous year. The administration was trying to hold down these soaring costs.

Based on the fact that if we can limit some of that, or apply Parkinson's law occasionally, we might have more money to get down to the people where we really want it to go. There is mixed opinion about this. I guess every Senator has heard from his Governor—I know that I have—that we should not have this in the bill; but the full committee did put in the limitation, at 115 percent rather than 110 percent. I suspect that there will be amendments from the floor to knock this out. We will have a rollcall vote on it. But I want to say, here and now, that I think there has got to be some curbing of this almost fantastic enlargement of administrative personnel staffs, percentagewise. The bill is bigger. The need is bigger. The money is bigger. The programs are bigger. I understand all that, and maybe this is not the way to go about it, but we have got to get some handle on these costs.

Mr. COTTON. Mr. President, will the Senator from Washington yield, on my time?

Mr. MAGNUSON. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. On that point, I would express the hope, as I believe the distinguished Senator from California (Mr. CRANSTON) and the distinguished Senator from California (Mr. TUNNEY) will be offering amendments to strike this out, that they would offer the amendments early in consideration of the bill, perhaps as soon as the opening statements are concluded, for this reason: Whether it is stricken out, it will affect

somewhat, so far as I am concerned, the chances of taking to conference some additions to the bill. If we lose this limitation, or some limitation, we may be more likely to run into a veto. To say it colloquially, we could get away with it by not being quite so generous.

I would also serve notice that it is my intention, at some point in debate, to offer a substitute of 120 percent rather than the 115 percent as reported by the committee.

Mr. MAGNUSON. I thank the Senator for his comments. This is published in the hearings as to the number of States affected. Last year, we amended the 110 percent, to 115 percent. Although some States are not affected, they are increasing their administrative employment and services. In some States these costs have gone up 20 or 30 percent.

I do not mean to be too critical, because these programs are bigger and larger, and there is more responsibility attached to them, but when we look at the employment figures they are somewhat startling, as to the percentages of staffing and the administrative expenses in the total welfare program.

115 PERCENT LIMITATION

The budget included proposed bill language to limit the amount of funds that could be granted to a State in 1972 for "services, staff training, and administrative expenses" in connection with the public assistance program to 110 percent of the amount granted in 1971. The House bill does not include any part of this language in the bill. The Senate Appropriations Committee included a modified provision with the percentage limitation set at 115 percent rather than the 110 percent as proposed by the administration.

In summary, the recommendations before the Senate in this appropriation bill total $21,032,725,000, an increase of $1,050,821,000 over last year and $571,478,000 over the House bill. That is the magnitude of the program. If we were to include the trust funds involved, the HEW bill would be close to $79 billion. That is startling, is it not, Mr. President? Yet, in all fairness, when we look at our priorities, it is not so startling. It is the thing we want to do most of all. We have come a long way in our effort to reestablish what we think are the better priorities for our country and the use of our money; but, with the trust funds, and with the social security which is involved, it will be close to $79 billion.

We have done what we think is best by congressional action to raise social security benefits, and improve welfare. All this has happened in the past 2 or 3 years. I think it is a good reestablishment of this Nation's priorities. In a trillion dollar gross national product, this country can well afford $79 billion for the health and welfare of its people.

Subtracting the approximately $228 million of the committee's recommendations that the House did not consider from this increase—because of the lack of a budget estimate or the lack of an authorization when they considered the bill—the Senate committee's recommendations amount to approximately $343 million over the House for those programs that the House did consider. And this $343 million increase should result in considerably less than $150 million in fiscal year 1972 expenditures. I say this in anticipation of that term "inflationary measures." In the fiscal year 1972 expenditures, some of this is for a contract that goes on beyond the fiscal year. So I do not believe there is anything inflationary, as the President has twice suggested, about this HEW bill.

Mr. President, the committee believes wholeheartedly in these recommendations. They are sound recommendations, and they are reasonable. We can defend them in conference. Therefore, the committee is hopeful that additional amendments with one or two exceptions which we have discussed here—will not be loaded upon this bill, making this bill seem unreasonable in size—difficult to get through conference and difficult to acquire a presidential signature.

Another item, if we consider that we would be under the budget request, is a separate item that has to be discussed separately. The President sent to the committee a $1 billion request in the budget to implement what they call the Employees Emergency Employment Act, which the Senate passed.

The President vetoed the accelerated public works bill, and he said that was not the way to get at unemployment. I disagreed with him, but he sought to say in some way—and I think he meant to say—that the Emergency Employment Act would be a substitute. This is the act which allows subdivisions of Government to hire more people to do public work. The Senate passed it by a strong vote; he signed it and then sent up a $1 billion request for funding.

In that bill we authorized $1 billion. The request came quite late for us, and too late for the House to consider it at all.

The House, after they passed this bill on Tuesday last, did hold a hearing on the $1 billion request, and we had a short hearing in our committee just prior to marking up the bill in the full committee. But obviously there was not enough time to find out more about it, what it intended to do, and what the plans were, what the guidelines were going to be. Some people throughout the country are already dividing up the jobs, and they have not got the money yet. They are making big statements in the paper about how many people are involved.

I think it is probably a good program. It can be used for all kinds of things, but the administration insist it is going to be temporary. I am strongly in favor of the $1 billion being poured into our economy. It would mean a great deal out in my country where we are having some serious unemployment problems. I was hoping we would have the accelerated public works bill, too. In this last bill here, the Appalachian bill, we do have some money for EDA, which is primarily also public works. We are hopeful we will get more of that.

As I say, these are important programs, and the committee did recommend that we take this matter up the first of the week, hopefully Monday or Tuesday. The House has also recommended that they do the same thing. It would be a separate item, a special resolution. It should not take too long.

Mr. ELLENDER. Will the Senator yield?

Mr. MAGNUSON. Yes, I yield.

Mr. ELLENDER. I wish to say that this morning I talked to the House side. A resolution will come up Monday, and they will have hearings Monday and Tuesday, so that Congress can act before the holiday.

Mr. MAGNUSON. I will do everything I can to see that that bill is enacted. We are going to have to discuss the actual amount—I understand that—but it will be enacted into law before we leave on any recess.

The White House, of course, is very anxious to get the bill implemented as quickly as possible.

In conclusion, I need not stress, Mr. President, that all of these programs, and there are many, are all worth while, and their objectives are good, and they are important to our Nation and to every citizen and every family. They are important to the well-being of our society.

The Senator from New Hampshire and I could be here until tomorrow night just explaining some of them, or discussing some of them, or justifying some of them.

They assist those who are unable to assist themselves, especially the young and the aged. They will help build much needed medical facilities. We hope they will reduce unemployment. We are employing a lot of people in HEW. I do not know whether my colleagues in the Senate will believe what I say, but this is true. We had an awful time getting it out of the Department, but we finally did. We asked them the simple question. We said, "How many people do we have on the payroll? Directly or indirectly because sometimes there is a case where the State pays half and we pay half." They finally came up with the figure of 860,000. That is made up of 750,000 that are non-Federal employees and 110,000 that are Federal employees.

Part of that, of course, is the social security offices, too, which are scattered pretty near in every county. But 860,000 is the figure. Then we know the Post Office employs about 700,000. We ought to make some dent in the unemployment, putting the two of them together, just these two Departments of Government. It makes us wonder, but I do not know how else we are going to achieve all the objectives of the programs involved.

Let us just take the dental field. This appropriation will help the young and the aged. Over 50 percent of all children in the United States under 16 years of age have never been to a dentist. What costs will that involve in future years? It will involve tremendous costs. Just think of what this could do for these young people in saving them the cost, so that they could live a longer time with better teeth. Over 50 percent of all children are involved.

It will help train, we hope, countless men and women who are not available today to help deliver adequate health

care to the people. This bill will help to bring about much needed improvements in the health care delivery systems of our Nation. Above all, we hope they will help to solve some of the mysteries of diseases and sicknesses that plague all mankind.

In response to encouragement by the chairman of the full committee, the distinguished Senator from Louisiana, we have brought this bill to the floor at a much earlier date than has been our experience in the past. We have actually spent over 3 solid months on this bill, and the Senator from New Hampshire and I will be glad when it is over with this year. It is not that we did not think that we were doing the right sort of thing. It makes one feel good to be able to do this and participate in it, but it has taken a long time. We have brought it to the floor at an earlier date than usual, and we are anxious to move forward in conference and get the bill to the President for his signature.

The funds included in the bill, together with the State and local matching contributions, can enable this Nation to take strong strides toward a better and healthier America.

This is a good bill, and I sincerely hope my colleagues will support its passage.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Now, Mr. President, before I sit down, I want to propose another request. Because of debate limitations on this bill I do not want to take any more time. I would like to add a number of comments about the Department of Health, Education, and Welfare and in particular the health programs that they administer.

Within the Department of Health, Education, and Welfare the Health Services and Mental Health Administration—HSMHA—takes in many of those activities that are directly involved in providing health services. We examined with particular care the budget requests for programs that make up HSMHA and the progress being made by this relatively new agency in improving the organization and delivery of health care.

On the whole we were favorably impressed by the advances HSMHA has made during its third year in utilizing their many and diverse authorities toward the accomplishment of this common mission. In a number of functions, our committee was convinced that the budget requests were inadequate, and that underfunding of health programs would undermine objectives and goals that could easily be obtained, and the following comments are applicable to this entire budget.

After a careful program-by-program review, our committee perceived two principal problems in considering this bill. The first was recognized by the committee in considering last year's budget and has become a trend—the underfunding of important health programs. Three examples are: First, community mental health centers which hold great promise, particularly as they turn to treatment of such crucial problems as alcoholism, and mental disorders of childhood; second, biomedical research, and the training of young research scientists, activities where the investment of the Federal Government has been handsomely repaid in important new discoveries; third, the regional medical program which is serving to improve the health of our citizens by bringing to the bedside the latest developments in medical research.

We all recognize that full funding of all health authorizations this year is not possible and may not be desirable, but view with alarm the ever-widening gap between the amounts authorized and amounts requested in the budget.

The second problem involves the organization and management of the Department of HEW. Which is a more serious problem that cannot be solved by simple allocation of more funds. Despite the administration claim that it has an "interlocking strategy" in seeking creative solutions to the health problems of the 1970's, the Department has yet to come forth with a convincing comprehensive long range plan for solving the Nation's critical shortage of health manpower.

For example, we are still concerned about the slowness in utilizing discharged military corpsmen for work in civilian life. Another example is the continuing confusion in the Department about the organizational focus for health manpower activities. We believe there is a weak link in the Department's overall policy for the training and utilization of allied health personnel to assume tasks traditionally performed by physicians. Demonstrations of new types of health manpower, that is, Medex physician's assistant program are supported by the National Center for Health Services Research and Development. The weak link exists in getting successful demonstrations into widespread practice.

Our Nation can no longer afford procrastination in efforts to rapidly expand our supply of health workers. Professional schools must increase their output, and the present supply of health professionals must be used in a more innovative fashion. Last year we urged that a variety of demonstrations in creative utilization of health manpower be launched immediately to assess which best fit into the American health scene. The committee provided additional funds to the regional medical program for this specific purpose. Again this year, we urge that the regional medical program and the NIH health manpower program take the lead in assuring that such successful projects as Medex are replicated on a widespread scale throughout the health system.

For several years, we have offered the opinion that programs in prevention of illness and injury have not received sufficient emphasis by the Department. In its more traditional roles, the medical profession saves relatively few lives at relatively high cost. If significant impact on such mass killers as lung cancer, emphysema, heart disease, and injuries is to be made, we must look more to research into the basic causes of such disease as well as modification of social and environmental factors. Our ability to develop a cancer vaccine, or to change present patterns of cigarette smoking, environmental pollution, overeating, dental decay, and faulty product design holds greater potential for saving lives and prevention of suffering than massive new investments in hospitals and doctors.

Our approach toward preventive medicine is both humanitarian and pragmatic. The occurrence of preventable diseases and accidents are tragedies which we cannot tolerate. They represent the needless waste of resources, human and economic, in that they cause a demand for remedial and rehabilitative health services that could be reduced.

In this respect, we recognize that preventing premature deaths, illness and injury is, in concept, a major part of the administration's "health strategy." However, in practice, the budget proposal fails to deal effectively with such programs as alcoholism, health research other than cancer research, communicable diseases, and lead-based paint poisoning in children.

My review of specific programs in health and HSMHA must start with mental health where our recommendation would provide an increase of $108.7 million over budget estimates, $27 million more than the House allowance, and almost $220 million more than was appropriated in 1971.

Our committee heard extensive testimony regarding the remarkable advances that have occurred in the mental health field over the past several years. The reduction in the number of patients confined to mental hospitals demonstrates quite vividly the effectiveness of having a total approach to the problems of mental health and illness. These patients now number 339,000—nearly a quarter of a million fewer than in 1955. The results are significant; however, these efforts must be built on if we expect to maintain a program of national effort. Any curtailment of this effort could seriously endanger the tremendous advances which have evolved through the use of this total approach toward improving the mental health of the Nation and toward preventing mental illness among its citizens. These changes are the hallmarks of work and progress from the general public, from voluntary and professional groups and associations, from the Congress and from the President. The support for an enlarged national effort sprang from a growing awareness of the threat of mental illness to the people of the United States.

In a period of time, when about half of the Nation's hospital beds are still occupied by psychiatric patients and mental illness still touches one family in three and one person in ten requires treatment for a mental disorder of some kind during his life, we can ill-afford any reduction in effort. This Nation spends upward of $3.8 billion a year on direct mental health services. A very large part of these expenditures is for custodial care and contributes little to the prevention or cure of the mental illnesses. Another $16.9 billion, it is estimated, is the cost to the Nation indirectly through loss of earnings, loss of output because of excess absenteeism and a lower productivity on the job, loss of tax revenues, and so forth. Apart from these staggering economic losses, on humanitarian grounds

alone, our Nation cannot afford the continued loss of human resources represented by an estimated 10 percent of our population with mental and emotional problems. For these reasons our committee has taken steps to include in the budget for 1972, funds needed to provide the necessary resources to continue a total approach toward solving the problems caused by alcoholism, narcotic addiction, juvenile delinquency, mental health of children, and other general and specific areas of mental illness.

The committee is convinced that the first line of defense against mental illness lies in the ability of our people to obtain basic treatment and preventive services at the community level. An increase of $10,000,000 is provided over the House action for construction of community mental health centers. An increase of $10,000,000 is provided over the House allowance in order to fund the backlog of staffing grant applications for those centers that are ready to become operational but left unfunded in 1971, and to fund anticipated applications expected to be approved in 1972. It is our opinion that maintaining a patient's ties to the home and family is one of the most effective techniques available for the treatment and care of our elder citizens. Through the expansion of the community health center program the aged will be able to maintain meaningful and rewarding roles in the community.

Few illnesses, if any, compare with alcoholism in the number and variety of tragedies that they create. Alcoholism afflicts over 9,000,000 individuals and indirectly affects 27 million more Americans. The grim annual toll that is linked to alcoholism and alcohol abuse is 85,000 lives and $15 billion, heaped upon incalculable social and personal suffering. It has already been acknowledged that the alcoholic needs our care, not our condemnation. In view of the staggering dimensions of this problem we recommend an increase of $25,000,000 for alcoholism community assistance formula grants and $5,000,000 for alcoholism project grants above the budget request.

We are also aware of the need to provide greater resources that will serve to reverse the tide of pathology and pain that threaten so many of our children and often result in juvenile deliquency and antisocial behavior. Perhaps no investment of our mental health resources would bring greater proceeds than those aimed at eliminating the mental illness and improving the mental health of children. We recommend additional funds in the amount of $10,000,000 for treatment services for children as authorized under part F of the Community Mental Health Act as amended.

Drug abuse, one of the most serious problems of our time, particularly among the young, must be brought under control. In order to make strides toward resolving this monstrous problem, we have recommended the additional $67,000,000 requested in the amendment to the budget estimates.

Within the grants and projects programs of the partnership for health, Federal, State, and local efforts to curtail communicable diseases have faltered over the past few years.

Immunization levels against some of the major childhood diseases have fallen dangerously low, especially among the urban and rural poor in the one to four age group. The significance of these declining levels is reflected in the increased incidence of disease. In 1970, outbreaks of measles and diphtheria became common. Even though the number of cases of poliomyelitis in 1970 was small it is almost twice as many as reported in 1969. However, the real danger is the potentiality for rapid spread of the virus when it is introduced into a population which is poorly protected. These additional funds which will be awarded to States and communities will provide the resources necessary to undertake a coordinated national immunization program against measles, poliomyelitis, rubella, diphtheria, pertussis, and tetanus.

Our committee recommends an increase of $5 million over the House allowance for section 314(d), formula grants to States for health services. This amount will provide for one-half the increase requested by the President's budget amendment. As stated in the amendment the States will be encouraged to use this additional amount for venereal diseases, measles, and other communicable diseases.

We also join with the House in recommending an additional increase of $20 million for communicable disease control. Of the amount, $16 million is to be directed toward combating the spread of venereal disease, and the other $4 million toward other communicable disease control activities.

These additional funds will enable States and communities to carry out programs to control gonorrhea and to achieve the eradication of syphilis. Assistance will be provided to States and large cities to support a nationally coordinated gonorrhea control program concentrated in urban areas of high incidence. This assistance will enable the States to apply current gonorrhea control technology and proven measures for the diagnosis, treatment, and prevention of syphilis.

We have noted that the President's budget as originally submitted contained no funds for the National Health Service Corps and that subsequent thereto a budget amendment for $10,000,000 was presented. While pleased that a request was submitted for this program, our committee felt that an additional $5,000,000 could be effectively utilized. The increase will allow for recruitment of additional health personnel for assignment to areas with critical medical manpower shortages.

Our committee also recommended an increase of $1,899,000 for a total of $20,000,000 for the migrant health program. This will provide for improving the quality and supporting additional comprehensive health services to migrants and/or seasonal farm workers who can least afford medical care.

The maternal and child health programs are a major national resource for providing basic preventive maternal and child health services and for the location, diagnosis and treatment of children with crippling or potentially crippling conditions especially in rural areas. They respond to the serious deficiencies that exist in the amount and quality of care received by poor children as compared with middle class children which result in an excess of preventable deaths, illnesses and handicapping conditions among the poor.

We have been impressed with the high degree of success achieved by the maternal and child health programs in delivering comprehensive health care to the Nation's mothers and children. These programs respond to the serious deficiences that exist in the amount and quality of care received by poor children as compared with middle class children which result in an excess of preventable deaths, illnesses and handicapping conditions among the poor. The increase recommended will insure that quality medical care can be made available rapidly to substantial additional numbers of poor children and their mothers.

Although we have recommended an additional $7 million for maternal and child health programs, the administration requested a substantial increase of $65 million which has also been approved and I compliment their good judgment.

Last year our committee urged the prompt initiation of a new dental care program for children. It is pleased to learn that seven projects designed to provide comprehensive dental care to about 10,000 children are now underway. The committee believes that much more needs to be done to reduce the amount of Federal dollars being spent to treat dental conditions in adults that could have been prevented by proper care in early childhold. Two-thirds of all children in families with incomes under $4,000 have never been to a dentist compared to 40 percent in families with an income of $4,000 or more. Children at the low-income level are five times as likely to have cavities as the middle class child. We therefore urge expanded efforts in the dental care of the poor child and have included a total of $1,500,000 for this purpose, an increase of $640,000 over the House allowance.

Our committee has added $3,744,000 to the bill to respond to the crisis in the States relative to a shortage of resources necessary to continue the provision of quality medical care to crippled children especially in rural areas. Through this State grant program providing services to crippled children, some 490,000 such children—most of them under 15 years of age—receive highly specialized medical and surgical care. By early detection and treatment of such conditions, many children who might otherwise have been permanently disabled become productive, self-supporting adults. In recent years effective treatment methods for crippled children have become more complicated technically and more costly; a number of States are reducing or eliminating services in order to compensate for the medical care inflationary spiral. In recognition of this factor, the committee has

increased the budget to assure effective continuation of this progressive program.

Our committee concurs with the increase of $53,250,000 in 1972 for family planning project grants which will provide services to approximately 900,000 additional women. This will bring the total of women being served by all active National Center for Family Planning Services project grants to approximately 1,560,000 when all the center's projects are full operational. With the total number of women being served under the maternal and child health state formula grant program and the maternity and infant care project grant program, about 2,250,000 women will benefit from family planning service programs funded in 1972.

For the regional medical programs, our committee has recommended $122.7 million, an increase over the House allowance of $40 million and $70 million over the budget request. Including those funds from 1971 that have been held in reserve, this will make $167,271,000 available in 1972 to this important program.

Our committee heard considerable testimony, both this year and previous years, from knowledgeable witnesses that the health care system in this country is both inefficient and inadequate. The extent of these inefficiencies and inadequacies have never been accurately measured or described, but there is one common theme that was derived from all of this testimony, and that is more needs to be done. Once again we must express deep concern regarding the need to strengthen the regional medical program effort. We believe, as do these expert witnesses who have testified before us, that the regional medical programs play an important role in the organization and delivery of health services. If this program is to fulfill its basic mission it must have the resources necessary to meet the challenges confronting it.

Last year our committee heard testimony to the effect that this program was at a critical stage of development. The early problems associated with institutional and professional isolation were passing and significant improvements were emerging in health planning and in the delivery of health care as well.

In our report we have detailed a number of specific programs that we feel the RMP's should emphasize, including kidney diseases; the early detection and treatment of chronic respiratory disease in children; ambulatory care, emergency services and prevention, or "health maintenance" in contradistinction to crisis care; and questions pertaining to special surgical teams and facilities. We hope the regions will take note of these items.

While we are highly impressed with the evidence presented on the successful RMP programs in many regions of the country, we are eqully aware that there have been instances where delays in getting a program underway have been the rule rather than the exception. Even more questionable is the possibility that in some instances the flexibility and individuality allowed regional programs under this legislation have been stretched to highly questionable, if not illegal limits. We would be distressed if such practices prove to be both factual and on the increase, and impair what otherwise promises to be one of the most effective mechanisms for effectuating improvements within health delivery systems and the relationships between and among everyone involved in such health care. Our committee will expect the HSMHA and the Nationl Advisory Committee to immediately address themselves to these questions.

One of the most promising of potential improvements in the delivery of health care are HMO's, health maintenance organizations or group practice, and other adaptations of prepaid health care that are contemplated. We feel that RMP is in perhaps the best position to contribute effectively to proving out such programs, and were informed that RMP stands ready to work in tandem with others, Federal agencies as well as public and private organizations, to prove out such proposals and would approve the use of a portion of the increase provided in such projects.

Under medical facilities construction, both the House and Senate committees were faced with administration recommendations that appear more intended to repeal the Hill-Burton Act through fiscal strangulation than to continue this program that has meant so much to almost every community in our Nation.

Our recommendation of $281.7 million would be $56.3 million over the 1971 appropriation, and only $15 million greater than the House allowance, but $142.8 million over the budget requests. I strongly urge approval of our recommendation and would urge the President to allow these funds to be expended.

Over the last two decades the $3 billion appropriated by the Congress for the Hill-Burton program has generated more than $7 billion in State, local, and private contributions and resulted in the construction of over 425,000 new hospital beds. Last year the Congress, by overwhelming majorities in both bodies, renewed the program for 3 years at a level of close to $3 billion and a veto of that legislation was decisively overridden.

While the Hill-Burton program has provided much-needed assistance in the construction and modernization of hospitals there remains a tremendous need for new hospital construction and for modernizaton of obsolete facilities. At the same time hospital costs are rising at an unprecedented rate. Our committee heard testimony concerning the financial problems of hospital operations. While the new loan guarantee program may be a good move toward stimulating more construction, we are concerned that this form of assistance might also have the effect of further increasing the cost of hospital care which is already prohibitive for many Americans. Much concern has been expressed over the ability of health facilities to meet the financial requirements associated with these loans. We feel that a reasonable grant program for inpatient construction and modernization should be continued in order to provide assistance to the many hospitals which have specific financial problems in operating, such as teaching hospitals and hospitals in poor urban settings. Our committee concurs in the House increase of $87,200,000 in construction grants in order to continue a balanced program of grant support, as was done in 1971.

While we might well have questions about the loan guarantees with interest subsidies, our committee was even more concerned over the delay in implementing that new program, and we are hopeful that progress will be made soon to get it underway. We concur with the House action of appropriating $30 million to capitalize the Fund for direct loans. The Department has requested special commitment authority instead of an appropriation. In view of the critical need to make the loan program available to publicly owned hospitals immediately, the commitment authority procedure appears to be unduly hindersome and might prove to be awkward to operate efficiently.

For patient care and special health services within the Public Health Service hospitals, the committee has recommended an increase over the 1971 appropriations of $10,952,000 and $25 million more than the budget requested.

Our committee is greatly concerned over the possible impact of the Department's plan for converting the Public Health Service hospitals to community control and use, although we received assurances given by the Department that it recognizes the need to include provision in its plans for equal or superior care for its beneficiaries, expanded use of the facilities oriented to community needs and provision for the protection of the rights of employees.

Our committee is willing to defer judgment until the current efforts of the Department can be evaluated and agrees with the Department that efforts must be made to work closely with beneficiary groups, employee organizations and community agencies in exploring alternatives to the present system of providing care for its beneficiaries.

However, we believe that adequate funds must be provided to insure continued operation of the PHS hospitals in this interim period. Therefore, to assure their continued operation at the current level of operation, we have added $19,500,000. The recommended increase would also provide for training of additional physician's assistants and other paramedical personnel to increase the available manpower for the delivery of health care.

The fate of the commissioned corps of the U.S. Public Health Service continues to remain in doubt, resulting in loss of morale, and reduction in efficiency of this organization. The corps has a proud tradition, and should not be allowed to wither on the vine. Last year, our committee urged the Department to come forth with a definitive plan for expanding the role of the corps to provide direct health care in rural and urban areas of the country which are in greatest need and are unable to attract trained professionals. We are dismayed to learn that the Department might consider abolishing the commissioned corps of PHS. Before such action is taken or any final de-

cisions reached, we would expect the Department to consult with the appropriate committees of the Congress.

Our committee has heard convincing testimony that the commissioned corps of the PHS is one of America's greatest health bargains. These doctors, teachers and administrators are paid on a military scale beginning at $1,000 a month and ending at $2,000 a month. This income is tiny in comparison with what these doctors could earn in private practice. And yet they unselfishly devote extra hours, weekends and holidays to their jobs.

Consequently, our committee again urges that consideration be given to expanding the role of the corps to provide direct health care to medically underserved populations in rural and urban areas which are in greatest need and are unable to attract trained professionals.

NATIONAL INSTITUTES OF HEALTH

The initial budget requests for the National Institutes of Health was a lackluster, pedestrian document that did not rise to the readily identifiable opportunities for pressing the fight against disease and disability, and it failed to make adequate provision for the optimum use of the research tools that are already at hand. Our recommendations are more in keeping with the dynamic nature and the superb capabilities of the medical research establishment in the United States that is unmatched by any other in the world.

Obviously, it is not reasonable to attack all known ills to which the human flesh is heir simultaneously and with equal emphasis. But it is our carefully considered conviction that the American public is in complete agreement with us with regard to reconsidering our priorities and halting the decline in our biomedical research efforts.

Further degradation in that effort, whether or not we rapidly succeed in effectively guaranteeing the right of health by reorganizing our systems of delivery of health services, is simply not defensible on the basis of the established record. It will take relatively little further attrition to reduce the programs of the National Institutes of Health to a routine and uninspired state.

On the other hand, if that should happen, it would take years and billions of dollars to rebuild it to the point where it could, once again, take the lead in strengthening and maintaining the fundamental foundation—which is biomedical research—upon which the Nation's health inevitably rests.

Our approach toward the NIH budget and the requests presented is both humanitarian and pragmatic. To recapture lost ground is far more costly, therefore, we consider our recommended increases to be substantial savings. The occurrence of preventable diseases and accidents are tragedies which we cannot tolerate. They represent the needless waste of resources, human and economic, in that they cause a demand for remedial and rehabilitative health services that could be reduced.

Throughout this budget we have helped to improve the capabilities of those programs that will aid in the prevention of disease and accidents. Throughout this budget we have helped to increase those programs that will add to the supply of skilled health manpower. Throughout this budget we have helped to increase those programs that comprise the foundation of our Nation's health, biomedical research, and this is especially true within the National Institutes of Health.

The regular budget estimates showed no evidence of any desire to recover lost research momentum.

For the research components of NIH there is an overall increase of only 2.2 percent which fall far short of the inescapable increase in the cost of research, as of almost everything else, and would therefore inevitably require another small retreat on virtually every health research front.

Research on diseases of the heart and lung—the leading cause of death in this country—was allowed an anemic increase of 2 percent.

For research on stroke and the tragically crippling neurological diseases, there is actually a decrease of 3 percent.

For the Institute that supports research on kidney failure, arthritis, digestive diseases, diabetes and other metabolic diseases, there is a miniscule increase of 0.7 percent and for allergy and infectious diseases, an increase of 1.2 percent.

For the new National Eye Institute, which is not yet fully staffed and is only just getting its major programs under way, the budget allows a bare-minimum cost-of-living increase of 7.3 percent.

In the National Institute of Child Health and Human Development there is a modest program increase for family planning and population research but this is partly offset by a significant reduction in funds for research on aging.

And for the Institute that supports research and training in the fundamental biomedical sciences and such fields as radiology, anesthesiology and pharmacology that are relevant to the missions of all the other Institutes—and that also has pioneered in the development of automated laboratory equipment—there is another decrease of nearly 3 percent.

That initial budget recommended, and a subsequent supplemental appropriated, an additional $100 million to launch a cancer conquest program. This committee was encouraged by this apparent evidence that the administration was, at long last, ready to move ahead with research on the major diseases and was particularly impressed by the President's emphatic statement that he would "ask for whatever additional funds can be effectively used." Administration witnesses have presented this action as marking the resumption of more vigorous support for medical research which has been allowed to lag during the past few years.

We firmly believe that the opportunities for significant advances are no less in many of these other fields. In fact, expert witnesses have testified that the prospect of preventing or curing a number of serious diseases and disabilities is considerably better—in terms of the expectation of success and the length of time in which it might be achieved—than it is for most forms of cancer. They have in fact, expressed concern over the danger that the public will be led to believe that the cancer conquest program promises more than it can deliver.

Because we believe that adequate resources for research in these fields must also be made available, we have recommended selective increases to the appropriations for each of the institutes and research division of NIH. These increases total $159,242,000 over the House allowances, would be $372,886,000 above 1971 levels of funding and are $247,305,000 above the budget estimates.

Compared to 1971, excluding the $100 million already approved for the cancer program, these increases include: $61 million for heart and lung; $39.7 million for neurological diseases and stroke; $32.4 million for child health; $29.2 million for arthritis—kidney—and metabolic diseases; $27.7 for cancer $24.8 for general medical sciences which includes bioengineering; $14.8 for allergy and infectious diseases; $12 million for environmental health; $10.2 million for dental research; $9.7 million for the Eye Institute; and $9.5 for the support of research resources.

These additional funds will not only help increase biomedical research efforts, but restore cuts in research training grants.

In our report last year, we expressed great concern about the serious cutback in funds for research training and repeated its opposition to what seemed to be a subtle policy of reducing health research training so that eventually support for health research projects could also be reduced. The shift in policy on future research-support, as exemplified in the cancer conquest program with its open ended promise of whatever additional funds can be effectively used, inevitably creates an even greater need for well-trained investigators and well-equipped facilities to carry out the expanded research programs.

Our committee shared the surprise of our counterpart in the House at the reduction in the budget estimates for training grants and concur in the House action restoring the training grant funds to their 1971 program level. We also concur in the restoration to the appropriations for the Institutes of the $23 million salary-component of the training grant funds which had been transferred to the budget request for the Bureau of Health Manpower Education—an unaccountable action that has been widely criticized even by its purported beneficiaries. No funds have been added to the NIH appropriations specifically for research training only because the committee deferred to the agreement between the Department and the Office of Management and Budget to make no change in these programs until the training grant study has been completed. This study has now been gestating for more than a year and the need to expand the research-training programs is clearly becoming urgent. We, therefore, intend to take a very close look at research-training needs during

next year's hearings whether or not the study results are then available. Meanwhile, the committee has no objection if some of the increased funds are used for training grants or fellowships in the general areas for which they are provided.

Due to the cumulative effect of expenditure controls and inflation, the total number of research projects that NIH has been able to support has steadily declined—from 14,170—totaling $439 million—in 1964 to an estimated 11,000—totaling $671 million—in 1971. Meanwhile, the number of grant applications that were judged meritorious and approved but for which no award could be made rose sharply from 454—totaling $15 million—in 1964 to 3,265—totaling $149 million—in 1971. In dollar terms, even with the House increase, NIH will have only $136,251,000 to fund approved new research projects for which the requests total $274,146,000. The proportion of approved grants that the various Institutes will be able to fund varies considerably and in three important areas it falls well below 50 percent. The Child Health Institute will only be able to fund 34 percent of its approved new research grant projects, the General Medical Sciences Institute only 40 percent, and the Arthritis Institute only 44 percent. We believe that the Institutes should be able to fund at least 50 percent of meritorious grant applications, and therefore added a total of $15,650,000 to the appropriations for these three Institutes to enable them to fund at least half of their approved competing grant applications.

New machines and procedures, developed through the joint efforts of experts in the fields of medicine, chemistry, engineering, and others—in essence, biomedical engineering—rank next to health manpower in offering great promise that the quality of health care might be improved for the American people. The artificial kidney machines are just one example of the fruits of such joint efforts. New testing procedures that involve the utilization of computers have brought greater reliability and dependability into routine and highly sophisticated testing procedures in clinical laboratories, while at the same time unit costs have been lowered.

Bioengineering is a part of biomedical research, and for all such activities we feel that a more nearly adequate level of support for these efforts should now be provided the National Institutes of Health. These programs constitute the keystone to any long-range effort to understand and prevent premature deaths, illness, and injury.

We have strongly encouraged the NIH to direct their precious resources at those disease problems that are most important and widespread, where effective means for dealing with the problem are available, where new opportunities have emerged—as in cancer research—and where the likely benefits justify the expected costs.

Our committee is of the opinion that areas of great concern in addition to cancer research meet this criteria and we consequently added funds for selective research initiatives, some of which are mentioned in our report. We would urge the NIH to take the initiative in programing its funds to assure that the results of basic research are applied and translated into the health delivery system of our Nation with all sense of urgency.

HEALTH MANPOWER

Health manpower, which to our committee is all inclusive from the most highly skilled surgeon to the rehabilitation therapist or laboratory technician, ranks next to biomedical research and the improvement of health care delivery systems as the highest of priorities in health. No area is more complicated than health manpower in this budget.

Although the Bureau of Health Manpower Education within NIH has the largest single line item devoted to health manpower, almost every agency within DHEW has programs that contribute significantly toward resolving shortages of various skilled personnel that are sorely needed if we are to achieve greater quality in the care and treatment of those who are ill and deliver such quality health care to greater numbers of the American people.

Our committee addressed itself with particular concern to all of those other programs in this bill that are within care and treatment, or prevention and rehabilitation in relation to health manpower and the delivery of health care.

Funds have been increased or restored to a variety of such programs: psychiatric residencies in mental health; training of auxiliaries in the Public Health hospitals; training of future teachers and researchers under the several Institutes of NIH; training, especially of those working with the handicapped, under the Social and Rehabilitation Service. All of these and other programs contribute significantly toward meeting severe shortages of all types of specialized personnel who are needed within the delivery systems of health care.

The Bureau of Health Manpower is directly and almost exclusively responsible for programs that deal with allied health, public health, nursing and the health professions. This includes all of the training programs and the students in medicine, dentistry, osteopathy, podiatry, pharmacy, optometry, veterinary medicine, nursing and allied health—which includes all of the paramedics and auxiliaries who assist all other health manpower categories.

For all those categories, various Federal programs of student assistance have helped thousands of students to defray ever increasing personal costs and tuition and fees charged by schools and colleges; institutional support for those schools involved in such training programs has assumed a relatively significant portion of those costs; traineeships have helped to produce the people who will ultimately take the place of those currently involved in teaching positions and help to staff new schools and colleges that are so desperately needed; construction programs have helped State, local and private resources to build new teaching facilities and modernize outmoded structures.

When the President's budget was submitted to the Congress in January $541,925,000 was requested to support all of those activities within the Bureau of Health Manpower. At that time, only those programs within allied health and public health were authorized for fiscal 1972, and the request for those programs constituted only 9 percent of the total. The balance of the programs in nursing and the health professions involved authorizations that would expire and the budget request was based upon legislation that would be submitted for consideration by the Congress.

That legislation was submitted, but significantly modified both in the House and Senate during exhaustive review and debate within the respective bodies. That legislation is now in conference and although an early resolution of differences is expected, it is unknown what form it will take or whether it will subsequently be signed into law. Without authorizations, this committee could not proceed on the basis of vague possibilites.

Late in the 1971 fiscal year the Congress did pass, and the President signed, emergency legislation which extended the student assistance programs for nursing and the health professions. Direct institutional aid and construction programs have expired for those two categories, but this combination of authorized and unauthorized programs within the Bureau of Health Manpower presents the entire Congress, with a complex and difficult set of questions.

To consider these individual parts and components of the total health manpower package administered by the Bureau as isolated programs is difficult. The House committee, because of this unique situation, did not consider any requests for appropriations under these titles and no allowances are provided in the House bill.

Because of the concern we all had for making it possible for students now enrolled in these programs to meet their personal financial needs, and because of our great concern that the enrollments within all these programs be increased, we are convinced those currently authorized programs should be funded in this bill.

In consultation with administration officials, revised requests for those currently authorized programs were reviewed. The recommendations of our committee are $42,576,000 greater than those presented on behalf of the Bureau and these increases will raise the levels of funding for student assistance programs—direct loans and scholarships—and traineeship programs.

Those additions will allow for an increase of 4,500 direct loans and 3,500 scholarships for students enrolled in veterinary medicine, optometry, pharmacy, podiatry, osteopathy, dentistry, and medical schools and colleges

Those additional funds will provide 5,500 more direct loans and 5,000 more scholarships for nursing students.

Those funds will provide at least 200 more traineeships for the teachers and instructors needed for schools of nursing.

Those funds will provide an oppor-

tunity for at least 3,500 State and local public health workers to participate in short or long-term training programs, especially those which can help them improve community efforts in preventive medicine.

Those funds will provide an additional 1,300 traineeships for teachers and instructors in allied health programs within community colleges, vocational, and technical institutes.

Those funds will fund a new program that will provide 1,000 scholarships for students of exceptional financial need who can then enter allied health training programs.

The committee recommendations for health manpower total $211,306,000 and for the programs involved, that will give an increase of $58,846,000 over 1971 expenditures and would allow $42,576,000 more than the Bureau recommended. Over half of these funds are for student assistance, either direct loans or scholarships.

Although an exhaustive review was not possible in the time available or with the documentation presented, it was obvious that compared with prior years, funds for student assistance were being stretched to cover greater numbers of individual students at substantially reduced levels of individual loans and grants. While it is not our intent to give eligible students a totally "free ride," we do want to provide sufficient funding for those programs so that no eligible student will be denied access to these training programs he or she is qualified to pursue because of financial need.

As we emphasized in our report on the Office of Education appropriations, we are "of the opinion that middle income families are fast becoming the forgotten Americans. Nowhere is this trend more evident than in the student aid programs—both existing and proposed." That distressing trend is even more greatly magnified within the health professions and nursing student aid programs.

The interpretations that some deans and university student aid officials have placed upon regulations and guidelines adopted by DHEW have had the effect of redirecting such student aid funds among institutions and within participating schools and colleges, often with little relationship to the actual circumstances of individual students and their families. Those regulations and guidelines have in some cases impaired and flexibility of student financial aid officers to such an extent that some consider their position void of any discretion or decisionmaking. Such confusion must be avoided.

The original budget request for student aid under the health professions would have limited access exclusively to those students in medicine, osteopathy and dentistry. We have totally rejected that proposal. The allowances recommended will be open on an equal basis to all the eligible schools, colleges and individual students in veterinary medicine, optometry, pharmacy, podiatry, osteopathy, dentistry and medicine.

Our committee has been a strong supporter of all programs for the disadvantaged and has included substantial increases for such programs in this bill and in the Office of Education appropriations recently signed into law. It is apparent that greater opportunities should be afforded disadvantaged students within all health manpower programs. Nevertheless, we are concerned that the pendulum might be swinging too far in student assistance programs under these titles and hope that the Department of Health, Education, and Welfare will take steps to prevent this from happening.

A final action of the committee in health manpower involves the measure passed by the Congress, dealing with the family practice of medicine, during the 91st Congress. There is no dispute that the most serious shortages within the private practice of medicine is that of general or family practitioners. Without exception, the outside witnesses appearing before the committee agreed with these needs and many requested early implementation of that legislation. We have provided the modest sum of $5,000,000 to be allocated under the provisions of the act, and view this amount as a first installment and will be receptive to a supplemental request for greatly increased funding for the item.

In reference to the health manpower legislation currently pending, we discussed with administration and Bureau officials the serious implications of any delay in the implementation of whatever version of institutional assistance is finally enacted. The serious financial plight of many health professions medical and nursing schools, both public and private, is widely acknowledged though little understood.

The committee was assured that every effort would be made to implement the provisions of that legislation at the earliest possible time. The committee was also repeatedly assured that a supplemental appropriation request would be transmitted to the Congress to allow obligations to be made early during fiscal year 1972.

This is imperative because there are no funds in this bill for institutional support of schools of nursing or the health professions. There are no construction funds in this section for any of these programs—funds that could assist State, local, and private resources that in some instances stand ready to initiate new schools and colleges in the health professions and nursing. We will expect the Bureau and the Department to recognize the urgencies involved and submit that supplemental appropriation request for health manpower at the earliest possible time.

I would also like to offer a brief commentary upon the relationship of these funds and programs within the Bureau to the educational community and the appropriations process of the Congress. The recipients of health manpower funds are either students or the particular institutions they attend, and the basic issues of administration of these funds are replicated many times over in similar programs within the education budget. It might be well for the administration to give serious consideration to placing these funds within the requests of the education appropriation bill and allow the Congress the opportunity of considering them in that context rather than here.

In summary, $40,500,000 has been provided for scholarships, an increase of $8,000,000 over comparable funds available in 1971; $51,000,000 has been provided for direct loans, an increase of $8,890,000 over 1971; $30,620,000 has been provided for traineeships, an increase of $8,000,000 over 1971; $30,571,000 has been provided for institutional support in public health and allied health, an increase of $11,250,000 over 1971; and $48,343,000 has been provided for educational grants and contracts and direct operations, an increase of $17,706,000 over 1971. Program direction and manpower analysis was retained at the 1971 level, and $5,000,000 was added to implement the Family Practice of Medicine Act.

Two additional items within NIH merit special comment, the National Library of Medicine and the Fogarty International Center for Advanced Study in Health Sciences. For the Library our committee has recommended an increase of $3.5 million over 1971, which is $3.1 million over the budget estimates and $2.3 million over the House allowance.

The grant of an inflation allowance to all the research institutes by the House was vital to their programs, but in the case of the Library of Medicine to base such computations upon the grant activities is not equitable. The extramural activities of the research institutes absorb 86 percent of their funds, but at the Library the grant programs account for less than 28 percent of the funds.

A cost-of-living increase that only applies to the grant programs of the Library would leave the bulk of their activities untouched. Major elements of the Library's expenditures have, in fact, been rising by more than 6 percent—the cost of books has gone up 10 percent per year, along with printing, and specialized journals 14 percent. Therefore, we added $805,000 for these activities, including contracts, to assure the National Library of Medicine would be able to maintain their 1971 level of program.

Within the Library program is the Lister Hill National Center for Biomedical Communications, that has existed in little more than name since its inception in 1968. With a modest budget, composed mainly of additions the Congress has provided above their requests, the Lister Hill Center has supported several prototype demonstrations in biomedical communications. The satellite communications link with remote regions in Alaska and the two-way television network in New England are dramatic examples.

Such projects need to be expanded, and the center should become more aggressive in stimulating an awareness of and interest in the ways in which modern communications techniques can be adapted and expanded to serve all facets of health services, biomedical research, and the training of health professionals.

The enactment of our recommendations would add $1 million to these programs of the Lister Hill National Center for Biomedical Communications over their 1971 level of expenditures.

The John E. Fogarty International Center for Advanced Study in Health Sciences in its brief 3-year history has developed an impressive set of programs for the advancement of health sciences.

Conferences and seminars play a key role in the center's activities, serving as an important channel for the communication of research, scientific and medical knowledge to the biomedical community. During the course of a year they provide opportunities for over a thousand American and foreign scientists, physicians and other bimedical professionals to review, discuss and exchange ideas to improve their understanding of and provide solutions to biomedical problems.

The scholars-in-resident program brings to this country distinguished foreign scholars, for periods of up to a year, for advanced studies in the health sciences. Since the inception of the program, resident scholars have been concerned with certain aspects of cancer, blood chemistry, heart arrhythmias, and biophysical chemistry, and the interchange of knowledge is beneficial to everyone.

The international postdoctoral fellowship program brings talented young foreign scientists to this country for work on current research problems in American laboratories and clinics, and has been in existence for many years, 1969 was the high point of this program when there were 173 postdoctoral fellows and last year that had slipped to 122.

The recommendations of our committee would increase the levels of program support at the Fogarty Center. The total would be $969,000 above the budget estimates, $606,000 over the amount appropriated in 1971, and $525,000 over the House allowance.

In view of the value of the international postdoctoral fellowships program to its foreign participants, we have suggested that consideration be given to broadening its scope, or creating a parallel program, so that talented young American scientists can be similarly sent abroad to work in foreign laboratories and clinics and also thus broaden their experience.

I would especially like to commend the Fogarty Center for initiating a series of surveys of biomedical research activity in other countries by scientists drawn from the professional staff of the various institutes and university faculties. I have special reference to studies on various aspects of medicine as practiced in the People's Republic of China.

With the lessening of tensions between our two countries, it behooves the United States to become far more aware of the health capabilities in China. I would also hope that the Fogarty Center would extend invitations to appropriate representatives of the research, scientific, and medical communities in China to attend their conferences and seminars.

SOCIAL AND REHABILITATION SERVICE

The Social and Rehabilitation Service accounts for over half the total appropriations in this bill, but almost $11.5 billion of this is in grants to States for public assistance. Grants and programs over which this committee has no control—programs which have almost gone out of control for everyone, from the President, to Governors and mayors, to the neighborhood social workers.

Welfare reform legislation is one of the priority items before this Congress, and although this committee is greatly interested in the reform proposals advanced by the President and others, that legislation is not within our jurisdiction and we could not base this budget upon proposed changes in the law. During our review of both SRS and the Social Security Administration programing for fiscal year 1972, we were disturbed over projected changes based upon passage of welfare reform legislation. This was most evident in regards to medicaid/medicare regulations and guidelines, especially in reference to hospital and nursing home care.

Although we are all anxious to improve the administration of these programs, provide better care for those eligible, and secure the greatest benefits and savings possible under these titles, existing law must prevail. Until such legislation is passed, with appropriate effective dates established, and then approved by the President, no changes in guidelines or regulations based upon such legislation should be implemented.

Both our committee and the House have refused to approve a cutback in the budget for research and training activities in SRS. We restored these programs to the 1971 level by providing $23,315,000 over the budget request. The entire increase is to be applied to the rehabilitation and social work training programs. We believe that there is an ongoing commitment to support those programs. In addition, these training programs appear to be among the most productive in the Federal Government as these highly motivated people not only render much needed services, but are responsible for assisting those dependent upon public agencies to return to more productive lives and roles in our society.

Within the rehabilitation services and facilities programs it is estimated that 980,000 disabled persons will be served by the State programs involved and that 288,000 will be rehabilitated. In accordance with a budget request, an additional $23 million over the 1971 appropriation has been allowed for expanding a special effort to rehabilitation public assistance recipients who are handicapped, in addition to those who would otherwise be rehabilitated under the regular basic grant program.

In special programs for the aging our committee has recommended an increase of $10.5 million over the House allowance and budget estimate, and an increase of $16,350,000 over the amount available in 1971.

We recognize the very serious problems of our older citizens and feel that increased resources should be provided to assist local communities in expanding direct service benefits to older Americans. We also feel that there is a great need for low-income older persons to be provided service opportunities through the foster grandparent program.

The budget request maintained the same level as fiscal year 1971 for the community grant and foster grandparent programs, and increased the areawide projects by $3 million and the RSVP program by $4.5 million. We have approved those increases and also proposed the addition of $6 million for community grants and $4.5 million for the foster grandparent program.

These additional funds will provide the necessary impetus for an expansion of State services to many elderly who would otherwise not benefit under these programs, and establish a pattern of necessary growth in providing opportunities for older persons to supplement their incomes through services to institutionalized children who are physically or mentally handicapped.

Within these programs of SRS we have also approved a $10.5-million increase for the formula grants to States under the Developmentally Disabled Act. That program provides treatment for the mentally retarded, and persons with epilepsy, cerebral palsy, and other neurological conditions. Our concern about the urgent need to improve these services and facilities prompted this increase will amount to almost a 100-percent increase over their 1971 level of funding.

We have provided an additional $5 million for the administration operation of demonstrations and training programs for children with developmental disabilities, and they also help train the specialized health manpower personnel who can provide these services.

We also approved an additional $3,051,000 over the budget requests in order to complete the Federal contribution towards the construction of a rehabilitation facility in Chicago. This particular facility is affiliated with the medical schools there, and a number of prominent doctors and specialists in rehabilitative medicine. I would also comment that a goodly portion of their work is devoted towards the prevention of disabling conditions, where the elderly care of an accident victim is so important. Here again, State, local and private funds are involved and we did not feel that our fair share should be allowed to lag behind.

Mr. President, this completes my additional commentary about these appropriations and funding levels for health programs administered by DHEW. I am sure my list is not complete; that I have left some unmentioned; but as I stressed in the beginning of my remarks: this is a very complex and complicated bill.

The approval of our recommendations, the passage of this bill and approval by the President are the first steps toward achieving greater progress toward our goals of better health for a greater number of our citizens. If these funds are allowed to flow out into the countless programs involved then we can achieve that goal, and we can also solve some of the mysteries of diseases that plague all of mankind.

Mr. MAGNUSON. I yield the floor to the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, may I inquire how much time on the bill is left?

The PRESIDING OFFICER. The Sen-

ator from New Hampshire has 88 minutes.

Mr. COTTON. Mr. President, I yield myself 4 minutes at this time.

In order that we may have available time on the bill to yield in case we have some important amendments that require a little more time than the agreed allowance, and because of the fact that the chairman, the distinguished Senator from Washington, has so well covered the bill and the problems in the bill, I will not make any general statement whatsoever on the bill at this time.

Mr. President, I repeat that I sincerely hope the distinguished Senators from California will offer their amendment regarding the limitation as soon as possible so that we can dispose of and settle that question before we have to deal with other amendments that may tend to increase the bill beyond what the commitee brought in. There is a practical reason for that. I have no idea what the attitude of the President, the administration, or the Department of Health, Education, and Welfare will be after Congress completes its deliberations and conference, but I do have the feeling that if some limit is placed so we do not continue to have an open-ended appropriation—on the administration of funds and not on the money that goes to the poor and other recipients—we may have a great deal more ease in getting by a possible adverse action by the Executive when the bill is completed. So I hope we can settle that matter first because it well could affect the attitude of the committee and the managers of the bill on some of the very worthy and worthwhile amendments that I am sure will be offered.

I simply wish to say that the Senator from Washington (Mr. MAGNUSON) deserves great credit for the long, hard work he has devoted to this bill, and for his leadership in the subcommittee. I am not in agreement with him on every point, but by and large we are united on the bill we are presenting. We owe a real debt of gratitude to the Senator from Washington (Mr. MAGNUSON), to Mr. Dirks, and members of the majority staff and the minority staff for the long, hard work they have done.

I can testify that the Senator from Washington and I have had to sit through many and many a long day in order to give adequate hearing to many outside witnesses, for instance, medical men, from all over the country.

Mr. President, I will not take up any more of the time. I reserve the remainder of my time.

Mr. BIBLE. Mr. President, will the Senator from Washington, the manager of the bill, yield to me.

Mr. MAGNUSON. I yield to the Senator from Nevada.

Mr. BIBLE. I thank the Senator.

Mr. President, I simply take this opportunity, first, to compliment the chairman of the committee for the alacrity with which he moved the bill forward; and I compliment him for the thorough job which he, as well as the Senator from New Hampshire, have done, under the stern guidance and strong hand of the Senator from Louisiana, who required them to work day after day. That is why this bill is here at this early date.

I compliment all who are involved and although I am a member of this subcommittee, I must confess I have been rather derelict in my duties, not because of desire but because I was handling another appropriation bill, the Interior appropriation bill. We expect to call up the completed conference report on this bill before the Senate next Monday or Tuesday.

I particularly commend the chairman and my fellow members of the committee for the particular emphasis they have given in this bill to the area of multiple sclerosis. This is one of the most devastating and least understood diseases of all mankind. We cover most all of the diseases in this bill. The Senator from Washington has commented on them very well, but in this particular bill I am delighted to see he has increased the level of funding for multiple sclerosis from $7.5 million last year to a more realistic figure of $10.5 million this year.

Additionally, I am very happy he has mandated the institute to explore the advisability of establishing more geographically dispersed centers for the study and treatment of multiple sclerosis. I am advised that today there is only one such public center, and that is at the Reed Neurological Center at UCLA. They may place their emphasis on other areas within the broad scope of neurological diseases and stroke. I do not know how much of their emphasis is given to multiple sclerosis.

One has only to have a dear friend fall victim to this particular disease to recognize its enormity, as well as the crippling effect of the disease. I think we are making headway; I am so advised, and I think we must make a lot more headway. I am glad we have pinpointed this particular disease this time and I compliment the chairman of the committee for his kind attention to it, and his interest.

Mr. MAGNUSON. We appreciate that. It is a most baffling disease.

Mr. BIBLE. It certainly is.

Mr. MAGNUSON. What causes it; how can it be treated? With sufficient research it might be something we could solve. The medical research people say it is the most baffling and frustrating disease and it affects many people.

Mr. BIBLE. It has hit many people I have known and I am sure it has hit many people the Senator from Washington has known in their youth, just as they come into adult manhood or womanhoood, in the age group between 20 and 30. To see a healthy young man or woman stricken at that age makes it that much more terrifying.

I do not pretend to be a doctor, but it reminds me of infantile paralysis. Thanks to the focus of attention that the chairman and others placed on that dread and baffling disease we have almost found the cure for infantile paralysis. I think the instances of infantile paralysis becoming are rare. I hope we can have the same effect on multiple sclerosis.

Mr. MAGNUSON. I thank the Senator.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) 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.)

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 10061) making appropriations for the Departments of Labors, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ALLEN. Mr. President, I call up the amendment which was submitted by me and the distinguished Senator from Indiana (Mr. HARTKE). It is at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read, as follows:

On page 12, line 4, strike out "$99,840,000" and insert in lieu thereof "$107,840,000, of which $8,000,000 is for the prevention and suppression of tuberculosis".

Mr. COTTON. Mr. President, will the Senator yield to me on my time without losing his right to the floor?

Mr. ALLEN. I am delighted to yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, several Senators have approached the chairman of the committee and me with what we feel are highly desirable amendments involving small sums, and we might agree to them. I had suggested to two Senators over here who have such amendments that if we could thrash out this discussion that is about to take place on whether there will be any limitation on the State administration of welfare funds and get that settled it might make quite a difference in how the committee feels. I would not accept any amendments without putting them to a vote until we find out what is going to be the result. It makes a big difference in action downtown whether there is any limitation in this bill. It is the intention of this Senator at some time in the debate on the motion to strike out limitations, to offer a substitute raising limitations.

If we should happen to succeed in having even a semblance of limitation, I think we could be more generous in accepting these amendments. So if the Senator saw fit to withhold his amendment until the Senator from California had offered his amendment, and we had fought that out, it might make the difference be-

tween accepting it and taking it to conference and not doing that.

Mr. ALLEN. Mr. President, it is the desire of the Senator from Alabama to conform to the wishes of the distinguished senior Senator from New Hampshire. He would not, however, like to lose the position that he now has, and if unanimous consent could be given that this amendment be temporarily laid aside until the amendment in which the Senator from New Hampshire has expressed interest is disposed of, and then the Senate would return to the consideration of this amendment, that would be perfectly satisfactory.

Mr. COTTON. I would be glad to agree to that unanimous-consent request if we would add to it that after the Senator from Alabama has presented his amendment the two Senators who have been waiting here to present theirs, the Senator from Kentucky and the Senator from Kansas, would be allowed to be recognized after the Senator from Alabama—all of it coming after the disposal of the amendment of the Senator from California.

Mr. ALLEN. Certainly, I would have no objection to that. That would be satisfactory.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. ALLEN. Mr. President, is it the understanding of the junior Senator from Alabama, then, that after action on the amendment to be proposed by the distinguished Senator from California (Mr. CRANSTON), the Senate would return to the consideration of the amendment just called up by the junior Senator from Alabama?

The PRESIDING OFFICER. The amendment of the Senator from California or any amendment thereto. After the disposition of that amendment, it is the Chair's understanding that the Senate will return to the consideration of the amendment of the Senator from Alabama.

Mr. ALLEN. With that understanding, Mr. President, I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, I ask unanimous consent that during consideration of my amendment No. 346, I may have permission to have present two assistants, Fran Butler and Roy Greenaway.

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

AMENDMENT NO. 346

Mr. CRANSTON. Mr. President, I ask that my amendment No. 346 be called up.

The PRESIDING OFFICER. The amendment offered by the Senator from California will be read.

The ASSISTANT LEGISLATIVE CLERK. It is proposed, by the Senator from California, for himself and other Senators, on page 32, beginning on line 22, through line 2 on page 33, to strike out section 209.

Section 209, proposed to be stricken, is as follows:

SEC. 209. None of the funds contained in this title may be used for payments to any State for fiscal year 1972 for services, staff training, and administrative expenses under titles I, IV (part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceed 115 percent of the aggregate amount estimated for these purposes for such State for fiscal year 1971.

Mr. CRANSTON. Mr. President, I find it hard to believe that only 8 months after this body so firmly rejected, by a 2-to-1 margin, the inclusion of a welfare freeze provision in the Labor-HEW appropriations bill for fiscal year 1971, we are again forced to grapple with the same question. It was startling indeed to learn that yesterday afternoon, when H.R. 10061 had been ordered reported by the full Appropriations Committee, a new section 209, a provision to limit the Federal share of social service payments to 115 percent of the 1971 estimated expenditures had been added to the bill. Such a freeze would apply to administrative, social services, and personnel training expenses for all welfare programs—old age assistance, aid and medical assistance to the blind and disabled, and aid to families with dependent children.

I was joined yesterday by a bipartisan group of my colleagues—Senators TUNNEY, BAYH, EAGLETON, HARRIS, HART, INOUYE, JAVITS, KENNEDY, MCGOVERN, MONDALE, NELSON, and TALMADGE, in introducing the amendment we are now considering—an amendment which would strike this regressive section from the bill. I am pleased to announce that Senators PERCY and STEVENSON have since joined us as consponsors of the amendment.

Mr. President, none of us would disagree that there is a vital need to reform our public assistance programs and to reduce the ever-spiraling costs of welfare. The Senate Finance Committee is even now holding hearings on an administration-backed bill, H.R. 1, which offers such reform. But to cut Federal expenditures now, at the expense of our already overburdened local governments, is certainly not the responsible answer. While Federal law requires that States provide aid to all eligible individuals, it provides for Federal assistance to accomplish this end. For the Federal Government to renege on its share of the financial burden for providing such programs would be unconscionable.

During this past year of recession and high unemployment, caseloads have been rising at an unusually high rate. In California, for instance, the number of AFDC recipients has increased by 28.9 percent since last year. And this is a relatively average increase. In Indiana, the caseload is up 58.9 percent, in New Hampshire, 56.7 percent, in South Carolina, 35.5 percent, in Texas, 50.5 percent.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table indicating the percent of change in the AFDC caseload in each of our States and territories.

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

Percent increase, in AFDC recipients, April 1970—March 1971

Total	27.9
Alabama	33.4
Alaska	24.8
Arizona	23.6
Arkansas	37.1
California	28.9
Colorado	37.3
Connecticut	20.3
Delaware	28.7
District of Columbia	58.1
Florida	28.3
Georgia	30.6
Guam	28.7
Hawaii	29.4
Idaho	9.8
Illinois	47.5
Indiana	58.9
Iowa	16.7
Kansas	36.9
Kentucky	8.5
Louisiana	8.2
Maine	48.2
Maryland	23.4
Massachusetts	21.7
Michigan	48.7
Minnesota	31.5
Mississippi	11.1
Missouri	28.0
Montana	32.4
Nebraska	28.2
Nevada	33.5
New Hampshire	56.7
New Jersey	32.6
New Mexico	5.3
New York	17.8
North Carolina	19.2
North Dakota	14.7
Ohio	36.4
Oklahoma	11.9
Oregon	9.2
Pennsylvania	32.1
Puerto Rico	22.5
Rhode Island	20.4
South Carolina	35.5
South Dakota	15.3
Tennessee	25.0
Texas	50.5
Utah	15.2
Vermont	
Virgin Islands	24.9
Virginia	33.5
Washington	20.2
West Virginia	1.8
Wisconsin	30.3
Wyoming	20.6

Mr. CRANSTON. Mr. President, these figures are most telling of the burden State and local governments will be forced to assume if the Federal share of costs for these programs is only 15 percent—or even 20 percent more, as the Senator from New Hampshire (Mr. COTTON) will suggest—than it was during fiscal year 1971.

I ask unanimous consent to include in the RECORD at this point the text of a letter from the Governor of California (Mr. Reagan), to Chairman MAGNUSON—the Governor sent me a copy—describing the burden such a restriction would place on California. The cost of this provision to California taxpayers has been estimated at $80 million.

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

STATE OF CALIFORNIA,
Sacramento, Calif., July 27, 1971.

Hon. WARREN G. MAGNUSON,
Subcommittee on Labor and Health Education, and Welfare, Committee on Appropriations, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: It has been brought to my attention that the Senate Appropriations Subcommittee in its hearing on the Health, Education, and Welfare appropriation, is considering a proposal to enact a new Section 208 which would place a 110 percent ceiling on federal matching funds for the costs of administration, services and staff training.

On behalf of California, I wish to register our most strenuous objections to this proposal. Rising welfare costs are already threatening this state and other states with bankruptcy. Existing federal regulations prevent the reduction in scope, coverage and quality of social service programs that would be necessary if such a limitation were placed upon federal participation in the funding of these programs.

The total cost to state and local government in California could well amount to $100 million the first full year. No rational person questions the need for economies in welfare spending, but it makes no sense to seek federal savings at the expense of the states. This is simply a proposal to artificially limit federal reimbursement via a "back door" constraint in the President's budget, which would bypass fiscal provisions in the law, and would give states no lead time and no avenues for adjusting their programs accordingly.

A proposal to place a 115 percent limit on federal matching for these costs was killed on the Floor of the Senate last year when it was made clear that even that more generous ceiling would wreak fiscal disaster upon state and local governments. California was joined in opposition to the proposal by the Council of State Public Welfare Administrators, the Association of Public Welfare Administrators, the National Association of Counties, the National Governors' Conference, the League of Cities, and other state governments. The fiscal situation in welfare is worse now than it was at that time, and the present proposal is clearly and totally unacceptable.

The answer to the runaway costs of welfare lies in genuine reform of the welfare system. California is currently attempting to overhaul its own laws and regulations to bring about reform at the state level. It is my belief that the federal government could accomplish more by supporting reform efforts of this kind than by placing additional financial burdens upon the states while not changing the federal laws and regulations that have created the problem in the first place.

Sincerely,

RONALD REAGAN,
Governor.

Mr. CRANSTON. Mr. President, this is not the first time I have opposed the restrictive welfare freeze provision. Last November, with Senator HARRIS, I led the floor fight which resulted in a 2-to-1 approval of my amendment, No. 1076, to the fiscal year 1971 Labor-HEW appropriation's bill, and thus a rejection of section 208 of that bill. On July 12, I testified before Senator MAGNUSON's Subcommittee on Labor-HEW appropriations, uring that the committee not include the President's requested 110 percent freeze on the Federal share of welfare supportive costs. The subcommittee did not include the freeze. The full committee did. So once again, today, I must plead with my colleagues to join the cosponsors of amendment No. 346 and defeat the 115-percent arbitrary freeze, or any arbitrary freeze provision to H.R. 10061.

Mr. MAGNUSON. Mr. President, I hope the Senator from California is not suggesting that anybody is reneging on payments. We are giving all the money that they ask for, and it is an open end. We are not reneging on any payments. We are merely suggesting that they might be able to do the work with fewer people in the administration and with fewer increases in services. Is that not right?

Mr. CRANSTON. I am not suggesting that anybody is reneging.

Mr. MAGNUSON. The Senator used the word in his speech.

Mr. CRANSTON. I do not want to use the word.

Mr. MAGNUSON. Explain it.

Mr. CRANSTON. I will withdraw the word "reneging." The States are depending on this money to handle the mandated increase in welfare. They do not have the capacity to handle it themselves—not my State of California, not the State of Michigan, not the State of Illinois, nor other States.

Mr. MAGNUSON. That may be, but it is an open end. We give the money that they request of us. I just thought that perhaps we might be able to get more money down to the people who need it by having fewer people in the front office. If there is any question about the delivery of health services to the people of the country, it may be because there is an increasingly high number of people in administrative jobs that are too well paid, and the help does not get down to the people in real need. All we are saying here is that perhaps we can take care of the situation by paying attention to Parkinson's law, if they will just read it. In all fairness to these offices, they try to do a good job, but many are overstaffed. I know the story. If the demand is great—and California would be a good example——

Mr. CRANSTON. Yes, it is.

Mr. MAGNUSON. Where these welfare rolls have just gone up by leaps and bounds. But none of the Governors want to take on this extra cost. What they should do, the Governors themselves, is take a look at some of these statistics and see if they cannot do a better job with the same number of people. You can go down to some of the offices—has the Senator ever visited one of them?

Mr. CRANSTON. I certainly have.

Mr. MAGNUSON. Sometimes it just seems to me they are bumping into one another down there, in some cases.

Mr. CRANSTON. Of course, the problem is that they are bumping into one another as more and more people come on welfare because of the recession, unemployment, and a federally mandated situation where the residency requirements are knocked out, and anyone who shows up in California must be taken care of.

Mr. MAGNUSON. Yes. But the money is there. We just say to go a little easy on things. Many States are—the Senator has an ably prepared chart here on the rise in the number of recipients.

Mr. CRANSTON. Yes.

Mr. MAGNUSON. But we have charts on the increase every year. If the amount for administration is increased over 20 percent a year, there will soon be more money for employees than there will be for welfare recipients.

We have to have some employees. They are well-meaning. They are dedicated people. I just think the administrative side of this welfare program is out of hand and they can get along with fewer people.

But oh, no, the Governors do not want to give up anything. They want to have some more revenue sharing. We are going to be sharing a deficit with them pretty soon here. Is that good business? We have a $24 billion deficit this year. I think there is some responsibility for the State people to take a look at their payrolls, too.

I do not know whether 115 percent is the correct figure or not. It is a reasonable effort. The administrative costs of welfare have swollen more than the payments to recipients. I know; we have gone through those figures. The percentage increases here far out run any other costs in the welfare program.

I am sure the Senator did not mean to say we were withholding any funds. Not at all.

Mr. CRANSTON. No funds are being withheld for those who go on welfare.

Mr. MAGNUSON. No; it has nothing to do with those on welfare.

Mr. CRANSTON. No, I understand that.

Mr. MAGNUSON. All right; let us get the record clear on that.

Mr. COTTON. Mr. President, has the Senator finished?

Mr. MAGNUSON. I am through.

Mr. CRANSTON. Mr. President, I would simply like to respond that I clearly recognize that an open-ended situation can lead to more carelessness than is advisable in swelling the rolls of those who administer this work at the State and local levels.

However, at a time when we are considering a total overhaul of welfare, when a bill that would bring that about has passed the House of Representatives and is being considered in a Senate committee, it would seem to me wiser to wait and see if we cannot come up with carefully thought out procedures, instead of imposing an arbitrary limit, to make sure that all people who are eligible for welfare will be processed at once, and also to make sure that the limitation does not act to prevent the implementation of programs designed to get people off welfare and keep them from working effectively, which is one of the most important aspects of an overhaul of the welfare program.

Mr. COTTON. Mr. President, I yield myself 5 minutes.

I am glad that the distinguished Senator from California has raised, and raised so clearly and in such a reasonable manner, the last point that he just made, because that is very much the point at issue in this whole problem. I am sorry that most of these explanations have to take place without many Mem-

bers of the Senate having a chance to listen.

This problem has grown upon us. It should not exist, and I wish to say that I agree thoroughly with the senior Senator from California (Mr. CRANSTON), and I am sure with the junior Senator from California (Mr. TUNNEY), that this is not the way to deal with the limitation on the administration of these funds in the various States. It should be dealt with by a carefully considered change in the authorization by the proper legislative committee, and it is only with reluctance, and because of the extreme situation that has developed, that any of us—I think I speak for every member of the Appropriations Subcommittee—are seeking this temporary limitation in an annual appropriation.

I shall attempt to explain what that limit means in a moment, but, before I proceed to that, let me say I am not personally so much interested in what the exact limitation is, and as I have already given notice, and stated in the full committee—which was perhaps one of the reasons for the strong vote in the committee for the 115-percent limitation—at the proper time, after we have had a chance to explore the matter to some degree, the Senator from New Hampshire will offer a substitute to the amendment of the Senator from California, imposing a limitation of 120 percent instead of 115 percent.

The reason for that, Mr. President—or the first reason—is that if we can impose some limitation on the cost of administration and the open-ended commitment that the Federal Government has to provide its share of whatever costs may be expended by any State, whatever that State's particular problems are, whether they are wise or frugal, or not as wise or frugal, and if some limitation is put in this bill, I believe it will have some real effect on prevailing on the proper legislative committees of Congress to face up to this situation, and establish some kind of formula so that States are dealt with fairly as compared with each other.

We all know what goes on, and it is perfectly natural. It goes on in my State. My Governor has had me on the telephone within the last 24 hours. My commissioner of public welfare has had me on the telephone. But as a matter of fact—and I use my own State as an example—though it is a small State, it increased its estimate for fiscal 1972 by a greater proportion than the State of California has increased its estimates so far. But the Governor has not been very pressing in his conversations with me, because his own legislature would not go along with him on the State's share, so that as a matter of fact the estimates that we have here from my State—and I am sure from other States as well—are less than the amounts recommended.

Mr. MAGNUSON. Mr. President, will the Senator yield so that I may ask for the yeas and nays while enough Senators are here?

Mr. COTTON. I yield.

Mr. MAGNUSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. That does not preclude the yeas and nays on my substitute amendment when I offer it, does it?

The PRESIDING OFFICER. The Chair understands the order to apply only to the amendment of the Senator from California.

Mr. COTTON. Mr. President, that is the first reason for having some limitation, for its effect on the legislative committees which meet this problem.

The second reason is that what has happened is a race between States. All States, I am sure, are trying to do their duty in this respect. I am not reflecting on anyone or any government. But it has become a race between States to raise their estimates very high so that some other State will not get more of the money, the funds, than they get.

Listen to this: In fiscal 1968, the Federal Government was called on to pay for the administration—and not 1 cent of this money goes into the hands of the poor. That is already on the formula, and we pay the Federal share, and that is an open-end commitment, and no one is asking that it be changed. I am now talking about administration. In fiscal year 1968, the Federal Government's share was $460,483,000.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. COTTON. I yield myself 5 additional minutes.

In fiscal 1969, the Federal share was $611,743,000.

In fiscal 1970, the Federal share was $853,213,000.

In fiscal 1971, the Federal share was $1,255,386,000 for this administration within the States.

The estimates that we have in the tables—they are or will be before the Senate—for fiscal 1972 indicate that the Federal Government would have to pay $1,605,010,000.

Mr. President, there are all kinds of ways in which these estimates can be and are—I was going to use the word "jockeyed," but I will not use it, because I do not mean to cast any reflection on the utter sincerity and dedication of the people who are administering these programs in the States. But on the matter of expense, we have to fund the share of the Federal Government money that goes into the profits of the poor, and that is based on the per capita wealth of the State and other factors, so that it runs from 50–50 up the scale to 60 percent and 70 percent in some cases.

On the matter of administration, we have the formula of 50–50 on the actual administration, and then we have a formula of 75 percent Federal to 25 percent State on various services, such as counseling and referral, day-care centers, protective services, and looking out for the aged and children, and getting them foster homes; and some of these are very fine programs. By cutting down on their administration and increasing the services, the States can affect the percentage they have to pay and the percentage the Federal Government has to pay.

For example, in the States of Colorado and Pennsylvania, under their formula, the Federal Government has to pay 72 percent of all the money, both for administration and for these services. The lowest estimate is in Mississippi, where the Federal share is 54 percent, not quite 55 percent.

I know that California has a vast increase in its work roll, and I know that both the distinguished Senators from California are fighting the fight for their State and for the disadvantaged people in their State; and I respect them for it. But, on the record thus far, I am a little amazed to find that the State of California, under the 115-percent limitation, does not lose 1 cent, because their expenditures in fiscal 1971 for this administration and services was $309,812,000. Under the 115-percent limitation presently in the bill, the State of California would be allowed $356,284,000 an increase of almost $50 million. The estimate advanced from California to the Department of Health, Education, and Welfare—their estimate for the coming fiscal year of 1972—is $347,985,000. Under the 115-percent limitation, the State was allowed $356,284,000, so that under the 115-percent limitation, as of record now, the State of California would not lose a single cent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. I yield the Senator time on the bill.

Mr. COTTON. I thank the Senator.

Under the 120-percent limitation, the State of California could receive $371,775,000, which is an even higher figure.

I mention this simply because of the discussion concerning the hardship in California, and we recognize that the hardship there is greater than in most States.

Mr. President, there is a practical reason. The first reason, as I have said, is to try, by placing some limitation on the bill, to get the legislative committees to act and let us have a formula that will be fair between States, that will take care of the administration in the future. I do not think we will get that until we succeed in getting some ceiling in the bill.

It gives them a one-fifth increase—that is, 20 percent—a total of 120 percent better than last year. Very few States will be hurt. But it still will have a psychological impact and serve notice that we are not going to continue to have an open-end situation here which one State can and does take advantage of more than other States, and it results in a race between them.

Let me state another reason why there should be a limitation. If this keeps going up, according to the ratio of the figures I have just read, the time is soon coming when we cannot afford it, in the Appropriations Committee and in the appropriating process. We will not be able to afford it. We will have to skimp on worthy programs for the handicapped, the blind, juvenile delinquents, and other worthy programs. We will have to group some of them in order to meet the mounting costs of an open-end commitment to every one of the 50 States to pay whatever they choose to make us pay.

In a few minutes, after this whole matter is settled, there will be Senator after Senator—we have three already and more coming—who will get up and will be asking us—the House has already gone over the authorized budget by $237 million and the Senate has "upped" that to $809 million. There are very necessary parts of the budget that have not yet been authorized that will be in here in the supplemental, so when we jump the bill $1 billion, there is grave danger of going through what we have gone through before, a Presidential veto, with all our struggles, and all the delays that have resulted.

If we can have in the bill a ceiling for 1 year as to the increase—and as I have said before, I will suggest that we lean over backwards and make it 120 percent instead of 115 percent—I think that the manager of the bill can accept more of the worthy amendments than we can otherwise; because, frankly, if what I am told by the Secretary of Health, Education, and Welfare and the budget officers and representatives of the White House, not the President, great significance will be attached by the executive to whether we have blazed a trail by writing our own kind of ceiling in the expenditures of the administration.

We want to get a bill through the House and Senate, and we want to get it through early. We worked hard for that purpose, so that this money will not be wasted because of its coming in late. We want a bill signed by the President and enacted into law, if possible, before we go home for the recess.

I sincerely hope, as we lean over backwards and ask the Senate to substitute 120 percent instead of 115 percent, that we can take better care of the worthy causes in the bill and still get the cooperation of the Department and the executive downtown. That is why I hope, when the proper time comes, that I will be allowed to offer my substitute, and that it will meet with the approval of the Senate.

Mr. MAGNUSON. Mr. President, I want to repeat for the RECORD—I do not know whether all Senators were here then—that as of May 1, 1971, there were 860,000 people employed by HEW. I repeat, 860,000. That total is composed of 110,000 who are Federal employees and 750,000 who are supported through Federal grants and contracts in public or private agencies.

We have got to start taking a look at that figure as to whether it is all going for administration or whether not enough of the large sums which we are appropriating are going to the people that need it.

Let me repeat that figure: 860,000 people were employed under these appropriations by HEW as of May 1, 1971.

Mr. TUNNEY. Mr. President, I can understand the frustration of the distinguished Senator from New Hampshire (Mr. COTTON), and the distinguished Senator from Washington, (Mr. MAGNUSON), regarding the costs of the administration of welfare as well as the rising costs of social services. In that regard, I am frustrated, too—no one is more frustrated than I am in that regard.

However, I think that we have to realize that many of the administrative and social services required to be implemented by the States are required by Federal law. As a matter of fact, when the Governor of California recently attempted to cut back on welfare expenses by the State, he was held by the Secretary of Health, Education, and Welfare to be in violation of the law.

I do not know where the figures came from that the Senator from New Hampshire got from HEW. I do not know where HEW got them. But I can say that in a telephone call that my office initiated to the California Welfare Department today, they said that the 115-percent ceiling would cost the State of California an additional $80 million this coming year.

In a conversation we have had within the past week with the California County Supervisors Association, they said that if this ceiling is adopted in California, it will cost the counties an additional $54 million in the first year. They say that even a raise of the ceiling to 120 percent, which is in the amendment that will be offered by the Senator from New Hampshire, it would cost California $35.5 million and in Los Angeles County alone. the cost would be $17 million.

Administrative costs in California have gone up in the past few years an average of 27 percent per year.

In fiscal year 1969, the costs were $130,529,000.

In fiscal year 1970, the costs were $176,928,000.

In fiscal year 1971, the costs were $227,930,000. This is in Los Angeles County alone.

The projected cost of the ceiling for Los Angeles County in the first year would be $24 million.

Mr. President, the property taxpayers in California just cannot afford to have the Federal Government establish a plan according to Federal law and then welch when it comes to putting up the money to implement the law.

It is quite clear to everyone that one of the main reasons we have the incredible increase in administrative costs is that there has been such an incredible increase in the number of people on welfare.

This is particularly true in California where we have seen unemployment move up in the past 2 years by approximately 500,000 people. That does not mean that all those people are on welfare. But in California presently, we have 700,000 people unemployed. One of the major reasons that the welfare costs have gone up, of course, is due to unemployment. The Senator from Washington (Mr. MAGNUSON) knows that, because he has high unemployment in his State, too.

California has many high-priced Ph. D. engineers and aerospace engineers now on welfare. They were not on welfare 2 years ago. They do not want to be on welfare, but they are because they cannot get a job. There have been cutbacks in the aerospace industry both by the Government in its spending programs and in the commercial aircraft field, because there have not been enough sales to maintain the complement of engineers and blue-collar workers that we had 3 or 4 years ago.

So I think that when we talk about frustration over the increase in welfare costs, we should be thinking in terms of doing something about stimulating the economy and getting some of the people now on welfare back to work. And we would not have as many people on welfare and would not need as many people acting as administrators of the program or working in social services. I had heard with respect to social services that social services was designed to get people off welfare. That involves the child day-care center program, the rehabilitation, alcoholism, and drug addiction programs. These programs are good, solid programs. When Congress established these programs and had the requirement that the States have these programs, we were thinking of getting people off the dole.

I have to point out that in the last year we had an inflation of about 5 percent. And there will be a normal increase in both administrative costs and social services of about 5 percent in salaries as a result of inflation. That does not take into consideration the dramatic increase in the number of welfare recipients.

So, to arbitrarily put a figure of 115 percent on the allowable amount of increases in the administrative services and social services, it seems to me, is to belie the fact, which is that we have had a substantial increase in the number of people that have gone off welfare.

Mr. COTTON. Mr. President, will the Senator yield on my time?

Mr. TUNNEY. I yield.

Mr. COTTON. Mr. President, I do not have the information here. I would like to inquire, referring not to the administrative services, but to the relief record, as it varies between States, as to what percentage the Federal Government is obligated on California's relief and welfare.

Mr. TUNNEY. I am sorry. I did not hear the question.

The PRESIDING OFFICER. Would the Senate please be in order so that the Senators can hear?

Mr. COTTON. Mr. President, I am now referring to the fund that goes to the welfare recipients, those in California, the differences between the State and Federal Government's contributions, and so forth. I do not have that figure here. I wonder if the Senator from California could inform me not only on this administrative cost, but also with respect to what percentage of the Federal money is going to welfare recipients in California.

Mr. TUNNEY. I do not have the figures off the top of my head. I could get them for the Senator before the end of the day.

I can say that the increase in the AFDC, the percentage increase between April 1970 and March 1971 in California was a 28.9-percent increase. That is a vast increase in the number of recipients.

Mr. MAGNUSON. Mr. President, will the Senator yield on my time for a question?

Mr. TUNNEY. I yield.

Mr. MAGNUSON. Mr. President, I ap-

preciate these figures. I know the problem. We have it in my State. However, I do not want the information to go abroad that we will not pay the money to any person who qualifies for welfare. We are merely saying that the administrative cost could perhaps be shaved a little bit. That is the idea.

The mere fact that the number on welfare increases does not necessarily mean that the number of people in administration should increase by the same percentage. I do not follow that argument, because that is assuming that they were not overstaffed to begin with. I contend that in the early days of the program, they have been overstaffed and they could cut down on some of them.

We are not cutting down on welfare payments at all. We are not touching them.

Mr. TUNNEY. I understand that we are not touching the welfare payments.

Mr. MAGNUSON. Mr. President, I hope the information will not go abroad we are cutting welfare payments. We are not doing that at all.

Mr. TUNNEY. I understand the Senator's point.

Mr. MAGNUSON. Mr. President, in my State, the No. 1 welfare has increased by 20 percent, the same as in California. That does not mean that necessarily there ought to be 20 percent more employees in the welfare department. There might have to be some. But it does not necessarily follow that formula.

I just do not know where we will end up. We have over 775,000 employees now that we pay for. Pretty soon there will not be anyone who is employed privately and making some money with which to pay taxes to pay to the welfare people if this keeps up.

Mr. TUNNEY. Mr. President, I just want to be sure that everyone understands the situation.

Mr. MAGNUSON. Mr. President, we have been sent special delivery letters. The problem in Los Angeles is tremendous. I know what happened there about the welfare recipients. However, I think that if the Senator were to go down there on some day without letting them know he was coming, he would find out where it would be possible to cut down on a few administrative jobs.

Mr. TUNNEY. Mr. President, I yield to my distinguished colleague.

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

Mr. CRANSTON. I will yield on the Senator's time.

Mr. COTTON. Mr. President, in response to the distinguished Senator from California, we have been furnished figures that were compiled in HEW by the Social Rehabilitation Services. They are based on estimated costs on the basis of former years and the estimate for the coming year.

I want to add that we are not suggesting—and there have been words used such as "reneged" and "welshed"—any change in the functioning of the Federal Government in paying its full share, high as it is, for the money that goes to those who need relief.

It is said that this committee is attempting to freeze the cost. That is not quite accurate. We are not attempting to freeze the cost. The figure of 20 percent is used. I use that because that is what we had. They asked for a 20-percent increase over last year. It will be an increase in the case of California of something in the neighborhood of $50 million.

Mr. CRANSTON. Mr. President, I would like to make one general point and then ask a question of the Senator from New Hampshire.

The general point is that while I believe, along with other Senators who have spoken, that we have in the matter of the administrative costs on welfare, the provision that there be a 50–50 or 75–25 percent matching requirement, depending on the program. That does not mean that States are going to spend the money frivolously. Certainly in my State, where Governor Reagan is making a big point of seeking to save money on welfare, there is not going to be any waste of funds.

We are talking about money that will come from the pockets of the Federal taxpayers, who pay the fairest tax—the income tax. However, in the case of the State, the money comes in the form of revenue through the State property tax, which I think is the unfairest tax of all.

If we require the States to come forward with more money because we provide less, the money will have to come from the State tax, the property tax, and that is unfair.

We have the question of revenue sharing. This relates in effect to the earmarked revenue sharing, it seems to me, responding to the administration's position, that we should produce the funds from the Federal Government's purchasing power, particularly when the Federal Government is making requirements that compel the States to come up with the money if the Federal Government does not. There is a great deal of confusion as to the specific figures we are talking about for the various States. The statement has been made that no money will be lost to the State of California.

However, the Governors' Conference believes, in accordance with studies it has made, that the State of California will lose $80 million if there is a 115-percent ceiling.

We checked that out with the deputy director of the Welfare Office in California, through the welfare budget examiner, and he confirms that $80 million will have to come out of property tax and other revenues in California if there is a 115-percent ceiling.

The Senator from New Hampshire referred to a chart. It is a 1970 chart which appeared in hearings before the Appropriations Committee on the House side which indicates New York would be out $179,000 if there were a ceiling. However, there was a chart in 1971 from the same source indicating New York would be out $41 million if there is a 115-percent ceiling.

The chart the Senator from New Hampshire referred to is the 1970 chart, showing a $85,000 expense to the State of New Hampshire if there is a 115-percent ceiling.

On the other hand, a more recent 1971 fiscal year chart from the 1971 hearings shows the State of New Hampshire would have a cost to them of $1,258 million if there is a 115-percent ceiling.

Can the Senator explain the discrepancy in those figures?

Mr. COTTON. Mr. President, my chart contains exactly the figures the Senator referred to in connection with the 115 percent. My chart shows that the State of New York would be out $41.817 million. My State of New Hampshire would be out $1.258 million. So the figures I have been quoting from this chart—and this chart was furnished us and compiled on the record from the Department of Health, Education, and Welfare—are precisely the figures the distinguished Senator from California has been quoting.

I do not know how the Senator misunderstood me to quote other figures from this chart. I ask that the Senator not misunderstand me.

Incidentally, I would like to request Mr. Dirks, the clerk of the subcommittee, to have the pages placed, on the desk of each Senator, the chart that would show how each State would fare under a 120-percent limitation, in other words, permitting them a 20-percent increase over last year, so that each Senator can have that information on his desk.

These are the official figures as of now, taking into consideration the estimates furnished by every State of the Union on administration in connecting with the services.

On the matter of ever-increasing funds that must go to carry heavier relief, there is no question about making any change or suggesting any special revision.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, what is the state of the time in this debate?

The PRESIDING OFFICER. On the pending amendment 15 minutes remain on each side. On the bill there is a total of 90 minutes remaining.

Mr. JAVITS. Mr. President, although I am supporting the amendment will the Senator yield to me for a few minutes?

Mr. COTTON. Mr. President, I yield to the Senator from New York on my time.

Mr. JAVITS. I thank the Senator.

Mr. COTTON. Mr. President, I wish to say to the Senator from New York that I will be very glad to yield time to him on the bill.

Mr. JAVITS. That is fine.

Mr. COTTON. But as soon as the time is evenly used up or yielded back on the amendment of the Senator from California I then wish to offer my substitute providing 120 percent. Then, we will have an additional half hour and I will see that the Senator has time on the bill.

Mr. JAVITS. I thank the Senator. I will be very happy to await that time, if that is agreeable to all concerned.

Mr. CRANSTON. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, I thank the distinguished Senator from California. I express appreciation to him for

offering this amendment, which does not in any way detract from my admiration and high regard for my colleague on the Committee on Appropriations, the Senator from New Hampshire (Mr. COTTON). I am sympathetic to his desire to see a limitation by way of a ceiling and not have open-ended runs, one might say, on the Federal Treasury. But I have to take into account the long-range solution to this problem of revenue sharing as advocated by the administration and Members on both sides of the aisle. It is not going to be an immediate innovation in government: it will not immediately answer this problem, but we will work with the problem that the States have and the local communities because we must not walk away from them.

I want to associate myself with the efforts being made today by the Senator from California (Mr. CRANSTON) in seeking to delete the ceiling imposed by the Appropriations Committee on Federal payments for social services.

The same amendment to put on a ceiling of 115 percent was offered in the committee on which I serve. I vigorously opposed it, and I am pleased it did not carry in subcommittee. I am dismayed it did carry in the full committee. I trust we can defeat it on the floor. If this limitation is not removed, it promises to cripple and discourage the States, counties, and cities whose direct responsibility it is to provide these services to needy people.

The limitation is both illogical and damaging in a fiscal sense. It applies not only to service expenses but also to administrative expenses including the costs of determining eligibility for programs, redetermination of eligibility and, at least in Illinois, since Illinois has not separated programs, social services rendered by public aid caseworkers. I am advised that in Illinois, the natural growth in the Department of Public Aid staff alone associated with the increase in the volume of cases will consume a major portion of the additional 15 percent.

The cost of this limitation in Illinois would be a devastating $20 million, and it is my understanding that many other States would incur similar setbacks. If we impose this limitation. Illinois would be forced to come up with an additional $20 million from somewhere to foot the bill. Had a 110-percent limit been imposed as the administration had requested, they would have been short some $30 million. Even if a 120-percent limit would be imposed, the State of Illinois would come out $16 million short. Who can afford this sort of financial burden, especially when it had not been counted on?

I submit this inquiry to the distinguished Senator from New Hampshire. If a 120-percent limit were imposed, is it not true the State of Illinois would come out $16 million short? These are the figures I received from the State of Illinois.

Mr. COTTON. These charts are very carefully drawn in the Department of Health, Education, and Welfare. I do not see how they can be inaccurate in view of the fact that they are carefully prepared with the estimates furnished by the States.

The 120-percent limitation on Illinois would mean that Illinois would have a limit of $115,663,000, and its loss would be $9,402,000. In other words, it shows that for the fiscal year 1971, the estimate is $88,548,000.

The estimate for the next fiscal year under the 120 percent is that it would be entitled to $106,258,000. That would mean, on their estimates of what they intend to spend, which is $115,660,000, that they would be short $9,402,000.

Mr. PERCY. On the 120-percent limitation?

Mr. COTTON. That is right.

Mr. PERCY. Well, I would like to reconcile, of course, the difference between the $9 million-plus and the $16 million, and I will get on the telephone and try to do that immediately. But whether it is $9 million short or $16 million short, it is still a disaster to the State of Illinois. We cannot afford this kind of financial burden, especially when this has not been counted on.

Beyond the fiscal impact of this limitation if it is finally enacted, the logic of its imposition simply does not stand up. Since the enactment of the 1967 amendments to the Social Security Act, the Department of Health, Education, and Welfare has been mandating and encouraging the States to expand and strengthen their efforts. Indeed, Congress has joined in this emphasis. The Federal Government has intensified and increased its demands upon the States to improve the delivery of social services. For us now to attempt to place an arbitrary limit on the availability of Federal funds on the basis of current or recent expenditures is illogical, frustrating, and counterproductive.

I think we who serve in the Congress should begin asking ourselves if we can ever expect more than we are getting from certain States and municipalities in the area of providing these most basic necessities to their citizens when they constantly have to deal with these sorts of inconsistencies in Federal policy. Administrators of State welfare programs will never be able to develop plans and deliver services with the stop-and-go, one - step - forward/one - step-backward policies we sometimes adhere to.

There is not a Senator in this Chamber who does not know that the costs of these services are constantly rising, that the numbers for whom these basic services must be supplied are likewise increasing. We can ignore these facts, but we cannot refute them. And I would submit that if we permit this limitation to be imposed in this bill we will simply continue to ignore the basic truth of the situation.

I say that with deep feeling and because of the nature of the economy. This is not the time to start to cut back on the very services that may help lift people from a condition of welfare to get themselves back on a payroll. I think this is the kind of money, for the most part, in which, in Illinois, we have tried to put 3,500 people back to work, taken them off welfare and put them into programs and training for jobs. We should not make this cut in social services when we have a goal which, if carried out, will result in a successful program that lifts people from dependence on a State to that of human dignity, which is only possible if we provide these services.

If proponents of this limitation believe that the State social service programs are not accomplishing the desired goals, we should examine the measures we are using to determine their effectiveness, for, in my judgment, we would be far wiser to set up workable standards for evaluation and audit of the programs than to merely cut off the funds. To cut off these funds without proper evaluative standards simply does not make sense to me.

I commend my colleague for his leadership on this important issue and urge the Senate to join us in support of this amendment.

Mr. COTTON. Mr. President, will the Senator yield to me for 2 minutes, on my time?

Mr. PERCY. I am glad to yield.

Mr. COTTON. The Senator from Illinois was not present when we opened this discussion. At that time I said, and I will say again, because I want the record to show, I agree with him that this is not the way to do the job. I agree with him that placing a limitation of increases for 1 year in an appropriation bill is not the best approach. The best approach is to have the legislative committee face up to this problem, because we have a situation now where the States are increasing their estimates because of fear that some States will get more than they do, and we are getting estimates that even their own State legislatures do not appropriate for. So we have a situation that is not fair as between the States.

We cannot remedy that, but if we have the psychological impact of the ceiling—no matter how slight, but a ceiling—for 1 year, it is the contention of the Senator from New Hampshire that it will lead to the legislative committee's grappling with this problem and getting a fair apportionment which will take this burden off our shoulders. If we keep this contest and race going, then somewhere else we are going to have to deny some very worthy causes in the HEW bill.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. CRANSTON. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, if the Senator is short of time, I will get some time from the bill. If the Senator will yield me 3 minutes, I will get 2 minutes on the bill.

Mr. CRANSTON. I yield 3 minutes to the Senator from New York.

Mr. COTTON. First, Mr. President, may I ask how much time is left on the amendment?

The PRESIDING OFFICER. The Senator has approximately 10 minutes left.

Mr. COTTON. Do I have any?

The PRESIDING OFFICER. The Sen-

ator from Washington has 15 minutes remaining on the amendment.

Mr. MAGNUSON. Mr. President, I yield such time as he needs to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield 5 minutes to the Senator from New York

Mr. JAVITS. Two minutes will be sufficient.

Mr. COTTON. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, of all the States affected by this determination, New York probably is most affected. It would lose, on a 115-percent basis, as the Senator from New Hampshire (Mr. COTTON) has said, $41,817,000, and its allowance would be 86 percent of its 1972 estimated cost for the provision of administrative, training, and social services related to the handling of public assistance.

New York has a reputation—I think very justly so—for being the most efficient State in the Union in terms of State administration. I think Governor Rockefeller has very well earned that reputation. Payments to the aged, blind, and disabled, and to needy families amounted to $1.35 billion in fiscal 1971. The administrative cost was $214 million or roughly 20 percent which is a very efficient figure in terms of the kind of activities here involved

The two points that need to be emphasized in this debate are, first, that we are on the threshhold of major welfare reform, involving family assistance, increased training and job opportunity, and also developmental child care. Indeed, one of the real paradoxes in the welfare system is that at one and the same time that we are trying to call upon and encouraging people to go to work instead of being on welfare, we have not provided mothers with the day-care slots which are absolutely essential for that purpose.

So the first reason why this change should not be made now is that we are on the threshold of a totally new welfare system. We certainly do not want the existing one to break down until we reinstall the new one, and, in order to maintain the existing one at the maximum efficiency, we should not now pull the rug out from under the States.

Second is the question of the carrot and the stick. This is a 50- or, in some cases, a 75-percent reimbursement, not a 100-percent reimbursement. Yet, the argument is made that we simply have got to give the States some pressure in order to bring down costs.

Considering the fact that even the Empire State of New York is in a very serious financial condition, as everyone knows from the budget problems that just took place in that State, is it not a fact that the States are under enormous pressure to reduce costs?

All this limitation will do is not cut fat, but cut bone, at a time when the States can least stand it.

In short, Mr. President, what I predict is that my State is going to be the most injured——

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

Mr. JAVITS. Let me finish the statement. In short, what I predict, Mr. President, is that this is a reform, whether desirable or not we can argue, which certainly is not desirable, in my view of things, at the point where we now stand in respect to the welfare plan of the country.

I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, we in the Finance Committee are working on a welfare bill at the present time, as the Senator knows. Two of the ways we are hopeful will reduce the future welfare burden relate to expansion of family planning services and providing child care services for mothers who want to work. The pending amendment would strike at both of those.

Long before my day, the Finance Committee existed and the Appropriations Committee did not. The Finance Committee at one time handled both functions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. Mr. President, may I have 1 minute?

Mr. COTTON. One minute.

Mr. LONG. But now, in the matter we have been discussing, the Finance Committee is trying to find some answers to the welfare problem, and in our view one of the hopeful ways of doing something about this welfare mess is to provide for better family planning and better day care services for children. This amendment would strike at both of those, at the very time when we are trying to solve the problem.

We in the Finance Committee have the jurisdiction and responsibility to try to do something about the welfare mess. I would hope that the Senate would not take the Appropriations Committee language, because it closes the barn door before we can ever get around to finding the answer.

Mr. JAVITS. Mr. President, I thank my colleague very much. That is the most powerful support this amendment has received, and I hope very much the amendment will be voted down, on the testimony of the chairman of the Committee on Finance.

Mr. COTTON. Mr. President, I yield myself 3 minutes.

I congratulate the Senator from New York on receiving the powerful support of the chairman of the Committee on Finance. I was a little bit surprised, because the Senator from New York is usually so well informed, when he said this was a 50–50 sharing.

It is a 50–50 sharing on strict administration, but on all the services it is 75–25. So the share of the Federal Government ranges, in proportion to how the States adjust those sums, all the way from 72 percent in Colorado and Pennsylvania down to 54.7 percent in Mississippi.

If the distinguished chairman of the Committee on Finance is so anxious to preserve these services, instead of leaving this sort of situation where every State tries to outbid the other by getting big estimates in, so that some other State will not get something it does not get, if the legislative committee would adopt some kind of formula that would make sure that the Federal Government bore its full share, but that it bore it equally and fairly as between the States, we would not have to come up with these ultimate ceilings.

All we ask is a maximum 20-percent increase over last year, to exist for only 1 year, and our chief reason for it is our hope that the legislative committee will come up with the proper level.

It is not the best way to tackle this problem, and I hope the distinguished chairman of the Committee on Finance, who has rendered such comfort to the Senator from New York, will give the Federal Treasury a little comfort by coming up with a long-time, just formula, fair to every one of the 50 States.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I first thank the chairman of the Committee on Finance, the Senator from Louisiana, for his very helpful statement in regard to the amendment. The Senator from New York was correct when he said it was the finest and most convincing statement that had been made in behalf of the amendment.

Mr. President, I yield 3 minutes to the Senator from South Carolina (Mr. HOLLINGS).

Mr. HOLLINGS. Mr. President, I agree with the statement of the Senator from New Hampshire generally that some limitation should be put on administration. Before the Appropriations Committee, this was the way it was presented: That we were expending, at the Federal level, some $8.7 billion, and it would cost us $1.6 billion to administer.

I did not realize at that time that it went into the social services aspect, and I can tell you quite frankly, we were having more welfare problems until recently in the more populous States, so that over the years, we have had the lowest cost for programs of social services, for years long standing. We are just beginning to experience such problems in my State and in my section.

In South Carolina, we commenced adult services for the first time on July 1—just this month—in the history of South Carolina. Only last year, we started on the day-care services, and expended some $250,000, and we have instituted contracts to take care of some 33-percent increase in day-care center activity, which would cost us in excess of some $5 million.

If we went along with the 115-percent increase, what we would do would be to eliminate the day-care center program in South Carolina, the very thing they are trying to tell us we ought to be getting into, and I think we should.

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

Mr. HOLLINGS. I yield.

Mr. LONG. Mr. President, last year we passed a bill, which did not become law because the House would not go to conference with us, and we had in that bill several hundred million dollars for child care in addition to what is presently being spent.

Here we are being asked to cut child care, while the House of Representatives is already asking us, and the Finance

Committee will certainly be asking the Senate, to vote for much more money for day care than is presently available. So here we are in the Finance Committee trying to find ways to expand child care while the Appropriations Committee is talking about cutting it, all at the same time.

Mr. HOLLINGS. It is my understanding, within the Appropriations Committee, when this matter was considered, that it did not entail day care services whatever, but just involved general administrative costs going up and up and up.

It is my understanding that that is not the situation in my State; therefore, I oppose the amendment.

Mr. CRANSTON. Mr. President, I yield 2 minutes to my colleague from California.

Mr. TUNNEY. Mr. President, the point I wanted to make to the Senator from New Hampshire and the Senator from Washington relates to earlier inferences that in California, in all probability, there might be an awful lot of fat in the administrative staffs.

I just recently talked with the deputy director of our State Department of Social Welfare, at which time I was told that in the State of California they are, in the midst of their hearings on cases that have been denied. They are now 9,000 cases behind and they have been told by HEW that they could be out of conformity, and thereby lose money.

It would take about 8 or 9 months, if they had no more new cases coming in, to be able to catch up with this backlog. The average social service case worker has between 70 and 80 cases, and the average aid payments worker has between 125 and 130 cases.

The point simply is that we should not, by this action, cut off, as the Senator from Louisiana has said, the very best payments of all, and that is those payments for social services which are designed to get people off of welfare, the child day care centers, treatment for alcoholics and drug addicts, job placement, job counseling—all those services which are so important, particularly when at the present time the average case worker handles between 70 and 80 cases.

I ask you, how many cases can one caseworker adequately provide for? Certainly not 70 or 80. I think it is quite clear that in the State of California, at least, there is not the fat that the Senator from New Hampshire has alleged. As a matter of fact, it appears that they are about to be sued for being out of conformity, because they do not have enough caseworkers to handle the casework they have.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

I must have misunderstood the Senator from California, because the Senator from New Hampshire has not once made even an insinuation that there was any padding by the State of California. If so, he did not intend it.

Certainly the Senator from New Hampshire recognizes the problem, and recognizes that the problem is severe in California. It is just, as I said before, that one of the great misunderstandings here seems to be on where the figures come from. Because in the case of New York, California, and almost every other State, their figures do not jibe with the official figures that have been provided by the States to the Department of Health, Education, and Welfare, and those are all the figures this committee can go on. The 20-percent increase that we would allow in California is more than California has indicated they are going to request for 1972.

With respect to the day-care matter, let me remind this body that day care is not dependent upon this amendment, nor is it going to be lost by this amendment. Our committee is never given credit for trying to be generous in these matters. In this bill, we increased the day-care funds from $26 million last year to $78 million this year. So we have an appropriation here, as this bill comes to the Senate, of $78 million for the day-care centers.

Simply because we are trying to restrain some of the administration and not freeze it, but hold it to a 20-percent increase over last year, up jumps someone and bleeds and dies because this is going to hurt day care. We put in approximately $78 million instead of the $26 million of last year for day-care centers, and this committee is thoroughly in favor of day care.

I just cannot sit quietly here and hear this limitation—this very generous limitation—criticized as a blow at these services, because it is not a blow at these services. It allows an increase in addition to an increase we have already put in this bill from $26 million to $78 million for day care.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. I yield 2 minutes to the Senator from Louisiana.

Mr. LONG. Mr. President, the Senator did not explain that there are two different programs under which the Federal Government supports day care. One program is the work-incentive program, and the committee does provide more for that. But day care program is also provided by States, throughout the entire United States, under the social services program we have been talking about, and these are the funds that would be reduced by the action of the Appropriations Committee under the Cotton amendment. This is why we think the reduction should be deleted.

In other words, we do not have enough day care today. One reason why we have so many mothers on welfare is that those who wish to work cannot get day care. We are not able to arrange for enough day care as it is; we need much more than we now have. It does not make sense to cut Federal funds for that purpose.

Second, Mr. President, even more dependence on welfare can be reduced by family planning, and we are beginning to make headway in that area, with room left for much more progress. As a matter of fact, where family planning services were expanded in New Orleans, illegitimacy is being reduced tremendously, with a tremendous saving in welfare costs. So, by spending a little money, a great deal of misfortune, misery, wretchedness, and sorrow can be saved to people, and an enormous expenditure of money can be saved to the Federal Government, by better family planning.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON. I yield 1 additional minute to the Senator.

Mr. LONG. Mr. President, I should like to point out that H.R. 1, which was sent to us by the House Ways and Means Committee and on which the Finance Committee is working now, provides for a closed end on these appropriations, with the exception of child care and family planning services. Unfortunately, the Appropriations Committee does not seem to know about that legislation, and they are trying to limit funds for these two items also. The House found child care and family planning essential, and I believe that the Senate too will agree that these are two areas in which we will help to solve the difficult problems involved in welfare reform.

I hope very much that the Senate will vote to strike from the bill this particular section.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. I yield myself 1 minute.

May I invite attention to the fact that in this bill is $91 million for family planning.

I realize that what the distinguished Senator from Louisiana has said is perfectly true, that there are two kinds of day care and two kinds of family planning—what the States do and what the Federal Government does. The Federal Government is financing, to the tune of 75 to 25, the work that the State does. All we are doing now is asking whether they can do it without increasing it more than 20 percent over last year.

Mr. President, unless we draw the line somewhere, the day soon will come when the Federal Government cannot finance these programs. There will not be $91 million for family planning; there will not be $78 million for day care; because we will not be able to do it. I think the States and the counties and the cities have some slight obligation if we go as far as we have gone.

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

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

Mr. COTTON. Do I have time remaining, Mr. President?

The PRESIDING OFFICER. The Senator has time remaining.

Mr. COTTON. I yield 1 minute to the Senator from Nebraska.

Mr. CURTIS. In reference to the cost, I point out that if the Senate should pass H.R. 1, the Mills bill, the estimated Federal increased cost the first year will be $5.5 billion.

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

Mr. COTTON. If I have time remaining, I yield.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. COTTON. I yield 2 minutes to the Senator from Louisiana.

Mr. LONG. Mr. President, the Senate, by a unanimous vote, passed a bill last

year that said that, in the area of family planning, we recognize that this requirement of 25 percent State funds is holding back on the expansion of family planning services. The bill we passed unanimously would have provided 100 percent Federal matching for family planning.

When H.R. 1 comes to the Senate floor, the Senate will have a chance to say how strong it wants to go into family planning. I am confident that the Finance Committee will have some recommendations proposing that a great deal more money be devoted to family planning, just as we provided last year, in a bill which was passed 82 to 0, on 100-percent Federal matching for family planning, because we want to get on with this program, which we think will help reduce dependence.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I suggest that both sides yield back the remaining time, and I will offer my substitute. I cannot offer it unless the time is yielded back.

The PRESIDING OFFICER. The time of the Senator from California has expired, and the Senator from Washington has 15 minutes remaining.

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. COTTON. Mr. President, I send to the desk an amendment which provides that in section 209 of the bill, the fifth line, the figure "115" be stricken out and "120" be inserted in place thereof.

The PRESIDING OFFICER (Mr. WEICKER). The clerk will report the amendment.

The assistant legislative clerk read the amendment as follows:

On page 32, line 26, after the word "exceed", strike out "115" and insert "120".

Mr. COTTON. Mr. President, I invite attention to the fact that each Senator has on his desk a table which shows how each State would be affected if the 120-percent limitation is adopted. I do not say that we intend to spend the estimates, but they are increased by $148 million, all over the country out of the one billion and a half dollars of the moneys administered. In other words, we are paying now more than the $1 billion for administration and the other services, when the whole program, the money that goes into the pockets of the poor and for the aid of the poor and indigent is about $12 billion—we are paying about a quarter of a billion and a half dollars, for administration, and increasing it every single year, jumping it this year by more than a quarter of a billion dollars. So that this is, I think, a reasonable, temporary ceiling to put on the increase, around 20 percent this year.

Mr. BYRD of Virginia. Mr. President, do I correctly assume that the amendment being offered by the Senator from New Hampshire does not reduce existing appropriations but merely places a ceiling of a 20-percent increase on the appropriations for administrative expenses?

Mr. COTTON. That is right. It would allow an increase over the last fiscal year—an increase in 1972 over 1971—for administration in the States where the services are performed in connection with the programs, 20 percent over last year—puts a limit there of 20 percent.

Without some kind of ceiling, it is a perfectly open-ended obligation. They can spend all they want, hire all the people they want to hire, do anything they please, and we have to pay 50–50 on a strict administration cost of 75 percent of all such costs and other costs of the programs. This attempts to put a ceiling on the increase.

Mr. BYRD of Virginia. So, as I understand it, on the amendment offered by the Senator from New Hampshire, if adopted, there would be no ceiling on administrative costs. What the Senator from New Hampshire feels is that by permitting the increase of 20 percent in administrative costs, Congress would be fulfilling its full obligation.

Mr. COTTON. That is correct.

Mr. BYRD of Virginia. If I may ask the Senator another question, as I understand it, what the Committee on Appropriations is seeking to do, and what the Senator from New Hampshire is seeking to do, is to put some reasonable restraint or some reasonable limit on the soaring welfare costs, particulary in the field of the administration of welfare.

Mr. COTTON. That is correct. Leave untouched, I suppose, the welfare funds. This is just its administration and the administration of its programs.

Mr. BYRD of Virginia. If the Senator would yield me a minute or two——

Mr. COTTON. I am glad to yield the Senator 4 or 5 minutes.

Mr. BYRD of Virginia. Mr. President, in the colloquy with the Senator from New Hampshire, it seems to me that the proposal brought into the Senate by the Appropriation Committee as an amendment, or proposed to be amended by the Senator from New Hampshire, is a reasonable one.

It would permit the States to increase their costs by 20 percent and the Federal Government would pick up the tab. It is only when they go beyond the 20 percent that the Federal Government would say, "No, that is unreasonable. You have got to get this thing under control a little bit."

I think, instead of condemning the Appropriations Committee, that they are heading in the right direction and should be commended.

I hope and believe that the Finance Committee, under the distinguished chairmanship of the Senator from Louisiana, will go along the same line in regard to all of the appropriations affecting welfare.

If we do not get welfare costs under control, the whole program will blow up. As a matter of fact, I believe, that if we do not do that, the whole financial situation in the country may blow up.

Secretary of Health, Education, and Welfare Richardson testified before the Finance Committee this week that in the decade of the 1960's, the way he expressed it, the number of persons on welfare increased by 146 percent and yet in one year, from August 1969 to August 1970, it increased by 50 percent.

I do not know whether that is an indictment of the way the Department of Health, Education, and Welfare is being run out of Washington, but it is a startling fact. I think it is just vital that some effort be made to restrain the soaring costs of public welfare, which can be paid only by the taxpayer, which can be paid only by the wage earner—the money can come only from one place and that is out of the pockets of the man and woman who works for a living.

Therefore, I, for one, want to commend the Appropriations Committee and the distinguished Senator from New Hampshire (Mr. COTTON) for trying to put some ceiling on the costs of administering this gigantic program.

It certainly seems to me that 20 percent in one year is not a conservative increase.

Mr. COTTON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. LONG. Mr. President, let me show why the Cotton amendment does not make good economic sense.

Nowhere in America is anyone making any better headway in family planning programs than in Louisiana. In New Orleans, Dr. Beasley, a very fine young man, is running a program showing how we can take welfare mothers and put them to work teaching other young women about family planning so that they will not become welfare mothers.

Under the Cotton amendment, the welfare rolls could be loaded down with women who had babies as a result of unwanted pregnancies because the amendment would not limit welfare payments. But it would limit services like family planning with which we hope to control the growth of the welfare rolls.

I must say that this is a poorly conceived economy. For every dollar that we do not spend to prevent illegitimacy, it will cost us thousands of dollars to support illegitimate children and their mothers through welfare. It is the most poorly conceived economy that I have seen since I have been a Member of the Senate.

We also know that there a lot of welfare mothers who would like to go to work but who cannot go to work unless they have someone to look after the children when they are at work. Again, the Senator's amendment says that it is all right to leave the mothers on welfare, but we should limit child care funds which will permit them to go to work.

I believe that instead we should be paying welfare mothers to help in day care centers so that they will be looking after not only their own children, but also the children of other mothers, who in turn could go to work and increase the family income to provide a better life for themselves and their dependents. The Cotton amendment is a poorly conceived economy.

When the Finance Committee looked at this matter last year, we thought it was better to increase funds for child care. We believed in it so strongly that we increased Federal matching for child care beyond the 75 percent of present law.

The Senator's amendment would limit the amount of money available for child care centers or for family planning, but the welfare rolls could keep on climbing

while mothers are unable to work for lack of child care and while unwanted births continue to occur.

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

Mr. LONG. I yield.

Mr. MAGNUSON. We have a time limitation here and everyone is yielding my time all over the Senate.

I want to take 1 minute for myself.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. MAGNUSON. Mr. President, I want to point out to my good friend, the Senator from Louisiana, that I think no one has been more careful about family planning than have the members on this committee and the Senator from Washington. We are not saying the Senator cannot have more people for what he is talking about, because he can have as many as he wants.

We are merely suggesting that through the whole warp and woof of welfare, we are asking next year for a raise of not more than 20 percent in employment and administrative expenses.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. I yield myself 2 more minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 additional minutes.

Mr. MAGNUSON. Mr. President, what the Senator from Louisiana is talking about is something that I understand. And I agree with him on it. However, there are some parts of HEW that I think have been overstaffed. They could take the amount out of any place they want. No one is questioning what the Senator is talking about at all. I did not pinpoint this. No one did.

Mr. President, I want to point out that the two Senators were not present when I made my initial remarks on this matter.

Another thing we have to start thinking about, and the Senator's committee ought to start thinking about, is the number of people employed in HEW already. How many people does the Senator think were employed in HEW as of May 1? Could the Senator hazard a guess?

Mr. LONG. The Senator should not ask me the question if the Senator does not know the answer.

Mr. MAGNUSON. I know the answer.

Mr. LONG. Then why does the Senator ask me?

Mr. MAGNUSON. Because I think the Senator would probably estimate it far below the actual figure because he does not have any particular knowledge of the growth of this thing. We have 860,000 people employed under HEW today.

We have to start looking a little bit into this question of administration. There are some people in the HEW administration—maybe not in this particular case—where I think they could get along with at least as many people as they have now. An increase of 20 percent a year is all we are talking about. Someone has to suggest a limit on this some time. Maybe we ought to send them a copy of Parkinson's law. I do not think they would read it, though.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Washington is recognized for an additional minute.

Mr. MAGNUSON. Mr. President, I do not want the information to get abroad here that we are skimping on family planning. We are not doing so at all. We have increased those amounts. This bill is the largest bill in the history of the Senate—$21 billion. Someone has to pay for it.

Mr. LONG. Mr. President, will the Senator yield me 1 minute?

Mr. MAGNUSON. In just a minute. I will yield when I am through.

I have some impression here that we are trying to shut down or hold down some of these fine organizations that we have been the champion of for a long time. This is not directed to that. Does the Senator know what the trouble is with the amendment? No Governor in any of the States in the Union wants to employ their full share under State funds. The Senate can provide for employing 100 percent more, if we want to. There is no restriction. We could provide for 200 percent on what the Senator is talking about. But no State legislature and no State Governor wants to put in this money.

That is all this is about. It does not have anything to do with these programs. We believe in welfare and in family planning and all of these things.

I remember when the Senator from New Hampshire and I tried to get family planning in the bill, we got nowhere. We increased it by about 500 percent or more. I am talking about administrative people in the offices. The Senator can go down to any one of these State welfare offices on any given day, without telling them that he is going to come there, and he will understand what I mean.

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

Mr. MAGNUSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Washington has 8 minutes remaining.

Mr. MAGNUSON. Mr. President, I yield 3 minutes to the Senator from Minnesota and will then yield 2 minutes to some other Senator, whoever may wish it.

Mr. MONDALE. Mr. President, I wish to make one point. There is no question that this country is increasingly seeing the phenomenon of mothers who are working during the day. There is no question that the philosophy underlying the family assistance program, the present welfare program, is to encourage welfare mothers who live at home during the day to go to work. In addition to that question, there is the broader issue of what happens to those children while the mother is gone. These are the same children that often suffer from malnutrition and poor housing. They are often from broken homes. They live in an environment of despair and frustration. And they are often nonwhite, also.

If we really want to visit the next generation with an insoluble problem in terms of health services, let us pursue a national program of separating children from their mothers and putting them in cold, custodial day care centers where no one thinks of them for 8 hours a day, where there is no love, no affection, and no health care. There is nothing to make the child feel that he amounts to anything.

The Senator from Louisiana is saying, "Let us have decent day care centers where the child is going to have some love, some hope, and some decent care, and not just custodial care." If we do not adopt the Cranston amendment, I am very fearful that what we are doing is to drive the mothers to a job and then to drive the children some place where for 8 hours a day there is no care and no treatment. If our Subcommittee on Children and Youth, our Subcommittee on Education, and our Subcommittee on Health of the Committee on Labor and Pubic Welfare have learned anything it is this. The first 5 to 8 years of life constitute the most important period in any life. That can be a period of total and massive psychological and physical destruction, or a great, powerful, magnificent period of growth. That is why the quality built into these day care centers is essential to the health of America. That is why we cannot save money in that way without destroying a good deal of the promise of America's future.

Mr. President, that is why I support the Cranston amendment and why I am opposed to the Cotton amendment.

Mr. COTTON. Before the Senator came into the Chamber and wept these great big salty tears, we called attention to the fact that in the bill before us we have increased appropriations for family care from $26 million to $78 million; and in family planning we have provided another additional $52 million.

Mr. President, the States, if they want to, can use the 20 percent increase for family care, if that is what you want to do with it, and the Federal Government has to pay 75 percent of that, or they can use the additional 20 percent under this amendment for family planning, and we have to pay 75 percent of that.

Never in my life have I listened to so much furor about a bill. We have gone to the limit and increased worthy projects that mean so much to this country.

Whatever the Senator from New Hampshire has done by being conservative, and I plead guilty to it, he has never been conservative when it comes to health, education, and welfare. He has been on this committee for 12 years, and he has supported these increases for 12 years. It was not the Senator from New Hampshire; it was the committee that voted this reasonable ceiling.

So in response to all this discussion about the dreadful Cotton amendment let me say this: Put this reasonable ceiling on and we will feel free to accept one of these amendments that are calling for an increase of $1 billion or $2 billion, for some of these worthy causes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 2 additional minutes.

After we have provided increases from $26 million to $78 million for day care,

how can we let this matter run open ended and unbridled? Then, they approach us about the terrible Cotton amendment. I hope the Senator will not reject this amendment. The bill was raised over the budget of the House to the tune of $400 million and raised up to $800 million when it came to the Senate committee; and with some of the authorizations when they come in it could mean a supplement that will put it over $1 billion.

My suspicion is that if the Senate adopts this reasonable ceiling, it will be made palatable so we will not have to struggle through a veto.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. I yield myself 1 additional minute.

Mr. President, in the opinion of this Sneator, this amendment is practical. I am not talking about and weeping about some of these things that we are amply financing. As a practical matter, it will grease the wheels to get this bill signed by the President and become law without going up and down the Hill as we did last year and the years before.

That is all I have to say.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time so we may have a vote.

Mr. JAVITS. Mr. President, will the Senator yield to me for just 1 minute?

I know the Senator from Washington so well and have such high regard for him on this committee, I appreciate the depth of his feeling, but I really feel——

Mr. MAGNUSON. Mr. President, if the Senator is going to speak, I am not going to yield back the balance of my time.

The PRESIDING OFFICER. The Chair understood the Senator from Washington yielded 1 minute to the Senator from New York.

Mr. MAGNUSON. I yield such time as the Senator may require.

Mr. JAVITS. Mr. President, I am terribly sad to hear what the Senator from New Hampshire said because I believe he should appreciate the great pressure that Senators from States like mine are under by financial exigencies of our States; and it is very trying when such a devastating cut has been made in the whole welfare situation—in New York, for example—and there has been a tremendous social outcry.

I submit that because of the humanitarianism and the fairness of the Senator from New Hampshire.

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

Mr. JAVITS. I yield.

The PRESIDING OFFICER. The Senator from New Hampshire has 1 minute of his own remaining.

Mr. COTTON. And will the Senator from Washington yield to me 1 minute in addition?

Mr. MAGNUSON. I yield 1 minute to the Senator from New Hampshire.

Mr. COTTON. That makes 2 minutes.

Mr. President, I thank the Senator from New York for his kind statement.

The Senator from New York has served with me on this committee and he knows we have worked together to take care of the disadvantaged and the suffering in this country.

If I spoke strongly it is because I rather resented the distinguished Senator from Louisiana and others perpetually saying, "COTTON loads up the welfare rolls." It is almost a violation of the rules of the Senate. Those things are not usually said. "COTTON does not want to give any money for day care," it was said, when we have provided $78 million. "COTTON does not want to do anything for family planning," was another comment when we have more than $91 million in this bill for family planning. A $52 million increase over last year in both instances.

Mr. President, of course, if there is a worthy amendment offered that we think should go to conference we will accept it; but we will not be able to accept as many if we do not have some ceiling—and, good heavens, we are talking about a 20 percent in administration by the States, and I cannot understand why people think that is so unreasonable.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

IF A 115-PERCENT LIMITATION IS IMPOSED ON GRANTS TO STATES FOR PUBLIC ASSISTANCE

Mr. CHILES. Mr. President, since the 1962 amendment to the Social Security Act became law, the Department of Health, Education, and Welfare has been enticing States to enter into social service programs by providing additional Federal funds for services. Caseload standards in Florida have been reduced from 21 to 60 cases per worker in the aged, blind, and disabled program and 131 to 60 cases per worker in the aid to families with dependent children program. These caseloads were established by HEW and had to be adhered to in order to earn additional Federal funds. Florida met these requirements when the division of family services, on October 1, 1970, separated the functions of payments and services. This separation was necessary to be able to claim 75 percent Federal matching for this social service program. The committee report on this bill suggests that the 115-percent limitation is needed to discourage "the improper classification of some administrative activities as socal services." Officals in Florida tell me there is no improper classification in their program and a 115-percent ceiling would not be fair. Also, as I understand it, there is already a reduction to 50 percent Federal funds matching to States who have not separated the function of payments and services.

If the 115-percent limitation is based on the 1970–71 expenditures with no increase in future years, then the service program would have to be reduced each year or be discontinued entirely. Activities in the area of services to children and their families which would have to be severely reduced because of lack of funds include: Referrals for work and training, protective services for abused and neglected children, referrals for family planning, supportive services to families of drug users, services for school-age parents, referrals of AFDC youth for summer employment, foster care for AFDC children, services for unmarried, pregnant women, counseling services for children with behavioral disabilities, and all preventive services for children potentially eligible for AFDC.

Months have been spent in planning for improved and extended services for mentally retarded and delinquent children. These would not be possible if the proposed cap is placed on expenditures.

Day care—the cap would mean the discontinuation of the division's day care program in Florida, which is now gearing up.

Currently the division of family services in Florida has contracts for day care for children living in poverty in Brevard, Dade, Duval, Leon, Palm Beach, and Pinellas Counties. By June 1, 1971, additional programs will be in operation in Alachua, Broward, Hillsborough, and Orange Counties. Community planning is underway in 37 additional counties in which private funds are being secured to be made available to the State. Without the 75 percent Federal matching, current contracts would have to be canceled and planning for additional day care services stopped because neither the local communities nor the State has the fiscal ability to provide day care services.

To jeopardize to older, disabled adults through the application of the 115-percent cap is shortsighted from both a monetary and humanitarian viewpoint. Services help persons to remain in their own homes or to return to their homes from nursing homes, hospitals, and mental institutions; contributes to independent living and saves the taxpayers money. Services are directed at helping older people remain active in the mainstream of community life, slows down deterioration and ultimate physical and mental breakdown requiring medical and institutional costs. If funds are curtailed, services necessary to achieve these objectives must be eliminated. These include homemaker service, day care, chore services, health needs, home-delivered meals, transportation, et cetera. To reduce these services will ultimately increase expenditures of public funds.

The 115-percent limitation would eliminate approximately 129 service workers and supervisory positions. This is a 10-percent reduction in manpower.

The 115-percent limitation would affect the continuation of grants and aid to universities for establishing and continuing undergraduate social work courses. In fact, the State has notified Florida State University, Florida A. & M. University, Florida Technological University, the University of West Florida, and the State Board of Regents that, if the 115-percent limitation is approved, their grants and aid will be the first to be cut off.

It is evident from the above information that the services programs of the division of family services will be in serious jeopardy and ultimately nonexistent if Congress passes this 115-percent limitation of Federal matching for administration.

Mr. CRANSTON. Mr. President, has all time been yielded back?

The PRESIDING OFFICER. All time has been yielded back.

Mr. CRANSTON. Mr. President, I move to lay the pending amendment on the table.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from California (Mr. CRANSTON) to lay on the table the amendment of the Senator from New Hampshire (Mr. COTTON). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

I also announce that, if present and voting, the Senator from Virginia (Mr. SPONG) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Colorado (Mr. ALLOTT). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 37, nays 51, as follows:

[No. 179 Leg.]

YEAS—37

Bellmon	Gravel	Moss
Bentsen	Griffin	Muskie
Brooke	Hart	Nelson
Burdick	Hartke	Pell
Cannon	Hollings	Percy
Case	Hughes	Proxmire
Chiles	Inouye	Ribicoff
Church	Javits	Schweiker
Cranston	Jordan, N.C.	Stevenson
Curtis	Kennedy	Symington
Eagleton	Mathias	Tunney
Fulbright	Miller	
Gambrell	Mondale	

NAYS—51

Aiken	Byrd, W. Va.	Goldwater
Allen	Cook	Gurney
Anderson	Cooper	Hansen
Baker	Cotton	Hruska
Beall	Dole	Jordan, Idaho
Bennett	Dominick	Magnuson
Bible	Eastland	Mansfield
Boggs	Ellender	McClellan
Brock	Ervin	McIntyre
Buckley	Fannin	Metcalf
Byrd, Va.	Fong	Montoya
Packwood	Scott	Talmadge
Pearson	Smith	Thurmond
Prouty	Sparkman	Tower
Randolph	Stennis	Weicker
Roth	Stevens	Williams
Saxbe	Taft	Young

NOT VOTING—12

Allott	Humphrey	McGovern
Bayh	Jackson	Mundt
Harris	Long	Pastore
Hatfield	McGee	Spong

So the motion to lay Mr. COTTON's amendment on the table was rejected.

The PRESIDING OFFICER (Mr. WEICKER). The question now recurs on agreeing to the amendment of the Senator from New Hampshire.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Colorado (Mr. ALLOTT) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Colorado would vote "yea," and the Senator from Oregon would vote "nay."

The result was announced—yeas 47, nays 43, as follows:

[No. 180 Leg.]

YEAS—47

Aiken	Dole	Montoya
Allen	Dominick	Packwood
Baker	Ellender	Pearson
Beall	Ervin	Prouty
Bellmon	Fannin	Randolph
Bennett	Fong	Roth
Bible	Goldwater	Saxbe
Boggs	Gurney	Scott
Brock	Hansen	Smith
Buckley	Hruska	Sparkman
Byrd, Va.	Jordan, N.C.	Stennis
Byrd, W. Va.	Jordan, Idaho	Thurmond
Cannon	Magnuson	Tower
Cook	Mansfield	Weicker
Cooper	McClellan	Young
Cotton	McGee	

NAYS—43

Anderson	Hart	Pell
Bentsen	Hartke	Percy
Brooke	Hollings	Proxmire
Burdick	Hughes	Ribicoff
Case	Inouye	Schweiker
Chiles	Javits	Spong
Church	Kennedy	Stevens
Cranston	Mathias	Stevenson
Curtis	McIntyre	Symington
Eagleton	Metcalf	Taft
Fulbright	Miller	Talmadge
Gambrell	Mondale	Tunney
Gravel	Moss	Williams
Griffin	Muskie	
Harris	Nelson	

NOT VOTING—10

Allott	Humphrey	Mundt
Bayh	Jackson	Pastore
Eastland	Long	
Hatfield	McGovern	

So Mr. COTTON's amendment was agreed to.

Mr. COTTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from California to strike section 209, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Mr. President, a vote of aye is a vote to strike the section.

The PRESIDING OFFICER. The Senator is correct. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) and the Senator from Oregon (Mr. HATFIELD), are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Colorado (Mr. ALLOTT). If present and voting, the Senator from Oregon would vote "yea," and the Senator from Colorado would vote "nay."

The result was announced—yeas 50, nays 40, as follows:

[No. 181 Leg.]

YEAS—50

Anderson	Hart	Pell
Bennett	Hartke	Percy
Bentsen	Hollings	Proxmire
Brooke	Hughes	Ribicoff
Burdick	Inouye	Saxbe
Cannon	Javits	Schweiker
Case	Jordan, N.C.	Scott
Chiles	Kennedy	Sparkman
Church	Mathias	Spong
Cranston	McIntyre	Stevens
Curtis	Metcalf	Stevenson
Eagleton	Miller	Symington
Fulbright	Mondale	Talmadge
Gambrell	Moss	Tunney
Gravel	Muskie	Weicker
Griffin	Nelson	Williams
Harris	Packwood	

NAYS—40

Aiken	Dole	McClellan
Allen	Dominick	McGee
Baker	Eastland	Pearson
Beall	Ellender	Prouty
Bellmon	Ervin	Randolph
Bible	Fannin	Roth
Boggs	Fong	Smith
Brock	Goldwater	Stennis
Buckley	Gurney	Taft
Byrd, Va.	Hansen	Thurmond
Byrd, W. Va.	Hruska	Tower
Cook	Jordan, Idaho	Young
Cooper	Magnuson	
Cotton	Mansfield	

NOT VOTING—10

Allott	Jackson	Mundt
Bayh	Long	Pastore
Hatfield	McGovern	
Humphrey	Montoya	

So Mr. CRANSTON'S amendment was agreed to.

Mr. CHURCH. Mr. President, before proceeding with my statement, I wish to congratulate the Senator from Washington (Mr. MAGNUSON) for his masterly efforts in bringing the Labor-HEW appropriations bill to the floor of the Senate for early consideration. In addition, I wish to compliment him for the genuine concern that he has always demonstrated for older Americans. In his capacity as the chairman of the Labor-HEW Appropriations Subcommittee, he has been in the forefront in obtaining more adequate funding for the elderly.

As the sponsor of three measures to increase appropriations for programs for the elderly, I shall direct my remarks to these provisions in H.R. 10061. These proposals, I am pleased to say, have the strong bipartisan support of the Senator from Vermont (Mr. PROUTY) and other members of the Committee on Aging, of which I am chairman.

First, the Appropriations Committee approved my amendment to raise funding under the Older Americans Act for the title III community programs on aging by $6 million, from $9 million to $15 million. With this amount, an additional 460 projects can be initiated to provide vital services to the elderly—such as transportation for the infirm and frail, meals on wheels for shut-ins, home health services, and many others. These services, I might add, enable many older Americans to live independently, instead of being institutionalized at a much higher public cost. Moreover, this amendment will permit an additional 700,000 older Americans to be served by community programs on aging, boosting the existing figure of 1 million to 1.7 million.

Equally important, H.R. 10061 includes my proposal to increase funding by $4.5 million for the successful foster grandparent program, from $10.5 million to $15 million. This will provide urgently needed employment opportunities for 1,800 low-income persons 60 and older, raising the present total from 4,200 to 6,000. This amendment will also enable an additional 3,600 neglected, retarded, and otherwise disadvantaged children to receive important supportive services which are not available. Moreover, this would increase the present total of 8,400 to 12,000.

For many of these older persons, the foster grandparent program is much more than a means of providing badly needed income to supplement inadequate retirement benefits. It is also a means to engage in purposeful activity; a means to help others; and a new and rewarding experience for many. Large numbers of foster grandparents now work beyond regular work hours to provide the love and care which these young children desperately need.

In addition, H.R. 10061 raises the funding requested by the administration for aging research and training in the National Institute of Child Health and Human Development from $7.18 million to $12 million. With this money, further research can be initiated for treatment of chronic diseases which plague aged and aging Americans. Equally important, additional personnel can now be trained in biomedicine.

Mr. President, I urge the approval of the fiscal 1972 Labor-HEW appropriations bill, H.R. 10061.

Mr. EAGLETON. Mr. President, a bipartisan group of Senators led by Senator CHURCH, chairman of the Special Committee on Aging, and Senator PROUTY, the ranking minority member of that committee, urged the Senate Labor-HEW Appropriations Subcommittee to increase funding for several programs in the aging field.

I am much pleased that the Senate bill provides the additional funds we proposed for three important programs, and I want to commend the Senator from Washington and his committee for their action.

The community grant program under title III of the Older Americans Act provides seed money to encourage the development of services at the community level that are desperately needed by many older people. These services include home-delivered meals, transportation, homemaker and home health services, and the establishment of senior centers.

Funding for this program has dropped from $14.5 million in fiscal 1969 to $9 million in the last 2 fiscal years. To continue this level of funding for another year would mean the initiation of very few new community projects.

The Senate bill increases funds for title III community grants by $6 million—from the budget request for $9 million to $15 million. These additional funds will permit the funding of some 460 new community projects serving 700,000 additional elderly persons.

The foster grandparent program provides part-time employment opportunities for low-income persons aged 60 and over to furnish supportive services to disadvantaged and institutionalized children. This is one of the most successful and popular programs funded by the Federal Government.

Currently 68 projects provide employment for 4,200 persons. There have been hundreds of applications for new projects, and there are some 8,000 persons on waiting lists at the existing projects.

The Senate bill provides an additional $4.5 million, increasing the funding from the fiscal 1971 level of $10.5 million to $15 million. These additional funds will provide employment opportunities for another 1,800 of the elderly poor.

Biomedical and behavorial research in aging is conducted under the auspices of the National Institute of Child Health and Human Development. In recent years, appropriations for this purpose have remained generally constant with little allowance for rising costs and virtually no room for growth.

The fiscal 1972 budget request would have cut funds for aging research by about 12 percent. The immediate effect of this budget cut would have been to preclude the awarding of any new aging research grants in fiscal 1972, and this includes not only new projects but the renewal of valuable projects that have been funded over a period of years.

The Senate Appropriations Committee has wisely added $4.82 million for aging research and training, raising the funding level from the $7.18 million requested to $12 million.

Mr. President, these funding increases total $15.32 million—in our terms a rather modest sum. Yet channeling them into these programs can mean new services and employment for thousands of older Americans and the difference between stagnation and progress in the vital area of aging research.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 384) providing for an adjournment of the two Houses from August 6, 1971, to September 8, 1971, in which it requested the concurrence of the Senate.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 10061) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. The Senate will now resume the consideration of the amendment of the Senator from Alabama (Mr. ALLEN).

The Senator from Montana (Mr. MANSFIELD) is recognized.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment, as follows:

On page 12, line 14, strike out "$281,704,000" and insert in lieu thereof "$331,704,000"

On page 12, line 14, strike out "$172,200,000" and insert in lieu thereof "$222,200,000"

On page 12, line 17, immediately after "facilities" insert ", of which $66,400,000 shall be available only for grants for the construction of public or other nonprofit hospitals and public health centers"

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendment of the Senator from Alabama be laid aside so that the amend-

ment of the Senator from Montana may be considered?

Mr. MANSFIELD. Mr. President, very temporarily. I should have made that request and I forgot it. I do so.

Mr. ALLEN. Mr. President, I am glad to yield for that purpose.

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

Does the Senator from Montana ask unanimous consent that the amendments be considered en bloc?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

ADJOURNMENT OF THE TWO HOUSES FROM FRIDAY, AUGUST 6, 1971, UNTIL WEDNESDAY, SEPTEMBER 8, 1971

Mr. MANSFIELD. Mr. President, I shall not take more than 5 minutes, but first I ask unanimous consent that a concurrent resolution at the desk providing for the adjournment of Congress from August 6 until September 8 be called up for immediate consideration.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read by the clerk.

Mr. COTTON. Mr. President, reserving the right to object—and I shall not object—I understand that after the amendment of the majority leader is taken care of, the Senator from Alabama, the Senator from Kentucky, and the Senator from Kansas, by unanimous-consent agreement, are going to be recognized to call up their amendments. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The concurrent resolution will be read.

The legislative clerk read the concurrent resolution (H. Con. Res. 384) as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, August 6, 1971, they stand adjourned until 12 o'clock meridian on Wednesday, September 8, 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

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

THE RAILROAD STRIKE

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, when the Senator from Montana finds it convenient, in view of this concurrent resolution, which we know will be adopted, I would like to have the privilege of having considered a resolution giving the President the necessary authority to deal with the consequences of what in effect will be a national rail stoppage. I just wish to announce this to the Senate because this resolution will pose the question of what we do in the next 30-plus days should that eventuality overwhelm us.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. JAVITS. Mr. President, may the majority leader answer?

Mr. MANSFIELD. May we agree to the concurrent resolution first?

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 384) was agreed to.

Mr. MANSFIELD. Mr. President, let me say that the reason for action so far ahead of time is that, under the rules, the House would adjourn sine die on August 1. Therefore, to circumvent that happening, we must agree to this resolution today so that the House can act in accord with the Senate's action on the August 6 adjournment.

Second, I think that the distinguished Senator from New York has made a very good suggestion, and I would hope that he would undertake to carry out what he has stated when this bill is disposed of.

Mr. JAVITS. I thank the majority leader.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 10061) making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes, and I yield back the remaining 25 minutes.

The Federal investment in health care programs has increased significantly over the past several years. This year the administration is urging the approval of legislation to establish health maintenance organizations and various proposals for national health insurance will be considered in the Senate and House. It makes no sense to me, however, to increase the demand for health services through Federal financial assistance programs when we fail to provide the needed resources for supplying the additional medical care.

While it is true that legislation has been enacted and is being expanded to increase the supply of health manpower, there has been very limited support for the construction of health facilities. In my State of Montana and in other States the Federal requirements under medicare for safety standards with respect to health care facilities have escalated the needs for construction and modernization.

The 1972 authorization for appropriations under the Hill-Burton Act amounts to $402,500,000. The PHS appropriations bill as approved by the Senate Appropriations Committee, however, would make only $172,200,000 available in grants to the States for the construction and modernization of hospitals and other health care facilities. The comparison is shown below:

Category	Authorization	Approved
Hospitals	$152,500,000	$16,400,000
Long-term care facilities	85,000,000	20,800,000
Outpatient facilities	70,000,000	70,000,000
Rehabilitation facilities	15,000,000	15,000,000
Modernization	80,000,000	50,000,000
Total	402,500,000	172,200,000

A PHS survey of the States showed that there is a backlog of $16 billion in new construction and modernization of health care facilities. Furthermore, the States report that they could match Federal funds on a 1-to-1 basis to the extent of $9 billion worth of construction and modernization of health care facilities over the next 2 years.

The bill as approved by the Appropriations Committee would make in excess of $50 million available in grants for the construction and modernization of health care facilities in Washington, D.C., under the District of Columbia Medical Facilities Construction Act. But only $172.2 million would be apppropriated in grants for all 50 States. No State, for example, would be allocated more than $300,000 for the construction of hospitals and public health centers.

My amendment would add $50,000,000 to the bill for the construction of hospitals and public health centers. This would make $66.4 million of the $152.5 million that is authorized available for pressing needs. States have the option, under existing law, to use these funds for new construction or modernization.

Mr. President, I hope the committee will give the most serious consideration to this amendment and will find its way clear to adopt it.

Mr. MAGNUSON. Mr. President, the committee considered this matter at some length. I think it is the consensus of the committee that, because of the fact that some of this construction money is mandatory—and it should be—possibly we should take this amount to conference, but I would ask for a voice vote on it, if the Chair will put the question.

Mr. MANSFIELD. Mr. President, I yield back the balance of my time.

Mr. MAGNUSON. 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.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I want the RECORD to show that the vote was unanimous.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, will the Chair have the clerk state the pending amendment?

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 12, line 4, strike out "$99,840,000" and insert in lieu thereof "$107,840,000, of which $8,000,000 is for the prevention and suppression of tuberculosis".

Mr. ALLEN. First, Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: My distinguished senior colleague from Alabama (Mr. SPARKMAN), the distinguished Senator from Montana (Mr. METCALF), the distinguished Senator from Hawaii (Mr. INOUYE), and the distinguished Senator from Alaska (Mr. GRAVEL).

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

Mr. ALLEN. I wish to commend, at the outset, the distinguished Senator from Washington (Mr. MAGNUSON), the chairman of the Appropriations Committee, (Mr. ELLENDER), and all of the members of this subcommittee and of the full committee for the dedicated work that they have put in on this measure over the last 3 months. We are very fortunate indeed, in Congress, to have the appropriations bills all so far along. The House passed the bill now under consideration only last Tuesday, I believe, July 27, but because the Senate committee had been working on the Senate appropriation bill, it was able to make the substitution and bring the bill to the floor at this time.

However, the final markup of the bill, I believe, was had only yesterday, which did leave the possibility of some matters not coming to the attention of agencies and persons having an interest in appropriations under consideration by the committee. I should like to speak in behalf of this amendment, which would add $8 million for project grants for tuberculosis prevention and control.

Last year, some $5.3 million was available in project grants to combat tuberculosis, but under the present bill, no sum of money whatsoever is made available to fight tuberculosis on a project grant basis. That would be a basis of fighting the disease where it is present, providing project grants to fight the disease in areas of high incidence of the disease, rather than under some formula that does not take that into account.

When the Department of Health, Education, and Welfare shifted its support for the control of tuberculosis from project grants to formula grants the funds available to the 29 States with the most severe tuberculosis problems were reduced. To some extent these cutbacks were offset by project grants under section 314(e) and section 317 of the Public Health Service Act. In 1971, for example, $5.3 million was available in project grants to combat tuberculosis. The 1972 budget, however, includes no funds for the control of tuberculosis through project grants.

It is an extremely shortsighted policy to eliminate these funds for the control of tuberculosis when we have been making such excellent progress. For example:

First. Beginning in 1966, the rate of new active tuberculosis cases began to decrease each year. From 1968 to 1969, the new cases decreased by 8.9 percent compared to an average decrease of about 5 percent for the 5-year period 1961–65.

Second. A great proportion of active cases are now being treated on an outpatient basis. In 1969, only 36 percent of patients with active disease were hospitalized compared to over 50 percent in 1964.

Third. According to data compiled by the American Hospital Association, the average length of stay in non-Federal tuberculosis hospitals decreased from 202 days in 1961 to 132 days in 1969.

Fourth. As a result of fewer patients being hospitalized and a shorter stay for those hospitalized, approximately 12 million bed days are not needed. This saved the State and local governments over $430 million in tuberculosis hospital costs for the 5-year period 1965–70.

These gains, however, will be reversed unless we continue the fight against tuberculosis because there are significant unmet needs:

First. One fourth of the active tuberculosis cases at home, the No. 1 priority in tuberculosis control, are not on chemotherapy.

Second. More than half of the children under 5 years of age who are known household contacts are not being given preventive treatment. Children at this young age are at high risk of developing the disease, frequently in the form of meningitis, which is fatal if not treated.

Third. Only 37 percent of the close contacts of active cases are being treated, yet the chance of disease developing among those in this group who have recently been infected is around 8 percent.

This data is convincing proof that we must improve our tuberculosis programs.

To attain the goal of eradication, the extremely effective preventive and therapeutic drug treatments which are available today must be used to reduce the incidence of new cases which, in 1970, numbered 37,000 in the United States.

In 1969, before the Public Health Service switched from project grants to formula grants for tuberculosis control, Alabama received $85ø,000. In 1971, Alabama will have less than one half of this amount for the control of tuberculosis from Federal sources. This is a particularly pressing health problem since Alabama has the third highest new case rate of active tuberculosis in the United States. The new case rate for Alabama is 33.9 per 100,000 population as compared with a national average of 18.3. Project grants would put the funds where needed, where the disease is.

The amendment I propose would make $8 million available in project grants under the authority of section 317 of the Public Health Service Act for tuberculosis control. This will permit the funds to be directed to those States and cities where the tuberculosis problem is most severe. We must have as our goal the eradication of tuberculosis and these funds will allow substantial progress toward that end.

I have a telegram from Dr. Ira L. Myers, State health officer for the State of Alabama, that I should like to read into the RECORD——

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

Mr. ALLEN. I am delighted to yield to the Senator from Washington.

Mr. MAGNUSON. The Senator, to save time, could put that wire in the RECORD.

Mr. ALLEN. All right.

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

MONTGOMERY, ALA.

HON. JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.

It is our understanding that an additional $20,000,000 was added in the House to the President's budget request for the Department of Health, Education, and Welfare's budget for communicable disease control, namely, VD, TB, and vaccination assistance.

We received information from Washington today which indicated the House approved the $20,000,000 for VD and vaccination assistance but TB control programs would not be eligible for grants which would be funded under the 314 "E" categorical grant mechanism.

As you know, Alabama desperately needs funds for TB control to make up for the recent cutbacks in Federal spending. It is our hope that this appropriation bill can be amended to include funds for TB as well as VD and immunization.

What progress has been made in recent years will be dissipated if there are no funds for TB control. In 1965 the new active case rate per 100,000 population was 40.6 and in 1970 the new active case rate was 33.8. Of the fifty States in the Nation, Alabama ranks number three in active case rate exceeded only by Hawaii and Alaska. There continues to be more than 1,000 new active TB cases reported in Alabama annually. Currently, there are 4,000 diagnosed TB cases receiving antituberculosis drugs and an additional 10,000 persons are on prophylactic medication to prevent their developing active TB. In excess of 260,000 individuals are receiving TB control services in Alabama annually.

Your continued support of TB control funding at the national level is greatly appreciated. These Federal funds will enable us to continue quality TB control services in Alabama.

IRA L. MYERS,
State Health Officer.

Mr. MAGNUSON. It is somewhat unfortunate that we did not hear any witnesses on this particular matter, except in a general way. But I understand what the Senator is talking about, and I would hope that he would modify his amendment to provide $6 million, and we would make it clear that it would be for project grants, and that the additional money added to the $95 million in the bill would be shown, as a result of this colloquy on the floor, to be for the tuberculosis purposes that the Senator suggests.

Mr. ALLEN. The distinguished chairman would take the matter to conference under those circumstances and, of course, since it is the will of the Senate, urge the conferees to agree to the amendment?

Mr. MAGNUSON. There is another reason. Tuberculosis is one field in which we have made substantial progress. I recall that when I was handling the Veterans' Administration medical appropriations, we used to have TB wards in all these hospitals, and many of the large general hospitals would have TB wards. Counties would have a TB sanitarium. We have made great progress. Most of those wards have disappeared. There are no more wards in veterans hospitals for TB cases. TB cases are not as numerous, and they are taken care of in the general wings and are not isolated.

I think it is well that we do this, because tuberculosis is a fickle disease. We

may have put it down, but we want to be sure it does not come back up, as has happened in Alabama.

So I would be glad to take to conference $6 million, if the Senator would modify his amendment.

Mr. ALLEN. I appreciate that.

I invite attention to the fact that, even though the House report seeks to earmark some $20 million—$16 million for venereal disease control and $4 million for vaccine programs—that earmarking is not in the bill itself.

Mr. MAGNUSON. That is correct.

Mr. ALLEN. So that those recipients of the appropriations in the House bill would have to reply on the language in the committee report.

It is the understanding, then, of the junior Senator from Alabama, by the colloquy that is taking place between the distinguished Senator from Washington and the junior Senator from Alabama, that the legislative intent would be manifested to make the additional $6 million available in the form of project grants for the treatment and care of tuberculosis patients.

Mr. MAGNUSON. That is correct.

Mr. ALLEN. It will be with that understanding that the amendment will be modified and agreed to by the Senate?

Mr. MAGNUSON. That is correct.

Mr. FANNIN. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. FANNIN. Since the Indians have the greatest problem in tuberculosis of any group in our Nation, I wonder whether they would be considered covered by this, or would it be under the Indian Health Service and not the Public Health Service, the Interior bill?

Mr. MAGNUSON. I believe this would be under the Interior bill. I am not too familiar with the Interior bill, but it includes Indian health.

Mr. FANNIN. We do have the greatest problem on Indian Reservations. When the distinguished Senator from Alabama mentioned that the money should go where the problem is involved, I am very concerned, because the problem is very much involved on the Indian reservations.

Mr. MAGNUSON. It would not be germane to this bill.

Mr. FANNIN. It would not be germane to this bill. At the same time, I think the distinguished Senator from Alabama would support additional money being spent on Indian reservations.

Mr. ALLEN. Yes. The Senator from Alabama said that the money should go where the need is.

Mr. FANNIN. I thank the Senator.

Mr. MAGNUSON. I say to the Senator from Arizona that we have the same situation with some of the Alaska natives.

Mr. FANNIN. I thank the Senator.

Mr. ALLEN. Mr. President, without changing the original purpose of the amendment as outlined in my remarks, I send to the desk a modification as suggested by the Senator from Washington, and I ask that the amendment be so modified.

The PRESIDING OFFICER. The clerk will state the modification.

The assistant legislative clerk read as follows:

On page 12, line 4, strike out "$99,840,000" and insert in lieu thereof "$105,840,000."

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on amendment has been yielded back. The question is on agreeing to the amendment, as modified, of the Senator from Alabama.

The amendment, as modified, was agreed to.

Mr. ALLEN. I thank the distinguished Senator from Washington for his cooperation.

Mr. PEARSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 19, line 25, insert the following:

OFFICE OF EDUCATION

EMERGENCY SCHOOL CONSTRUCTION

For design and construction of a high school facility at Fort Leavenworth Unified School District 207, Kansas, $1,592,000.

Mr. PEARSON. Mr. President, this amendment would provide for an appropriation of funds to the school district at Fort Leavenworth in the State of Kansas.

This school district, which now serves 2,267 children in grades from kindergarten through high school, is located entirely within the boundaries of the Federal installation at Fort Leavenworth, which includes the Army Command and General Staff College, a Federal penitentiary, and the Fort Leavenworth National Cemetery. This district is unique in that it is composed entirely of Federal lands, exempt from taxation. There is no significant tax base upon which to levy for the purpose of raising school funds, whether for operating purposes or for the construction of new facilities.

The school district is dependent on the prospect of Federal funds, and Federal funds alone, to finance the construction of new classrooms to house new children as they come onto the installation. As a result of recent military housing projects at Fort Leavenworth, requested by the executive branch and followed by authorization and appropriation by the Congress, the present school facilities have grown badly overcrowded.

Three hundred units of family housing have recently been constructed or are now under construction at Fort Leavenworth, and at the rate of 2.17 children per household—an estimate based on previous experience at the base—as many as 650 additional children will have to be crowded into the present inadequate facilities. These are all so-called A category children, whose parents both live and work on a Federal installation, and their needs deserve, in my judgment, the first priority in funding for programs under impact area aid legislation.

The unique circumstances of Fort Leavenworth, with its total and complete reliance upon Federal funds under Public Law 815, calls for immediate action by the Congress to fund a request, submitted by the school district, for $1,592,000 to construct 17 new classrooms. This is the purpose of my amendment. It would provide a direct grant to the school district, so that work could begin at an early date on the new building.

This amendment was not prepared in haste, Mr. President, and it is not offered as a gesture or a show of interest. In an effort to convey the seriousness of this problem to the Federal officials responsible, I wrote on April 14 to Elliot Richardson, Secretary of Health, Education, and Welfare, calling on him to take action to fund the Fort Leavenworth application. Subsequent communications with the Office of Education indicate that there is a great deal of sympathy for Fort Leavenworths' problem, but it is simply not possible to fund their application at present funding levels.

In addition, I have introduced legislation to relate the priority of applications under Public Law 815 to the increase in military housing which brings new children onto a Federal installation. Secretary Richardson has expressed his interest in the concept of this bill, which has been referred to the Committee on Labor and Public Welfare. There is, however, no immediate prospect of hearings there, and any delay in funding for the Fort Leavenworth district will only serve to expand the problem and make its ultimate solution costlier both in terms of Federal resources and in terms of the reduced quality of education for students in Unified School District 207.

I am informed by the Office of Education that it would require an appropriation of some $120 million to put enough funds in the program so that Fort Leavenworth could have its urgently needed new school. Considering the past pattern of appropriations under this law, there is no hope that enough funds would become available. This year the appropriation amounted to $20 million.

The only course of action open, Mr. President, lies in this amendment. If it is not adopted, the district will be forced, when the school term begins this fall, to take over a World War II barracks building now being used as a preschool for children under the age of 5. The preschool, which does not require the kind of permanent classroom facility used for elementary and secondary education, would have to find some place else to meet—and there simply is no other facility available. Not only would a continuation of the present situation work a hardship on these preschool students and the teachers, but it would mean the new students entering the school system this September would have to be packed into the barracks and other buildings like so many "military brats"—to use an old phrase—whose needs somehow have been forgotten or ignored in the grinding wheels of Federal bureaucracy.

It would be false economy, Mr. President, and an abrogation of the Federal responsibility, if these young students are not provided the opportunity to seek

their education in an adequate classroom with adequate lunchroom facilities to provide for their nutrition. These are the sons and daughters of the men who serve this country, including some of the best minds in the field of military training and instruction. It is simply not good policy, much less good government, to allow the children of Federal employees at a permanent installation in this country to suffer the loss of educational opportunity that inadequate classroom facilities such as those at Fort Leavenworth would impose.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Mr. Elliot L. Richardson, Secretary of Health, Education, and Welfare, dated April 14, 1971.

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

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C. April 14, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: This is to convey my strong interest in the application of Unified School District No. 207 at Fort Leavenworth, Kansas, for school construction funds under P.L. 81–815.

Fort Leavenworth is the site of the U.S. Army Command and General Staff College, and the school district there also serves the federal penitentiary. Since fiscal year 1966, 400 units of family housing have been constructed by the Army or are now under construction at the federal reservation there. Contracts for 150 new housing units have been let in the past week, and contracts for an additional 150 units are now under preparation, both projects having previously been funded by the Congress. These two projects could bring as many as 651 additional children into the already overloaded school district.

The district covers a total area of approximately ten square miles, entirely comprised of federal lands exempt from taxation. The tax base of the district is, in fact, so low it provides an annual income of only $9,000. The district has no source of funds for the construction of new school buildings other than the federal government under the provisions of Public Law 81–815.

The action of this Administration and the previous one in requesting a limited amount of funds for expenditure under Public Law 815 has been for a number of years reflected in the limited appropriations made under this law by the Congress. In this situation, children at Fort Leavenworth are going to class in cafeterias, libraries, auditoriums, and in World War II barracks buildings to which they are bussed from hour to hour. No new school construction has taken place on the installation since 1965. Because I am aware of the heavy backlog of unfunded projects under Section 5 of Public Law 815, I would like to urge your early and favorable consideration for giving to the application of Fort Leavenworth the highest priority possible under the law.

I am this week introducing legislation to relate the priority considerations of the law directly with the increase of military family housing at installations such as Fort Leavenworth. This bill would affect only those districts such as Fort Leavenworth where the entire school population is comprised of children whose parents live and work on the federal installation. Because the prospect of a drastic decline in the quality of education for children of military personnel assigned to Fort Leavenworth is quite real and is a problem that will not solve itself, I hope you will be able to take action that will bring about early funding of the application, which has been with your agency since 1968.

Very truly yours,

JAMES B. PEARSON,
U.S. Senator.

Mr. PEARSON. Mr. President, I have discussed this matter with the distinguished chairman of the committee and the ranking Republican member, and I hope it will be accepted.

Mr. MAGNUSON. Mr. President, I think this is really an emergency situation, and I want to be sure the RECORD shows that the Senator's amendment would be a separate amendment in the bill. Technically, it comes under the Office of Education bill, but it is germane to the this appropriation. So I would be glad to take it to conference as a separate item.

The PRESIDING OFFICER. Does the Senator move the adoption of the amendment?

Mr. PEARSON. Mr. President, before moving the adoption of the amendment, I am advised that the amendment as it is now drafted does not insert itself in the right place in the bill, and I ask unanimous consent that it be inserted in the proper place.

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

Is all time yielded back?

Mr. PEARSON. I yield back the remainder of my time.

Mr. MAGNUSON. 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 Kansas.

The amendment was agreed to.

Mr. BOGGS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I yield to the Senator from Delaware such time as he desires, from the time on the bill.

Mr. BOGGS. I thank the chairman.

I want to ask a question. This is necessary to clear up in my mind, and I think for the record, a question which arose due to the fact that, in trying to hasten the consideration of the proposed legislation, as we should, our subcommittee met a day before the House considered the bill, so we did not have it in final form.

I ask the distinguished chairman this question relative to the appropriation for the National Institutes of General Medical Sciences. Let me say that I am especially pleased that this appropriation has been increased for fiscal 1972, an increase of almost $25 million over last year.

Can the chairman tell me whether or not part of this increase was to be applied to collaborative research and development? It is my understanding that the budget estimates would have reduced this most important item from $4,548,000 in 1971 to $3,607,172.

Mr. MAGNUSON. Mr. President, the Senator's figures are correct. We checked on this and the House restored the budget cut, as I understand it, for research and development that the Senator speaks of. Additional funds provided by our committee will be more than adequate, we are told, to allow the Institute Director to increase the collaborative research and development program.

Mr. BOGGS. I thank the Senator.

Mr. MAGNUSON. I hope this colloquy will be read by them so that they will know this is what we mean and that this is the legislative intent.

Mr. BOGGS. Mr. President, let me congratulate the chairman, the Senator from Washington (Mr. MAGNUSON), and the ranking minority member the Senator from New Hampshire (Mr. COTTON) on their work on this bill. They and the other committee members have labored long and hard in an attempt to report a reasonable bill.

I might add that this is the second major appropriations bill reported by this subcommittee this year. The education bill has already been passed and signed by the President.

I would also like to mention the fine work done in recent months by Mr. Harley M. Dirks, Mr. William J. Kennedy, and other members of the staff.

Mr. President, there is one item in the bill that I should like to mention. The subcommittee has seen fit to increase the appropriation for the National Institute of General Medical Sciences to a total of $179,318,000. This represents an increase of nearly $25 million over fiscal year 1971.

This Institute, while perhaps not so glamorous as some of the others, has performed most valuable work in the fields of genetics and in biomedical engineering.

NIGMS, in the past 2 years, has also collaborated with the National Bureau of Standards in the development of standard reference materials for use in laboratories throughout the country. The subcommittee has taken note of this most important project, and in its report has said:

> Such national standards are essential if laboratory tests performed in different parts of the country—or indeed, in different laboratories anywhere—are to be comparable and provide a reliable and unvarying basis for diagnostic and therapeutic decisions. Within the increase provided no reduction will occur and this program will continue.

I heartily concur with this thought and I would hope that NIGMS not only continues its collaborative program without reduction but will expand it. The record established in the committee indicates that part of this increased appropriation should go to expanding the interagency agreement between NIGMS and the National Bureau of Standards this year.

Mr. MAGNUSON. Mr. President, the bill is open to further amendment. I do not know whether the Senator from Kentucky (Mr. COOK) will be here momentarily, but I know that he has an amendment.

Mr. President, while we are waiting, section 102 of the joint resolution, Public Law 92–38, for continuing appropriations, places the following limits on the availability of funds under the authority of a continuing resolution:

> Until enactment of the applicable appropriation act by both Houses without any provision for such project or activity.

In other words, the authority to continue certain NIH health manpower programs, which we could not consider in the bill, because they are not yet authorized, may cease with Senate enactment of this bill.

The amendment would allow the programs to continue in operation at the fiscal year 1971 rate, on the budget estimate, whichever is lower, until October 15, 1971. This is a practice that has been followed in the past.

So, Mr. President, on page 17, line 4, before the period, insert this new language which will take care of this matter.

The PRESIDING OFFICER. Will the Senator please send his amendment to the desk.

Mr. MAGNUSON. Mr. President, I offer the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read the amendment as follows:

On page 8, line 3, after the period insert: ": *Provided that*, in addition, any projects or activities provided for herein which were continued during the fiscal year 1971 but for which legislative authorization has expired, may be continued at a rate for operations not to exceed the current rate or the rate provided for in the budget estimate, whichever is lower, until October 15, 1971, and expenditures made pursuant to this proviso shall be charged to the applicable appropriation whenever a bill containing such applicable appropriation is enacted into law".

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back.

The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, the Senator from Kentucky (Mr. COOK) has an amendment.

Mr. COOK. Mr. President, I send an amendment to the desk and ask that it be stated. It is an amendment to increase by $5 million the appropriations for the Youth Development and Delinquency Prevention Administration of the Department of Health, Education, and Welfare.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 24, line 7, strike out "$15,000,000" and insert "$20,000,000".

Mr. COOK. Mr. President, I present this amendment on behalf of myself and the distinguished Senator from Indiana (Mr. BAYH) for the following reasons: The Senator from Indiana and I conducted hearings on the extension of the juvenile delinquency program in HEW. At that time, there was a great deal of discussion in regard to the juvenile delinquency program in HEW and the programs that had been established within the juvenile delinquency administration on the part of the LEAA in the Justice Department.

In the past decade, there has been an increase in arrest rates for juveniles of 148 percent for violent crimes and 85 percent for crimes against property. The Federal Bureau of Investigation recently reported that—

The involvement of young persons as measured by police arrests is escalating at a pace almost four times their percentage increase in the national population.

Thus, it is obvious that the Federal Government must devote more of its resources to attacking the problem of juvenile delinquency.

Mr. President, the most logical way to solve a problem of this proportion is to attack it at its roots. The Youth Development and Delinquency Prevention Administration has adopted this philosophy as a realistic approach to the dilemma of increasing juvenile delinquency in America. As a result of careful study, meetings in various parts of the country with experts in the field, and consultation with representatives of many academic disciplines relative to this problem, the Youth Development and Delinquency Prevention Administration has developed a national strategy for delinquency prevention.

This strategy concerns itself not only with the question of why so many young people commit crimes, but also, what circumstances prevail in the lives of that vast majority who do not. The Youth Development and Delinquency Prevention Administration approach also recognizes that there should be a useful and necessary division of labor between agencies of control such as the police, the judiciary, and correctional systems on the one hand and those responsible for youth development and delinquency prevention on the other.

During this past year, Youth Development and Delinquency Prevention Administration has worked with State planning agencies in an effort to formulate comprehensive delinquency prevention programs which will alleviate many of the underlying social ills which are so deeply interwoven into the problem of juvenile delinquency. There are now such comprehensive programs in 13 States. An additional $5 million would enable such comprehensive programs to be developed in approximately 20 additional States.

In other words, this $5 million would make it possible for the Youth Development and Delinquency Prevention Administration to continue to support rehabilitation and prevention grants at the 1971 level and add 20 new comprehensive community delinquency prevention systems at $250,000 per program. These comprehensive programs would increase services in the community for hundreds of young people across the country. In addition, after the funding of these much needed new programs, effective technical assistance, program monitoring and evaluation will occur so that program results will be known and can be used in other parts of the country.

Just one example of a highly successful program which could be duplicated in other communities if there is increased funding for the Youth Development and Delinquency Prevention Administration is the teenpost youth leadership summer program in southern California. In this program, 80 young people who have just finished their junior year in high school who are low achievers with high potential, are selected and worked with during their summer vacation. In 3 years of operation, it has been found that the participants in this program have returned to their respective high schools and have demonstrated leadership qualities which were previously dormant. This program has the highest endorsement of the superintendent of schools for Los Angeles County since it has reduced school-community tensions, increased student motivation and improved teacher morale.

Mr. President, additional programs of this nature are sorely needed for the prevention of delinquency in the United States. If we are to ever combat the rampant increase of juvenile crime, we must face up to the fact that Congress has been woefully unwilling to provide funds earmarked for the prevention of delinquency. The Youth Development and Delinquency Prevention Administration, as the only Federal agency exclusively concerned with youth development and juvenile delinquency, desperately needs additional funds to fight delinquency.

I hope that all of my colleagues in the Senate will join with me and express their commitment to our country's greatest resource: its young people.

Mr. President, I thank the chairman very much for giving me this opportunity. This is an increase from $15 to $20 million, but I must say that the bill itself establishing a continuation of the juvenile delinquency program which this Congress passed authorized up to $75 million.

So, we can see that this is a program that has been in existence for a short time. We are moving into it slowly. There has never been an attempt to fund it at its full value. I would hope under the circumstances, frankly, that we could raise this figure to $20 million so that in conference with the House we might come up with a respectable and responsible figure. This would make it possible for the Youth Development and Delinquency Administration to function for the rest of the fiscal year with some degree of responsibility and with the knowledge that the funds that have been appropriated to them do not constitute only a pittance to accomplish nothing, but rather a figure which would permit the accomplishment of some concrete results.

Mr. MAGNUSON. Mr. President, this is a fairly new program. For 1971, the comparable appropriation is $15 million. The Budget sent up the figure of $10 million. The House did not consider it at all. The Department appealed for the $10 million. The Senate committee has now recommended the $15 million, which brings it up to the 1971 comparable appropriation. However, it has a great deal of merit, as the Senator from Kentucky pointed out. Some of these programs are just beginning to show promise. We do not want to be skimpy about it, to strangle them or to shut them down or keep them at a level at which they will be in trouble with respect to keeping on with the program. They want to go on with

the program. I would be willing to accept $5 million. Inasmuch as the House has provided zero, we will probably have to do some compromising in the conference.

Mr. COTTON. Mr. President, I concur with that.

Mr. COOK. Mr. President, may I say to the distinguished manager of the bill that during the course of the hearings on the continuation of the program, we received assurances in the record from Secretary of HEW Richardson and from Attorney General Mitchell that they would create a council and set up an ongoing relationship between the two agencies so that the juvenile delinquency program at HEW and the juvenile delinquency program at LEAA, under Jerris Leonard, would be coordinated.

Mr. MAGNUSON. So that they would not be duplicated.

Mr. COOK. The Senator is correct, so that there will not be any duplication.

Mr. MAGNUSON. This is a very important matter. We tried to do all we can. In HEW, it is a program involving all of the States and the Department of Justice and the administration.

The Senator from Washington sometimes is tempted when we are writing up an appropriation to add a couple of million dollars, which would be 100 percent Federal grants for anyone that would build a woodshed.

Sometimes I feel that way about it. But I know that it is not as simple as that any more and that therefore we must continue these special programs.

Mr. President, I yield back the remainder of my time.

Mr. COOK. Mr. President, I yield back the remainder of my time. I move the adoption of the amendment.

The PRESIDING OFFICER (Mr. WEICKER). All time having been yielded back, the question is on agreeing to the amendment of the Senator from Kentucky (putting the question).

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself and Senators SCHWEIKER and JAVITS.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 12, line 4, strike out "$99,840,000" and insert in lieu thereof "$107,340,000."

Mr. KENNEDY. Mr. President, this amendment refers to the lead based paint poisoning provisions of the legislation.

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

Mr. KENNEDY. I yield.

Mr. MAGNUSON. Mr. President, I understand that the Senator from Massachusetts has 3 amendments.

Mr. KENNEDY. The Senator is correct.

Mr. MAGNUSON. The Senator is now discussing the amendment which deals with disease control. That concerns lead paint poisoning.

Mr. KENNEDY. The Senator is correct.

Mr. President, first of all I commend the chairman of the committee and the members of the committee in the development of this appropriation legislation. I had an opportunity to appear before the committee and itemize a number of different items that I thought were particularly deserving.

I must say that I am deeply impressed by the work and by the courage shown by the members of the Appropriations Committee in establishing some realistic figures.

The PRESIDING OFFICER. The Chair advises the Senator from Massachusetts that the amendment which he has offered is not in order, insofar as the figure he seeks to amend has already been amended. It would take unanimous consent to alter it a second time.

Mr. KENNEDY. Mr. President, as I understand it, this figure has already been increased.

Mr. MAGNUSON. Mr. President, what happened was that the first budget sent up to us had no regular money in it at all.

Mr. KENNEDY. That is correct.

Mr. MAGNUSON. Mr. President, after a lot of correspondence between ourselves and the budget, urging that they do something on this program, they sent up a budget item of $2 million.

Mr. KENNEDY. The Senator is correct. They then increased it to $7.5 million.

Mr. MAGNUSON. Under the community and environmental management, the House included $5 million. We increased it to $7.5 million. That is the history thus far.

Mr. KENNEDY. That is correct. However, as I understand from the Chair, the whole title has been amended, which therefore precludes any increase in this particular section.

The PRESIDING OFFICER. This particular figure has been amended, and therefore cannot be amended again except by unanimous consent.

Mr. KENNEDY. Mr. President, might I inquire from the Chair what the figure is at the present time?

The PRESIDING OFFICER. The figure was originally $99,840,000. That was raised to $105,840,000. The increase is $6 million.

Mr. KENNEDY. Mr. President, once again do I understand that since the title has been adjusted and increased, it therefore precludes the opportunity of adjusting that figure upward any further without unanimous consent.

The PRESIDING OFFICER. The Chair advises the Senator from Massachusetts——

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from Massachusetts be allowed to offer his amendment.

Mr. ALLEN. Mr. President, reserving the right to object, I believe the amendment has reference to the section entitled "Disease Control." The amount referred to appears in line 4, page 12.

Mr. KENNEDY. The Senator is correct.

Mr. ALLEN. I would like to state to the Senator from Massachusetts that the amendment that has been made which raises the amount of $99 million to $105 million, was to provide additional money or some money for project grants for TB.

There was a colloquy to the effect that it was the legislative intent that this money be used for project grants, rather than a formula allocation. That was not put in the bill. The junior Senator from Alabama has no objection to another change of the amendment provided it does not detract from the $6 million that already has been added for the purposes for which it was allocated. I have no objection, as long as that is not changed.

Mr. KENNEDY. I would include that in my request for unanimous consent. Would the Senator from Washington be agreeable?

Mr. MAGNUSON. Someone else was talking to me here. When the banker sticks his head out here, he gets so many customers.

Let the Senator from Alabama or the Senator from Massachusetts submit the request.

Mr. KENNEDY. As I understand the situation, the amendment can be stated in a different way, and may not require a unanimous-consent request.

Therefore, I would like to withdraw the amendment and perfect it while we consider one of the other two amendments.

Mr. MAGNUSON. Very well.

Mr. KENNEDY. Therefore, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. KENNEDY. Mr. President, I send to the desk another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 10, lines 23 and 24, strike out "$333,651,000" and insert in lieu thereof "$339,651,000, of which $6,000,000 shall be used for purposes of detection and treatment of sickle cell anemia".

Mr. ALLEN. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. ALLEN. The Senator realizes that the tentative objection raised by the junior Senator from Alabama was not aimed at his amendment, but was raised merely for the purpose of protecting the amendment already made.

Mr. KENNEDY. Yes; I understand. I support the amendment of the Senator from Alabama. I think it is a useful and helpful amendment and I hope we can work out the consent agreement to protect the rights and adjustments made by the junior Senator from Alabama.

Mr. ALLEN. I thank the Senator.

Mr. KENNEDY. Mr. President, this amendment would provide an increase of some $6 million for treatment of sickle cell anemia.

This is a disease which affects hundreds and thousands of American citizens. At the present time there is some $6 million in the legislation, but those funds are directed toward the NIH solely for the purpose of research, and, as I understand, have gone to the Heart and Lung Institute at NIH.

Here we hope to provide a similar amount for the treatment of sickle cell anemia. About 10 percent of the black people of this country have this disease. It is a hereditary disease. One out of 500 newborn black infants have the disease. Woefully little has been done in addressing ourselves to this particular problem.

I applaud the increases that have been made by the Committee on Appropriations in support of the research in this area with NIH. I hope we will be able to provide a similar amount for the actual treatment of victims.

Today between 50,000 and 100,000 citizens of this Nation suffering from sickle cell anemia and I think this amendment would be extremely helpful as we address ourselves to this particular health problem.

Mr. MAGNUSON. Mr. President, this is a matter that I am generally familiar with. Actually, we had very little specific testimony on this matter but one witness in particular from New York I believe gave us some compelling testimony. We also had the statement the Senator from Massachusetts made to the committee and I understand the President made special mention of it in his pronouncements, and the Secretary also.

I think the Senator should be complimented for bringing these facts to the attention of the Senate.

It is a part of the whole program to decrease the fatality rate among children. Today we stand 13th among the nations of the world in infant mortality, which is usually the yardstick in determining the health of a nation. That is not a good record. These are the kinds of things that we have to find out.

Mr. JAVITS. Mr. President, I have joined with Senator KENNEDY in an amendment to increase the appropriation to combat sickle cell anemia, an inherent blood disease found almost exclusively in Negroes.

In the President's health message he highlighted this administration's commitment to mount a special initiative to deal with sickle cell anemia, but I believe more must be done. Sickle cell anemia, an inherited blood disease has by neglect become a national disgrace. It is a painful, crippling, blood disease that kills one out of every 500 black people in this country. Two million other black Americans carry the sickle cell trait today and yet there is no program to stop it from being passed to the next generation.

It is clear that we urgently need concentrated research into the causes and treatment of the disease. The carriers of the disease must be located and identified.

There is no greater tragedy than that of a young person who from birth is unable to fulfill the promise of his life. I ask unanimous consent that an article entitled "Sickle Cell Anemia and its Effect on Black People," by Dick Campbell, executive director of the Foundation for Research and Education in Sickle Cell Disease, be printed in the RECORD.

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

SICKLE CELL ANEMIA AND ITS EFFECT ON BLACK PEOPLE

(By Dick Campbell)

Until four years ago, I never heard of sickle cell disease. But I make no apology for my ignorance. I just happen to be one of millions of black people who four years ago (and even today, for other millions) never knew that such a disease existed. A recent survey in Richmond, Virginia, revealed that only three out of ten black persons had ever heard of it. Yet, reliable scientific research shows that more than 10 per cent of all black people in America carry a sickle cell "trait" and are affected by it to a greater or lesser degree.

Apparently the disease began in Africa and the Mediterranean area centuries ago, and anyone whose ancestors came from these regions may carry the disease in any of its forms. But the disease does not affect black people alone. It is also prevalent among Latin Americans, Puerto Ricans, Indians, Asians and people of the Caribbean. However, it is the black community that bears the brunt of the disease by overwhelming odds.

Sickle cell disease is not contagious. It is an inherited blood disease, an anemia, for which there is no known cure. In sickle cell anemia, hemoglobin, the substance which gives blood its red color, is abnormal. It has undergone a change in molecular structure which causes it to crystalize within the red blood cells when they give up their oxygen. In the process the cell assumes a crescent or sickle shape.

The outcome of this sickling process is two-fold. The patient may suffer from such symptoms as poor physical development, pallor, weakness, listlessness, chronic ulcers on the ankle, a yellow cast to the eyes or severe abdominal pains. Simultaneously, his body may suffer other internal disorders. The body processes which would destroy a normal red blood cell in about 120 days would destroy a sickle cell in a fraction of that time.

This does not mean that the body no longer produces red blood cells; it means that the body cannot match the destruction of old cells with new ones. In addition, the very shape of the sickle cell affects its free passage through the smaller blood vessels. There is a constant risk of the "piling up" of these twisted or crescent shapes. With oxygen movement at a minimum, resistance to infection is weakened and the likelihood of disease increases in many of the body's vital organs.

However, the 10 percent of the black population who carry only the sickle cell "trait" in their blood and not the severe form (anemia) might live a normal life, suffering no ill effect. The chief danger of the "trait" lies in its being passed down from generation to generation. Laboratory studies show that if two people with sickle cell "trait" marry and have four children, one is likely to inherit the severe form, two will probably inherit the "trait" (and thus become carriers themselves), and one may escape with no form of the disease at all.

But even those who carry only the "trait" are warned to be cautious. The New York Times recently reported the case of four black Marine Corps recruits who passed out during rigorous boot training exercise at high altitudes and never regained consciousness. All died later. They had the "trait" in their blood and never knew it until recently. The Army does not test people for sickle cell disease and the ordinary blood test does not reveal the "trait." This is only one of a multitude of failures on the part of the government to recognize and accord sickle cell disease the serious attention it merits.

However, during a conference on genetic diseases held in Washington, D.C., during the week of December 7, 1970, it was revealed that the Army has begun offering tests at two military installations here in the States.

One must take a special test for sickle cell disease. The test was formerly quite complex, but now it is simple and quick, thanks to a growing number of biologists, chemists and medical people who have developed new testing methods. Added to this has been the emphasis on education and research by concerned organizations such as the Harlem-based Foundation for Research and Education in Sickle Cell Disease which is alerting both races to the serious implications of the disease.

Last year, the Foundation instituted a pilot health program through the New York Board of Education and tested more than 6,000 Harlem school children for sickle cell disease. The full results of the tests are not yet available, but preliminary indications are most discouraging. The two physicians who supervised the pilot program and who originated the idea, Dr. Yvette F. Francis of Jamaica Hospital, Queens, and Dr. Doris L. Wethers of Knickerbocker Hospital in Harlem, both pediatricians and both young Yale Medical School graduates, have a pretty good idea of what the tests will reveal. But the New York State Board of Education has done nothing to make the data available. Neither has the New York City Health Services Administration concerned itself about the disease.

Only a few months before the tests got under way in the schools, the new Harlem Hospital opened its doors to the public with a Community Health Fair. This was in April, 1969. The Foundation was a participant in the Fair and tested 47 black people for sickle cell disease who came in off the streets at 135th Street and Lenox Avenue. Among those tested were adults, teenagers and children, male and female. Believe it or not, 7 out of 47 showed a sickle cell "trait." That's *better* than 10 per cent. That's more than 15 per cent. So Doctors Francis and Wethers knew what to expect in the schools even before the tests began.

The data, once released, could pose this serious question: Does the city, state and nation now have another major health problem on its hands? Or, why has sickle cell disease, in comparison with other diseases, been conveniently ignored by health authorities for decades? Was it because it affected mostly black people?

The National Institutes of Health, through the Department of Health, Education and Welfare, publishes an attractive brochure on sickle cell disease which sells for 10c a copy. It goes into great detail in layman's language on the "What, How and Why" of sickle cell anemia. But nowhere in this brochure is there anything which alerts the reader to its incidence among black people. It does state that "the U.S. Government through the Department of H.E.W. is waging a war against sickle cell anemia." But the "war against sickle cell anemia" being waged by the Health, Education and Welfare Department, at best, seems more like a "mini war" than a serious all-out effort to contain or eradicate this major health problem.

For instance, in a report of the *Journal of the American Medical Association* (Oct. 26, 1970) Dr. Robert B. Scott, a hemotologist at the Virginia Commonwealth Medical College University Health Science Center, points out that research grants from N.I.H. and H.E.W. in 1968 listed 92 for leukemia, 66 for muscular dystrophy, 65 for cystic fibrosis and 22 for sickle cell anemia. Yet, in 1967 the JAMA says there were an estimated 1,155 new cases of sickle cell anemia, 1,206 of cystic fibrosis, and only 813 of muscular dystrophy. Is this an "all-out war" on sickle cell anemia by the N.I.H.?

But if the intent on the part of the government is negative, private interest and support is worse. Take for instance the amount of money raised by volunteers and private institutions for these same diseases in the same year, 1968. Again quoting Dr. Scott in the JAMA, over $7,203,000 was raised for muscular dystrophy; $1,998,716 for cystic fibrosis, and less than $50,000 for sickle cell anemia. Yet on the basis of population, neither muscular dystrophy, nor cystic fibrosis, nor hemophilia, nor diabetes in chil-

dren can match the frightening statistic of sickle cell anemia among black people.

Consider the implications of the disease in a black family, which means "poor" or with very limited financial resources at best. Quoting Dr. Francis and Dr. Wethers of the Foundation, in a recent prospectus on the disease. "One chronically ill child in a family, regardless of its economic circumstances, can be devastating. The existence of more than one, or even the threat of its recurrence can be overwhelming. From earliest infancy there is the problem of medical attention with suffering and expense. In the case of school-age children constant absences from school, in addition to the frequent bouts of pain and fatigue, are a severe handicap to school achievement. Ordinary physical activity is limited, competitive sports are not desirable, and the entire educational program selection must be geared to the individual's physical capabilities.

"The choice of a vocation for the individual with sickle cell disease should be made with care; certain activities are inadvisable. Individuals with the severe form of the disease are limited to sedentary occupations. Employers of patients with sickle cell disease must have an understanding of the illness, and must be willing to accept an employee who may lose lots of time from work.

"A man with sickle cell anemia may find it difficult to hold a job and support a family. A woman with the disease superimposes a chronic illness on the problem of homemaking. She may have severe difficulty with all phases of her pregnancy and delivery. The life span of individuals with sickle cell anemia is limited. Few live beyond their forties."

And so it goes. Incredible? Indeed it is! How could an intelligent society allow a thing like this to go literally unnoticed, untouched by powerful scientific laboratories, ignored by public health authorities and refused public funds to even assess the extent of the disease among black school children in the ghetto?

No wonder the young black militant student, when told that the Foundation's request for funds from the government to continue research and education would not be forthcoming, responded, "Genocide baby, genocide!"

So what's the answer? Let's face it. For now, black people will have to carry the burden of major costs, whatever they are, to get some kind of program off the ground. The man is not about to come through for you. I sat in a meeting at the Health Services Administration several months ago and heard a white European doctor on the city payroll downgrade sickle cell disease as "extremely low priority compared to the lead-poison program." And I thought at that time and said to him, "All you have to do to eradicate lead-poisoning is to go into the ghetto and scrape all the lead paint off the tenements and re-paint with non-lead. Or better still, tear down the slums and re-build low-cost housing for low-income groups. This has to be done anyway and the sooner you do it the better."

But of course you can't do that with sickle cell disease. It involves millions of people, not lead paint, and in this country it involves black people. So the direction is clear. It will take money, lots of it, to keep the lab work going, and to make it easy for the general practitioner in medicine to adopt new screening and testing procedures. Paramount also is the need to mount a program of education that will create widespread awareness of the disease, and to encourage black people who are about to marry to take sickle cell tests. And, of course, there is the continuing need for appropriate patient services which demand equally high priorities.

Clubs, lodges, churches, PTAs, fraternities, sororities and other organizations of black people will have to adopt aid programs that will benefit those carrying on the fight. Over 600,000 black people in this country are seriously ill with sickle cell anemia, and as the population grows so will the disease. The need for massive funds is evident, but there are no donors to give millions for sickle cell anemia as in the case of other similar diseases. Sickle cell disease affects black people, which means poor people, and where are the millions coming from?

But the Foundation is hopeful—even though today it is far from its goals to coordinate local activities with a national program, to provide for research and education, and to extend direct services to patients on all levels. The goals are ambitious, but not unreachable, especially when the future of a people is in its own hands.

Mr. TUNNEY. Mr. President, I strongly support the amendment offered by the distinguished Senator from Massachusetts (Mr. KENNEDY) to strengthen the efforts we are making against the blight of sickle cell anemia. This tragic disease—associated primarily but not exclusively with blacks—was first described in 1910. The disease affects the blood protein hemoglobin and alters the hemoglobin molecules in such a way that they stack up in parallel in the red blood cells—giving the cells a characteristically "sickled" appearance. These sickled cells may then block small blood vessels causing recurrent painful "crises" with possible necrosis of the surrounding tissue. In addition, the oxygen-carrying capacity of the abnormal hemoglobin is reduced—a condition which results in severe anemia. Median survival age for those who have the disease is 20.

Sickle cell anemia is an inherited disease. The abnormality is inherited as an incompletely dominant characteristic. Some individuals have sickle cell anemia while others carry the "trait." These latter individuals are usually not at risk themselves—except under certain environmental conditions such as high altitudes—and have a normal life expectancy. Two carrier individuals, however, may pass the trait on to their offspring producing an individual with the disease.

Incidence of sickle cell anemia varies in different parts of the world. In the United States, the disease occurs in approximately 1 in 400 to 1 in 500 live Negro births. An additional 2 million are estimated to carry the trait. Although there is a wide range of variation in the severity of the disease process, those afflicted rarely survive to adulthood. For this reason, the disease is most often seen in children and young adults. Generally, the presence of the disease is not detectable until the child is 6 months old but symptoms of the disease or the presence of the trait is usually detectable before the age of two.

Screening tests have been devised which will identify easily and inexpensively those who have the disease or who carry the trait. The most popular of these diagnostic tests appears to be Sickledex, produced by Ortho Diagnostics. Blood samples can purportedly be tested with high reliability at approximately 50 cents per sample. Other tests are being devised which may screen at even lower costs.

Research in sickle cell anemia has concentrated upon the decipherment of the mechanism responsible for sickling, the development of diagnostic tests, and therapy for those with the disease. The first problem has been tackled quite successfully through the efforts of a number of researchers who were finally able to detect the specific abnormality responsible for the sickling of the hemoglobin. Methods of detection and therapy are improving, but it appears that a great deal of research still needs to be undertaken.

We would hope that efforts to control sickle cell anemia would be directed toward additional support of research in the causes and treatment of the disease and education, screening, and voluntary genetic counseling for potential carriers.

Research in sickle cell anemia is being conducted at a number of universities—notably at Howard University in Washington—and is being supported at the Federal level by the National Institutes of Health. Most of this research is being directed at devising new methods of detection and treatment. The ultimate treatment, of course, would involve some sort of genetic manipulation aimed at changing the inherited genes; but development of this type of treatment probably lies in the distant future. Direct Federal support for the past year for research in the cause, treatment, and detection of this disease has been provided through the National Institutes of Health as follows:

National Heart and Lung Institute	$763,000
National Institute of Allergy and Infectious Diseases	623,000
National Institute of General Medical Sciences	109,000
National Institute of Child Health and Human Development	43,000
Total	1,538,000

Programs to educate those who have sickle cell anemia or who might carry the trait are being supported basically by small volunteer organizations around the country. Organizations such as the Foundation for Research and Education in Sickle Cell Anemia—New York—have begun to establish programs to educate and screen for the disease. Although blood tests for sickle cell anemia are now available without cost at most municipal hospitals, it is still difficult to expose the bulk of the affected population to the tests. Because the disease does not normally appear in newborn infants, it is not feasible to screen at birth individuals who may carry the disease. Some authorities have suggested testing at the time of marriage. While such testing would obviously be of benefit, it would not detect the presence of the trait until the individual reached marriageable age, nor would it screen that portion of the population which did not marry or which had children without benefit of marriage.

Testing prior to induction into the military would reach another segment of the population—but again would fail to provide tests for everyone involved. Tests such as these, however, would obviously provide steps in the right direction.

Other problems arise with respect to screening—practical and philosophical problems with regard to the best use of the test results. At present, the most feasible approach to problems of in-

herited diseases lies in genetic counseling of the parents on a strictly voluntary basis. For example, two individuals who married and who were both found to carry the sickle cell trait would have a 75 percent chance of passing the trait or the disease on to their offspring. They should be able to find this out quickly and easily so as to make decisions about their family with the fullest information. Clinics which do provide voluntary genetic counseling services are now open in several States and anyone who feels that he may have a genetic problem—such as a family history of an inherited disease—may voluntarily visit one of the clinics and receive the benefit of its services.

In conclusion, Mr. President, this amendment will aid our efforts against this terrible disease and I support its passage.

Mr. COTTON. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. I yield to the Senator from New Hampshire.

Mr. COTTON. How many amendments does the Senator from Massachusetts have?

Mr. KENNEDY. Three.

Mr. COTTON. What do they total?

Mr. KENNEDY. In the neighborhood of $19.5 million.

Mr. COTTON. I think those are probably meritorious amendments. I will leave it up to my chairman to accept them, as he chooses.

Mr. President, we now have added $62.5 million to the bill before we take up those other amendments. Of course, the committee worked long and hard and we thought we were doing as well as we could. I simply want to make clear I would be happy to go along with my chairman.

Mr. MAGNUSON. I am glad to yield back my time and I will accept the amendment.

I think the Senator from Massachusetts is to be complimented for the statement he made before our committee and for what he has done in this matter. I do not necessarily agree to accept the amendments, but I do wish to ask the Senator from Washington how many more amendments we have.

As far as I know there is just one more amendment, the amendment of the Senator from Indiana.

Mr. COTTON. That involves how much money?

Mr. MAGNUSON. As far as I know, he is suggesting $10 million, but I am going to suggest we might be able to take $7.5 million.

Mr. COTTON. I will not interpose an objection. I was getting a little worried about the aggregate.

Mr. MAGNUSON. As far as we know, this is the last one.

Mr. KENNEDY. There is one other amendment. As I mentioned the other day in introducing the distinguished Senator from New Hampshire to the dean of a great medical school, there are few people in this body who have been more committed to meeting the health needs of our people. I know he raises these questions with a good deal of reluctance. As I mentioned before, I think the Committee on Appropriations has done an extremely commendable job in moving as far as they have in connection with these items.

Mr. President, $6 million was provided in the President's budget for research on sickle cell anemia, but there was nothing provided for treatment. When we have 50,000 to 100,000 people suffering from this disease, treatment would seem to be a wise investment.

Mr. COTTON. I thank the distinguished Senator for his very courteous and kind words. I appreciate them. I have been equally impressed with his dedication in these matters.

I must say and honestly admit that the Senator from New Hampshire was rather disappointed in the fact that we failed in the one objective I thought we should attain and if we had succeeded we could have had a number of meritorious amendments and still get by when it comes to the showdown.

Certainly, with respect to the amendment of the Senator from Massachusetts I would be perfectly willing to join the chairman of the committee in taking it to conference. However, I was trying to find out how many more amendments we have because when we get to $100 million it is getting a little too far.

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

Mr. KENNEDY. I yield.

Mr. JAVITS. I appreciate, having lived through what the Senator from New Hampshire (Mr. COTTON) has lived through much longer than I had when I was on the Appropriations Committee, what he has to go through. At the same time I know the tenacity with which the Senator has fought for what he believes to be right.

I would like to take a minute to join the Senator from Massachusets (Mr. KENNEDY) in assurances to the Senator from New Hampshire and the Senator from Washington. Knowing how deeply I am involved in these health matters, there are few more rewarding programs going to oppressed people or to depressed people than those with respect to which the Senator is moving. I have no other amendment to offer. Rather than take the time of the Senate, I join the Senator from Massachusetts (Mr. KENNEDY) in these amendments, and I assure the Senator that in conference he will have a very strong case in respect to these matters.

Mr. COTTON. I am sure that is true. I thank the Senator.

Mr. MAGNUSON. Mr. President, I yield back the balance of my time.

Mr. KENNEDY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I would like to call up again the lead poisoning amendment.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendment be in order at this time?

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendment be in order at this time.

Mr. ALLEN. Mr. President, reserving the right to object——

Mr. KENNEDY. Mr. President, may the amendment be read?

Mr. ALLEN. Mr. President, may the amendment be read first?

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, offered by Mr. KENNEDY (for himself, Mr. SCHWEIKER, and Mr. JAVITS), as follows: On page 12, line 4, strike out "105,840,000" and insert in lieu thereof "$113,340,000".

The PRESIDING OFFICER. Is there objection to the consideration of the amendment?

Mr. ALLEN. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, the amendment will be considered. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I appreciate the Senator from Alabama withholding his objection.

This increase of $7.5 million would be in addition to the amount by which the Senator from Alabama had increased funds under that item.

Mr. President, as the Senator from the State of Washington indicated, the administration requested only $2 million under this title, in spite of the fact that there is a total authorization of approximately $30 million in HEW funds and HUD funds—some $24 million in HEW, and some $5 million in HUD. In spite of the fact that lead poisoning exists among hundreds of thousands of children in this country, the administration requested only $2 million. Nonetheless, the Senate Appropriations Committee provided some $7.5 million for HEW. The House of Representatives had reached a figure of some $5 million.

The amendment which I have introduced on behalf of the Senator from New York (Mr. JAVITS) and the Senator from Pennsylvania (Mr. SCHWEIKER) would increase the Senate figure an additional $7.5 million, which would make a total of a $15 million program out of a $25 million authorization.

Mr. President, there are some 52 applications from cities throughout this country, totaling some $45 million, for support under this program. We know from a survey that was taken recently, that one city wants to survey some 43,000 children, and they expect some 3,300 will be sick from lead poisoning. At least a thousand of them will need some immediate care.

The best figures that the Department of Health, Education, and Welfare has indicate there are some 16,000 severe cases of lead poisoning each year. It costs approximately $1,800 to treat one child with severe lead poisoning. This comes to a figure of some $29 million just to treat the children that would have this disease every year.

Unlike many of the other programs that we consider in Congress and the Senate, we know very well how to treat these children, and we know very well that if we treat them, serious disabili-

ties will be avoided. We appropriate great sums of money for research, studies, planning grants, and other kinds of programs which are worthwhile, but whose effects are less direct. We know that the money appropriated under this amendment can have a very direct effect, a direct impact on the health and well-being of children in this Nation. All the research has been done on this program; studies have been done; and all that we really need now is to provide the resources to help various city groups and other health agencies to go about treating children. With this amendment we know that, for example, some 4,000 children in this country who are severely affected by lead poisoning could be treated and made healthier. I think this is an important amendment.

We on the Health Subcommittee had extensive hearings on this area 2 years ago. I feel this amendment will give us a completely justifiable sum for this program. As a matter of fact, as a conferee and as one who sponsored the initial legislation, I know that last year some $40 million passed the Senate unanimously, even though only $30,000 was authorized. I would hope that we would be able to take this amendment to conference, and I am sure that it will be in good hands in the hands of the chairman of the committee.

Mr. MAGNUSON. Mr. President, I think that the committee has paid as much attention to this particular item as we did any of the smaller dollar items in the bill. We were disappointed that the budget sent up zero in the beginning and then came up with just the $2 million, but only to get a little life into the program.

Now, if my colleague from New Hampshire is willing to take this to conference, I am, but before I do, I wish to say one thing. I know about the 52 cities that are all applying, and I just want to suggest and to serve notice now that if I have anything to do with this bill next year—and after I go through 3 or 4 months of this, I am not so sure I want to do it again until I get that rest in between—I am going to be pretty cautious about any more appropriations until these cities do one thing—this does not cost a nickel—and that is adopt some stiff building code regulations and enforce them.

That is how to prevent most of this. And they just will not do it. I do not know why. The real tragedy throughout these health programs is where we know how to prevent the illness or disease, and it is preventable and we fail to do just that. Failing to follow preventive measures brings on all sorts of tragic results and the waste of human and economic loss.

These cities should adopt ordinances that would take care of this problem. As the Senator from Massachusetts said, we know what to do in this case. Until they do, I am going to frown upon any further appropriations except to take care of those youngsters who suffer from the poisoning. I do not know why cities do not do this. When one remodels a place—it might be in an area where lead poisoning is prevalent—one has to get a building permit. In most cities you would have to get a permit.

But the cities do not go down and inspect them for paint, although they should know this is going to happen. But they have no hesitancy in coming along and applying for Federal funds. That is fine; but they have got to do the job themselves. In the Committee on Commerce—the Senator from Indiana (Mr. HARTKE) and the Senator from New Hampshire are here—they and some of the rest of us had to meet the problem in relation to toys, where poisoning is a great problem, and we finally got some pretty strict regulations.

If we can set up that independent commission on product safety, we are going to see that they get some money to enforce it. So I am perfectly willing to go ahead with this, because these are youngsters who now need to be taken care of. But these cities, before they apply to us again, had better have some pretty stiff laws as a condition precedent, or they are not going to get any money from me.

Mr. KENNEDY. Mr. President, I applaud the comments of the Senator from Washington. He is entirely correct, and I believe he has found the correct approach for addressing ourselves to this problem. The contributions made in this area by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) and others in amending the HUD legislation, to provide some rather strict requirements for buildings and building codes, I think are enormously commendable.

But the Senator is correct. I remember, about a month ago, visiting Lincoln Hospital in New York City. They had a number of children there who were being treated for lead poisoning. They found that the number of such cases was actually expanding. For a while they actually thought the disease might be communicable, in spite of all the research. Then this hospital, which today provides services to tens of thousands of citizens in a large borough of New York City, found that it had lead-based paint on its walls, and that while children were awaiting treatment in the pediatrics ward, they were peeling this paint off and eating it.

So here was a hospital in a major city area itself contributing to the problem. Now, if you travel up there, you will find large screens and canvases on the walls, put up recently to stop this poisoning.

I think the Senator is correct in his statements on the desirability of stricter enforcement of housing and building codes. I applaud his comments, and I am appreciative of his willingness now to try to provide for those children who, through no fault of their own, are already afflicted with this disease.

Mr. JAVITS. Mr. President, although I support the committee's $5.5 increase over the budget request for Lead Based Paint Poison Prevention Act (Public Law 91–695) I have cosponsored this amendment to increase the appropriation from $7.5 million to $15 million.

Lead exposure is one of New York City's major pediatric problems. It is estimated that 450,000 apartment units in New York City are in such a state of disrepair that a child living in them will be exposed to the hazard of lead paint poisoning. Currently, approximately 120,000 children are living in these dwellings and its is estimated that 6,000 to 8,000 of these children have significant levels of lead in their blood. Almost all areas of New York City report some lead poisoning cases because any dwelling with lead painted interior surfaces can become a source of toxic lead. At the present time, we have high incidence areas in the South Bronx, North Manhattan, Central Brooklyn, and the Rockaway section of Queens. These areas represent once fine neighborhoods where high quality lead paint had been used extensively.

Health officials in New York City banned the use of high content lead paint on indoor surfaces in 1959. However, dangerous buildings containing toxic levels of lead were generally built before World War II. It is in such older buildings a young child gains access to paint which contains high levels of lead.

Deaths reported due to lead poisoning have dropped sharply over the part 10 years in New York City. There were 12 in 1959 and two in 1970. At the same time, the number of lead poisoning cases reported to the Health Department has increased over the last 10 years from 171 in 1959 to 727 in 1969. In 1970, 2,649 cases were discovered. In the first 5 months of this year, there have been 669 cases. By our current definition any child with 0.06-milligram percent of lead in his blood is considered to be a "case." This value is accepted as a significantly abnormal level of lead in the blood. These children as a rule do not have symptoms, but this level of lead in the blood does indicate two things: First, that the child has access to lead in his environment and, second, that the child is taking the lead into his system, probably by eating. This level of blood lead, therefore, signals a potentially harmful situation.

Current knowledge on lead poisoning leaves much to be desired. The minimal level of chronic lead exposure which can cause damage to a child's nervous system is not known. The 0.06-milligram percent level represents a borderline beyond which danger may lie. When a child with 0.06-milligram percent is located, it is important that he be brought under medical supervision and his surroundings carefully examined for lead-containing substances which could on further ingestion cause a toxic level to occur.

The New York City Bureau of Lead Poisoning Control annual budget is approximately $2.2 million. It is based on a projection of 100,000 children tested, 2,500 of whom are found "positive." It is divided into three distinct functions:

First. Finding and testing children for elevated levels of blood lead.

Second. Testing dwelling units for "leaded" surfaces.

Third. Case followup and program administration.

1. FINDING AND TESTING CHILDREN

First. Forty-four community health workers are responsible for locating individual children exposed to lead poison-

ing and bringing them in for testing—cost $290,750.

Second. Twenty-one thousand part-time clinician hours and 100,000 part-time clerk and aide hours are provided for drawing blood samples and doing the required ancillary work—cost $615,300.

Third. In the Department of Health laboratories, 33 employees analyze blood and paint samples—cost $334,150.

Total cost of finding and testing children, $1,240,200, or $12.40 per child tested.

2. TESTING DWELLING UNITS FOR "LEADED" SURFACES

In the inspection unit, 56 individuals, including 15 teams, composed of a sanitary inspector and a community liaison trainee, are responsible for investigating the home and secondary environments of all cases. This unit reinspects apartments after the 5-day period allowed the owner to correct the violation, orders the emergency repair program to do the repairs if the landlord has not complied; and performs reinspections checking the quality of work in apartments where owners have complied.

Total cost of testing dwelling units for "leaded" surfaces, $323,000, or $129 per case.

3. CASE FOLLOWUP AND PROGRAM ADMINISTRATION

Central administration and surveillance of all tests and cases, computerized recordkeeping, research, epidemiology, and program direction reside in a 44-man central bureau staff.

Total cost of case surveillance and administration, $651,335, or $6.51 per child tested.

The New York City emergency repair program budget in addition to the New York City $2.2-million budget previously decreed is directly related to the amount of lead found in each apartment. They are currently finding fewer "leaded" surfaces than they believe are actually present in the units we inspect. An average of 30 paint samples are taken from each dwelling unit. Twenty-three percent of surfaces tested are positive; that is, contain greater than 1-percent lead. Of apartments tested in 1970, 69 percent required repairs. However, our sampling techniques have improved so that lead is found in 81 percent of the apartments tested in 1971.

It is now costing an average of $450 per apartment to repair the leaded surfaces we find. In most cases walls are covered with wallboard from floor to ceiling.

They are now testing a new X-ray fluorescence analyzer to detect lead in apartment surfaces. Preliminary reports of machines of this type indicate that 48 of the 51 apartments tested had significant amounts of lead, on an average of two surfaces per room in each apartment. It is expected that repair costs will increase to $1,263 per apartment if the X-ray fluorescence analyzer detects as much lead as preliminary reports would indicate.

Anticipated cost of "deleading" an apartment:

First. Direct labor—one crew chief and three repair aides per crew—5 days, $476/apartment.

Second. Materials—sheetrock, tape, doors, trim, paint, and hardware, $531/apartment.

Third. Other supplies and equipment, $115/apartment.

Fourth. Overhead—Ancillary and supervising staff, $141/apartment.

Total cost of "deleading" an apartment, $1,263/apartment.

Based on this estimate, a program which repairs 2,500 apartments a year would cost in the range of $3,157,500 for apartment rehabilitation to be paid by the landlord or Government agency.

CONCLUSION

The New York City experience affords my colleagues an opportunity to see the extent of the lead poisoning problem and the magnitude of the effort in both personnel and financial resources necessary to attack it. In 1970, 2,649 cases of lead poisoning were uncovered in New York City. Yet, it is estimated that an additional 5,000 young children were not located by our program.

The solution to the problem of lead poisoning is the eradication of substandard housing. Until such time as the social commitment is made to prevent lead poisoning by eliminating the source, screening programs to seek out children in danger from toxic lead are necessary. In this way damage to the child may be prevented by treatment, and repair of his environment will lessen the likelihood that further episodes of lead poisoning will occur.

Effective wide-scale community lead poisoning prevention programs can only become reality with major Federal support. I strongly urge my colleagues to support the $7.5 million addition to the committees appropriation of $7.5 million of the total $30 million authorized by the Lead-Based Paint Poisoning Prevention Act of 1970—Public Law 91-695—be appropriated in order that New York City and others may protect children from this very serious and entirely preventable disease.

Mr. KENNEDY. I yield back the remainder of my time.

Mr. MAGNUSON. 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 Massachusetts (Mr. KENNEDY).

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I send to the desk a final amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 10, line 13, strike out "$329,652,000" and insert in lieu thereof "$335,652,000."

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, this amendment, which would add some $6 million to the comprehensive health center program, is introduced in behalf of myself, the ranking minority member of the Health Subcommittee, Mr. DOMINICK, and the ranking minority member of the Committee on Labor and Public Welfare, Mr. JAVITS.

I think if there has been an experiment in the domain of health services which has been truly revolutionary in concept and yet enormously well received, it has been the development of these comprehensive health centers scattered throughout this country. They exist in urban as well as rural communities, and are providing vitally needed comprehensive health care to tens and even hundreds of thousands of people in this Nation.

In our trips around the country, we have heard uniformly of the success of these programs in various communities.

The committee made an increase of some $3 million over the amount which was requested by the administration. This amendment would add, on top of the $3 million, an additional $6 million, which would mean there would be a total of $9 million above the approximately $133 million which was requested by the administration.

This additional sum, Mr. President, under the existing plans and programs of the administration, would provide for reaching out to more than 100,000 more people through existing neighborhood health centers, health stations which are satellites of the neighborhood health centers, and new centers. With the addition of what I do not think is an excessive amount of resources, only $6 million, more than 100,000 Americans throughout the length and breadth of this country will at least have some contact with the health care system.

It is a modest amendment, but with the enormous success of the program to date, I think the amendments we have offered today build upon a very sound foundation in terms of past achievement. I hope we can provide some very valuable additional health services to the people of the country.

Mr. MAGNUSON. Mr. President, of course, there are a number of these comprehensive health centers in the country, and we should encourage them, because there is a great deal of voluntary work, a great deal of local contribution in connection with them and to a great extent they are engaged in preventive medicine. I would think there is a return of more than half again for every bit of seed money, or perhaps a great deal more.

Mr. KENNEDY. Yes.

Mr. MAGNUSON. We do want to establish more. Although there are scores of them, there are not enough to cover the whole country, and the $6 million would be helpful in that respect.

If the Senator from New Hampshire agrees with me, I would be willing to take this matter to conference, because this is a broad program which needs a great deal of money, but the community runs it, there is a local awareness, and they get together and they accomplish their laudable objectives.

If the Senator from New Hampshire is agreeable, I am prepared to yield back my time.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. MAGNUSON. I yield.

Mr. JAVITS. I thank the Senator for what he has said. This is a part of a qual-

ity program, as these programs certainly have proved to be. Two of the most effective things that we have found, in the struggle against poverty in a legislative way, have been the importance to the poor of health and legal services. These are the two big things which no one had realized were so profoundly and so deeply needed: dignity and the preservation of health. Also, as we strive to bring into the work force the welfare client and the poor, we realize how listless one can be without any motivation, not because one may not wish to or may not be well disposed, but strictly because one is physically unable, for many reasons associated with poverty, to do what is necessary to get started to do a day's work.

I am very glad that the Senators have agreed to accept this amendment. One peripheral point: It will be realized that we are inclined also to use community health centers in the struggle against narcotics and drug abuse. I know the Senator from Washington intends to take the amendment to conference; I am really trying to fortify the amendment with the critical points which commend an increase. These centers, especially as we come to new methods of treatment, acquire a new character; and unless they are funded and staffed with competent personnel, known and respected in the community, the narcotics addict will not trust them.

Mr. MAGNUSON. Yes. We are encouraging, in this bill—I am not talking about purely rural areas, because there would not be possible there the comprehensive approach—but the smaller towns of 5,000, 6,000, and up to 10,000, which may not have such services, where all can get together and the program is very effective.

I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, just a final comment. As I understand, there are approximately 40 or so of these neighborhood health center programs, now. I think the chairman of the committee would agree with me that they have met with virtually uniform success.

This rather modest increase would provide for several additional new health centers. It would continue in a small but significant way, our commitment to this concept. It would provide for a small but important expansion of the program. Although the figure is modest, I think it is important.

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

Mr. KENNEDY. I yield.

Mr. MAGNUSON. Under the objective here, when we use the word "comprehensive," we do not mean the size of the operation. It can be a mobile health center, in the back of a truck or trailer, but it gives comprehensive health services to a particular area.

Mr. KENNEDY. I have seen them developed at a cost of $50,000, and they range anywhere from $50,000 to in excess of $3 and $4 million. More than 100,000 people will be touched by this amendment, and I hope the Senate will approve it.

Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. 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 Massachusetts.

The amendment was agreed to.

Mr. HARTKE. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. 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 22, line 24, strike out "$670,551,000" and insert in lieu thereof "$675,551,000."

On page 23, line 8, strike out "$5,000,000" and insert in lieu thereof "$10,000,000."

Mr. HARTKE. Mr. President, there are more than 6 million retarded children in the United States today. Until recent years, it was assumed that once a person's condition was diagnosed as mentally retarded and he was assigned to one of the intelligence or behavioral levels, he would stay at that level for the rest of his life. He was treated, trained or educated at that level, if some program was available to him. As a result, the individual either remained at the assigned level or deteriorated.

Fortunately, medical science and education have gained new insights in the past few years, and there are now several programs underway for the mentally retarded which give them the challenge and opportunity for further mental and social growth. Many mentally retarded persons are no longer doomed to stay at the same level at which they are tested, but are encouraged to move upward with professional help.

The problem of mental health is a growing one. While the proportion of 10- to 14-year-olds in our Nation's population will increase more than 10 percent over the next decade, the proportion of children in this age group who are in mental hospitals will grow by more than 100 percent. The rates for older children are almost as startling.

One of the programs which has succeeded in offering a ray of hope to the mentally retarded is the Developmental Disabilities Services and Facilities Construction Act. Under title I of Public Law 88–164, money was provided for the construction of clinical facilities to give inpatient and outpatient services for the mentally retarded—facilities which will aid in demonstrating special services as well as training specialized personnel needed for research, diagnosis, treatment, education, training or care of the mentally retarded.

Part B of this act provides construction funds to university-affiliated facilities, while other parts of the act provide construction funds for State facilities and community facilities. It is to the university-affiliated facilities that I wish to address my remarks.

When the Labor-HEW appropriations bill was passed by the House, no funds were included for the construction or programs of university-affiliated facilities for mentally retarded. Nor were any funds for this purpose appropriated last year. Congress has authorized $37 million for the university-affiliated centers, yet we have failed in recent years to appropriate those funds.

Recently, I testified before the Labor, Health, Education, and Welfare Appropriations Subcommittee to urge that $10 million be appropriated under part B of the Developmental Disabilities Act. The distinguished chairman of that subcommittee, Mr. MAGNUSON, has a long record of active concern for mental health. He and the members of his subcommittee afforded me a most cordial hearing and demonstrated their awareness of the importance of university-affiliated facilities by including an appropriation of $5 million for the part B programs.

I and millions of others throughout this Nation are most grateful to my distinguished colleagues for the addition of this line item in the appropriation bill. At the same time, I am compelled to take note of the needs of the 20 university-affiliated facilities throughout the country. These facilities include:

The University of Alabama.
The University of California.
The University of Colorado.
Georgetown University.
The University of Miami.
Georgia Retardation Center.
Indiana University.
The University of Kansas.
John F. Kennedy Institute of Johns Hopkins University in Maryland.
Children's Hospital Center in Boston.
Eunice Kennedy Shriver Center in Waltham, Mass.
New York Medical College.
The University of North Carolina.
The University of Cincinnati.
Ohio State University.
The University of Oregon.
The University of Tennessee.
Utah State University.
The University of Wisconsin.
The University of Washington.

Each of these 20 centers has given more than their 1-to-3 matching financial requirements for construction, and in many instances the university participation has doubled, trebled, and quadrupled. We have appropriated money for construction, but then we left each of these facilities out in the cold by failing to appropriate any funds for the operation of their programs. How can we expect these centers to be effective without providing them with the funds they need to carry on their work?

The public's attention is focused on the high incidence of developmental disabilities in impoverished segments of the population and the overwhelming need to take action to eradicate these conditions. If we are to prevent or to ameliorate the problem of mental retardation, there must be a corps of professionals and technicians who are not only well motivated but also well equipped to confront all aspects of this problem expertly and humanistically. In other

words, Mr. President, there is a clear need for manpower.

The university-affiliated centers fill this need. They prepare highly competent individuals to assume responsible and pivotal roles in schools, community and residential agencies, clinics and hospitals engaged in the care and treatment of the disabled. The disciplines involved in the interdisciplinary approach include: pediatrics, neurology, psychiatry, social service, psychology, speech and hearing, nutrition, nursing, special education, physical and occupational therapy, and vocational rehabilitation, to name a few.

The foremost objective of the program is the training of professionals and paraprofessionals to become effective agents for change.

Mr. President, I can think of few more worthy programs than the university-affiliated centers authorized by the Developmental Disabilities Act of 1970. They are a vital part of the growing national commitment to cope with mental retardation.

That is why I am offering an amendment today which would increase the appropriation for these facilities to $10 million—$5 million more than the appropriation recommended by the subcommittee.

By appropriating this modest amount, we can assure that the valuable work of university-affiliated facilities throughout the Nation will continue at an adequate level. If we fail to make this appropriation, many of these centers will be forced to make sharp cutbacks in their operations. Even now, buildings stand virtually empty in some university-affiliated centers while long lists of mentally retarded children needing immediate attention continue to grow.

It is important for us to realize that the amendment I propose today does not provide funds which duplicate other Federal programs. It provides money to support programs which are not eligible for support under any other Federal program.

The university-affiliated centers is an attempt to have disciplines from various departments in colleges or schools relate to one another in a method of planning that will allow the university to use and move out into the community as part of the teaching experience for the students who come to the university.

Because of their dynamic and innovative programs, they are attracting people of high caliber who would otherwise never have come to the field. Because of these programs, the university can move out into the community rather than remain as an isolated and apathetic ivory tower.

The time has come for us to make good on the commitment to universities which we made several years ago when Congress authorized construction funds for university-affiliated facilities. And the time has come for us to make good on our commitment to the mentally retarded and to their parents and families. To allow buildings to be constructed and then to permit them to remain underused is to participate in a hypocritical folly to which none of us would wish to be a part.

Mr. President, I urge the adoption of this amendment so that we may at long last begin to fulfill our commitment to the mentally retarded of this country.

I have discussed this matter with the Senator from Washington, the manager of the bill, and the Senator from New Hampshire, who is the ranking minority member of the committee. I compliment them on the fact that, although $37 million has been authorized for this program, and no additional funding has occurred on the program since 1970, the committee did put in $5 million additional.

If I could modify the amendment to increase that request by $3.5 million instead of the $5 million requested, I would hope that the committee would see fit to take it to conference.

Mr. MAGNUSON. I appreciate the Senator modifying his amendment. Many Senators are interested in this matter. We did not hear too much about it, but I would be perfectly willing to talk with the House about this.

Mr. HARTKE. Mr. President, I ask unanimous consent to modify my amendment so that the increase will be $3.5 million instead of $5 million—a total of $8.5 million in that program.

Mr. COTTON. Mr. President, I am perfectly willing to agree to take it to conference.

So far as the chairman knows, this is the last amendment?

Mr. MAGNUSON. So far as I know, this is the last amendment.

Mr. COTTON. I just want to make sure that the RECORD shows that when we cut out section 9, on the motion of the Senator from California (Mr. CRANSTON), we added $185,547,000 to this bill. Since then, we have added in amendments, $83,700,000, and this amendment will add——

Mr. MAGNUSON. The total is $8.5 million. We added $5 million, and the amendment provides for $3.5 million more.

Mr. COTTON. So we have added approximately $270 million to this appropriation bill on the floor today.

I am happy that this is the last amendment. I think it is a very worthy one, and I will go along with the chairman of the committee.

Mr. HARTKE. I thank the Senator from New Hampshire.

Mr. DOLE subsequently said: Mr. President, I ask unanimous consent that I may be joined as a cosponsor of the Hartke amendment to H.R. 10061, increasing the appropriation for university affiliated facilities.

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

Mr. MAGNUSON. Mr. President I yield back the remainder of my time.

Mr. HARTKE. 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 Indiana, as modified.

The amendment, as modified, was agreed to.

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 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.

Mr. CRANSTON. Mr. President, I wish to express my admiration for the outstanding achievements of the Senator from Washington (Mr. MAGNUSON), chairman of the Labor-HEW Subcommittee of the Appropriations Committee, which are reflected in the Labor-HEW appropriation bill reported from committee.

I would like to express my gratitude also for the outstanding contributions made to the bill by the ranking minority member of the subcommittee (Mr. COTTON) and to all the other members of the committee for their support of this measure.

The bill corrects many of the deficiencies which appeared in the administration's budget request and, I believe, particularly with respect to the HEW budget, places proper weight on the vital areas of health research, the provision of mental health services for children, as well as the community mental health centers program, and programs to prevent and treat alcoholism.

I am particularly gratified that the committee has highlighted the important contribution that discharged military corpsmen can make to the civilian medical community, and has urged that both regional medical programs and the NIH health manpower programs take the lead in assuring that programs which can maximize their utilization in the health system are supported.

The committee's recommendation parallels amendments I have made to the Health Manpower Training Act, now in conference, to encourage the development of programs at medical schools to train physicians' and dentists' assistants. Returning medical corpsmen are ideally suited for these new roles in the health system and I believe that with both the Senate Appropriations Committee and the Labor and Public Welfare Committee having expressed their interest in the expansion of such programs, we will see a greater utilization of these veterans with valuable skills in our health system.

I have also introduced legislation which would encourage the Veterans' Administration through its hospital system, to develop career roles for these returning veterans, and I have great expectations that the excellent VA system of hospitals and other medical facilities, which contributes so much to the training and education of the Nation's health manpower, will be able to substantially increase the Nation's ability to utilize these men, with the expanded authority contained in my proposals.

Among other areas which the committee singled out for particular emphasis were regional medical programs and training for rehabilitation and social work. Each of these highlighted areas are areas in which I have expressed my concern that these programs receive

funding adequate to their needs and their ability to utilize fully.

I am very pleased that the committee has included in its recommendations, increases for many of the health programs, which I highlighted in testimony before the subcommittee on July 13.

COMMUNITY MENTAL HEALTH CENTERS

I am gratified the committee has recommended an appropriation of $20 million for construction for community mental health centers, a $10-million increase over the House recommendation. This will correct the failure of the administration to request any funds for this purpose. I had suggested a substantial amount be recommended for construction purposes, and based that suggestion on a projected need of from $35 to $50 million which the Director of NIMH had estimated during hearings before the House Appropriations Committee.

I am glad that the committee has recommended this amount, and I am particularly delighted that they also have recommended a substantial increase in the sums appropriated for staffing grants for community mental health centers, $145.1 million, which represents an increase of $10 million over the House recommendation and $49 million over the budget request.

A specific program which was authorized in the last Congress was a program for child mental health services. The administration did not include any funds in its budget request for this purpose. However, I am extremely gratified that the committee has recommended that $10 million be appropriated for this purpose, which is almost identical to the amount I had recommended in my testimony before that committee. I feel that with this additional support, major steps can be taken to reach the large numbers of children—some 10 million—who are in need of some form of mental health services.

In another important program within the National Institute of Mental Health, I am delighted that both the Senate committee and the House committee have concurred in restoring the $6.7 million cut to the NIMH budget for psychiatric training. This restoration will avert the projected consequences of the proposed cut, which I had feared would result in serious crippling of mental health programs nationally.

ALCOHOLISM

I was also particularly gratified that the Senate committee has recommended an increase of $45 million for community assistance formula grants for alcoholism programs and $35 million for alcoholism project grants above the budget request of the administration.

I believe this will enable programs in the prevention and treatment of alcoholism to make some impact on controlling the epidemic of alcoholism in our Nation.

NATIONAL HEALTH SERVICE CORPS

Another important program which will improve the provision of health services, particularly in areas of serious manpower shortages, is that of the National Health Service Corps. I am delighted that the committee has recommended a $5-million increase over the amount in the budget request for this vital program.

REGIONAL MEDICAL PROGRAMS

Another dynamic program in the area of health services is that of regional medical programs. The committee has recommended an appropriation of $122,771,000, an increase of $40 million over the House allowance and $70 million over the budget request. Again this is very close to the amount I had recommended to the committee, and I am pleased with the recognition they have given to the importance of these programs to the Nation's health system, by recommending an adequate level of financial support.

NATIONAL INSTITUTE OF HEALTH

I had devoted a considerable portion of my testimony before the Senate Appropriations Committee to the all-important area of Federal support of biomedical research, and had pointed out that NIH programs have suffered a consistent reduction in level of effort since fiscal year 1969 because of price wage increases even where funding amounts have been maintained at the same level. I had recommended that the NIH research budget be increased an amount almost equal to the committee's recommended increase of $247,305,000 over the President's request.

Those institutes which I had specifically mentioned in my testimony and which did receive increases comparable to those I had recommended were: the National Heart and Lung Institute, for which the committee recommended more than $57 million over the budget request and almost $41 million over the House recommendation; the National Institute of Dental Research, for which the Senate committee recommended an increase of over $6 million over the President's request, and $8 million over the House recommendation; the National Institute of Arthritis and Metabolic Diseases, for which the Senate committee recommended an increase of over $28 million over the administration request and over $15 million over the House recommendation; the National Institute of Neurological Diseases and Stroke for which the Senate committee recommends an increase of over $42 million over the President's budget and $30 million over the House recommendation; the National Institute of General Medical Sciences, for which the Senate committee recommended an increase of almost $29 million over the administration request and almost $11 million over the House recommendation; the National Institute of Allergy and Infectious Diseases, for which the Senate committee has recommended an increase of over $13 million over the administration request, and $6 million over the House recommendation.

I wish to express particular gratification at the Senate recommendation for an increase in the support for the National Institute of Child Health and Human Development in the amount of a $22-million increase over the budget request. Some of this additional financial support will be devoted to the very important area of population research so vital to the 20th-century problem of population growth beyond our capacity to support it.

SOCIAL AND REHABILITATION SERVICE TRAINING

An area that is of particular concern to me is that of training programs in rehabilitation counseling, occupational and physical therapy, and other training programs related to the rehabilitation of those individuals who suffer from physical or mental handicaps. This program had suffered from a particularly severe budget cut in the administration's proposed 1972 budget, a cut of some 47 percent. The Senate committee has concurred in the House's recommended increase of almost $45 million for these programs, and in addition has recommended an additional $7,675,000 to restore the amount cut from the budget for research in this area. This is identical to my recommendation to the committee, and I am particularly pleased with the action taken in this area.

I should also like to express my appreciation to the members of the committee for its action in recommending an appropriation of $483,000 for the Commission on Railroad Retirement, as well as authorizing the carryover from fiscal year 1971 of some $300,000. This action will enable the Commission to carry out its study in preparation for recommendations that will place the railroad retirement system on a sound actuarial basis, and is identical to the recommendation I had made to the committee.

I am also pleased that the Senate committee has recommended a substantial increase of $3 million over the budget request for the National Library of Medicine.

Although my recommendations and the committee's were not identical in all instances, I believe that, on balance, Senator MAGNUSON and the committee have recommended a reasonable balance among many deserving and competing programs. I urge the Senate to give its support to the recommendations made by the committee in these important areas of direct concern to so many in our Nation. It is important that we maintain and, wherever possible, expand those programs which can alleviate the crisis in health which is facing our Nation. I believe that special thanks are due the Senate committee members for the excellent bill they have reported.

Mr. WILLIAMS. Mr. President, I commend the committee upon the passage of the Labor-HEW appropriation bill today. While all appropriations bills require the expenditure of a great deal of time and effort on the part of committee members, this particular appropriation for the Departments of Labor and Health, Education, and Welfare, containing as it does such sizable expenditures in the areas of social service, and such significant programs relating to human needs, demands an unusual amount of attention and sensitivity.

I have noticed with satisfaction time and again, during the consideration of this bill, the responsiveness which my colleagues on this important committee have shown to suggestions forthcoming from myself and others as to the various

programs and items included in this legislation. While it might be supposed that in such a large appropriation some programs might not be as carefully scrutinized, or some requests as carefully considered, I have found the contrary to be the case. I have received the utmost cooperation from my colleagues on the Appropriations Committee in connection with my recommendations and I am certain that this holds true for others as well. I have been deeply impressed by their attention to the many significant social programs included herein, a concern which reflects their great commitment to individual needs, to solving the problems of the disadvantaged, the poor, and the sickly, and the helpless, and I wish to express my sincere appreciation for their labors.

I am particularly pleased to note that the Senate Appropriations Committee added $10 million for the additional inspections and program operations under the Occupational Health and Safety Act. I had expressed to the committee my hope that sufficient funds would be provided to permit the hiring of at least 1,000 new inspectors for this vital safety effort during this fiscal year, and I feel confident that with the additional funding approved by the committee, greatly increased staffing and program activity will be possible.

I also note that the committee has almost quadrupled the amount which the administration had requested for the prevention of lead-based paint poisoning, a particularly vital program in my estimation.

I am especially glad that the requests of the junior Senator from Iowa (Mr. HUGHES) for increased funding for the study, prevention, and treatment of alcoholism have been given thoughtful consideration, and the amount of $80 million for this purpose has been added to the administration request, in large measure fulfilling the recommendations of Senator Hughes for this important social program.

Once again, I express my appreciation for the committee's commendable efforts on behalf of the bill.

Mr. KENNEDY. Mr. President, I should like to add my endorsement of the work of the Appropriations Committee in reporting this bill.

It is widely acknowledged that we have grave problems in the delivery of health care in this country. The administration has acknowledged these problems in its health message, special analysis, and other supportive materials to its proposed fiscal year 1972 budget. The administration attributes the "crisis" in health care in part to the increase in Americans' ability to buy health services, without a corresponding increase in our resources for providing health services. They cite medicare and medicaid as contributing to the increased demand for services and urge programs to increase our resources for supplying services. I concur in this analysis, though it is only a partial explanation of this Nation's health care crisis.

One would think that the response to this diagnosis would be to increase our health care resources at a greater rate—so they can catch up with the demand.

Unfortunately, while the administration's diagnosis of the illness is correct, their treatment is wrong. Once again in fiscal year 1972, pressures to limit the health budget have prevailed. Once again, the proposed budget raises funds for buying services at a greater rate than funds for creating resources to provide services. The proposed fiscal year 1972 budget increases by 8 percent the Federal outlays for buying services through medicare, medicaid, and other programs. By comparison, Federal outlays for creating resources to provide services increase barely 7 percent in fiscal year 1972. 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.

This year, instead of trying to redress the imbalance in supply and demand, the administration's budget will deepen the health care crisis. It cuts or gives marginal increases in almost every area of health resources:

The administration's budget provides additional funds for a special cancer program, but takes them out of the hides of virtually every other health research program. The administration refuses even marginal cost-of-living increases to virtually every program at the National Institutes of Health, and actually cuts research at a number of Institutes. Moreover, the budget slashes the research training and fellowship programs, which will produce the trained researchers who are the heart of medical research in this country.

I commend the Appropriations Committee for raising the NIH appropriations to a more reasonable level.

The President's budget proposes an increase for producing health manpower, but it is trivial compared with the need. The Health Subcommittee is currently in conference with the House on legislation that authorizes several times the funds requested by the administration, and initiates a landmark effort to produce the doctors, dentists, nurses, and health professionals that we so badly need in this country.

The Senate passed its manpower legislation by a vote of 88 to 0. The House passed theirs with only three dissenting votes. Both bills authorize many times the President's program.

Unfortunately, this appropriation could not be included in the bill before us—and will be funded through a supplemental request. The Senate should be aware of this future major addition and be prepared to support it at maximum funding levels.

One of the most tragic areas of our health care crisis is in the rural and inner city areas of our country where doctors are simply no longer available. Despite this need, the administration last winter attempted to pocket veto the Family Practice of Medicine Act and has asked for only half of what the Congress intended for the Emergency Health Manpower Act. Both of these acts would improve the availability of doctors to rural and inner city areas.

I commend the committee for their action in these areas. I intend to use their appropriations action to test the constitutionality of the veto of the Family Practice Act.

Mr. President, with the increases proposed by the committee and with full funding of the manpower supplemental in the future, we will go a long way to correcting the imbalance between supply and demand which the administration's budget propagates.

But correcting the health crisis is not only a matter of supplying enough health services—it is also a matter of revamping the health delivery system. The administration's budget refers to this area as "efficiency" and "prevention." The administration acknowledges the need for reorganization of our health care system, but in the meantime, it has effectively made cuts in virtually every Federal program designed to support innovative approaches to supplying health care.

I want the Senate to understand that the President's budget would allow us to fund not one new neighborhood health center under the Partnership for Health Act; not one new community mental health center; not one new maternal and infant care center; not one new children and youth center.

Mr. President, this administration's health budget, when contrasted with its rhetoric regarding the need to assure health care reform, presents a credibility crisis of massive proportions.

In addition, while holding back these programs, the administration's budget suggests a trivial increase for the regional medical programs—the one program which involves broad groups of physicians and medical schools in attempts to improve the organization and delivery of health care on a regional basis. This program can be the backbone of our efforts to reorganize health care in this country. It can be the basis for future area health education centers, health maintenance organizations, and other essential new health service organizations.

We have before us in the Health Subcommittee legislation to encourage and fund HMO's and area health education centers. We will report a comprehensive bill to the Senate later this year. While these future programs are taking shape, however, we cannot neglect the programs which are the foundation of these future efforts.

I commend the Appropriations Committee for recognizing this and substantially increasing the proposed budget in these areas.

Mr. President, we cannot afford to further aggravate the health crisis in this country by further increasing the demand, while delaying against a major investment in resources to provide care. Nor can we just talk about reorganizing health care while refusing adequate funds to the Federal programs best equipped to bring this reorganization about. We have seen too much empty

rhetoric in the area of health. I urge the Senate to support strongly the bill before us and to go to conference with the House prepared to fight for the Senate proposals.

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 both the human suffering and the economic problems facing us.

Mr. HOLLINGS. Mr. President, I was interested in the testimony in committee on a research technique for the reduction of cholesterol level in the treatment of atherosclerosis. The surgery is known as a partial illeal bypass. The House heard the same testimony earlier and in its report expressed the expectation that the Heart and Lung Institute would start a collaborative study to validate the technique of the partial illeal bypass. Is my understanding correct that the intent of this bill now is to fund that collaborative study at a level of $2 million in fiscal year 1972, within the total increase for the Heart and Lung Institute of $57 million over the budget estimate?

Mr. MAGNUSON. The Senator from South Carolina is correct.

Mr. MONTOYA. Mr. President, I would like to express my continued approval of the activities of Senator MAGNUSON in his leadership of the HEW Subcommittee on Appropriations. Despite the pressures to hold down Federal expenditures in the health field, the committee has been able to formulate a program that is more responsive to the needs of the American people. I particularly take pleasure in several items contained in this bill. The Senate has increased by $40 million the amount to be appropriated to regional medical centers. These centers have made a valuable contribution and fully deserve this increase. It is clear that no discontinuation of these programs should take place.

The Pediatric Pulmonary Center in Albuquerque has been responsible for considerable contributions to the health care of children with pulmonary disorders. It is a program that is essential to a balanced health care services system in the community. It has worked in cooperation with other services and has represented a health input to Albuquerque which cannot be replaced.

Senator ANDERSON and I share immense gratitude to the committee for the inclusion of $500,000 for continuation of the activities at the Primate Center at Holloman Air Force Base. The project, which represents the largest and most successful breeding colony of chimpanzees in the free world, was in danger of discontinuation due to lack of funds for the Air Force base which had supported it in the past.

The work being done at the Primate Center is disseminated throughout the free world. This research includes Mercury research with the Rhesus monkey and comparative toxicology studies on saccharin and other food additives. Especially important are the continuing studies on the effects of PCB, a compound widely used in everyday life the effects of which are unknown and research relating to cadmium, a very common metal which directly affects man.

In addition Hollomon has one of two centers in the United States for the study of drug abuse and the effects of the use of strong narcotics.

Because the primate center at Hollomon is the only one in the free world successful in breeding chimpanzees, its contributions have been particularly valuable to the scientific community and the Nation. I am delighted the committee had the good judgment to include funds under NIH sufficient to carry on this essential work.

I further applaud the $67 million initiative to deal with the problem of drug abuse, the $100 million level for cancer research and the $90 million increase for health manpower The sum of $15 million has also been added to rat control programs and $2 million to combat lead-based paint poisoning in children. The $7 million to deal with the problems of alcoholism is also encouraging. These represent a responsible position for the Senate to take in each of these extremely critical areas. Funding at lesser amounts would represent neglect and a lack of understanding of the important work needed in the next year.

But beyond these few increases, the budget for health is at a stationary level. Although the Senate Committee supported a net increase of $571 million, we find these increases being consumed by inflation.

Crippling cuts were recommended in such major health programs as the regional medical program, Burton-Hill medical facilities construction, the Public Health Service hospital system and various medical research programs. But these cuts, aimed at slowing inflation, can be seen as false economy. It is only logical that inflation will continue in the health care industry if there is a lack of supply of trained manpower. If there are reductions in biomedical research and training we cannot possibly hope to stem health care inflation. Severe cuts are a form of sacrifice that will cost us dearly in the future. We cannot, for example, cut the research and manpower training foundations upon which our health care system is built. To do so would only hurt our future ability to deal with national health needs.

The cry is for economy but in fact we would be wasting money by deemphasizing research and training expenditures now. We would force ourselves to pay much more for these at some later date. Our Nation can no longer afford procrastination in efforts to rapidly expand our supply of health workers. We must increase our output of professional workers to meet the needs of the future.

Essential preventive programs for alcoholism, health research including cancer research and communicable disease prevention must proceed. We must grasp the opportunity for funding preventive medical programs that will reduce not only future expenditures but the amount of human suffering as well.

Mr. President, I applaud the action taken by the committee and strongly urge passage of the appropriation bill.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, as I am the ranking Republican member of the committee which deals with the legislative part of this appropriation, I should like to invite the Senate's attention to a few matters which will be helpful in what we are doing.

The observations of the Appropriations Committee relating to the authorization of health manpower programs and to the utilization of returning medical corpsmen are very appropriate at this particular moment as we are now deeply locked in a conference endeavoring to decide how we are going to assure that institutions of learning will bring us more physicians and more physicians' assistants.

Senator KENNEDY heads the conferees on the part of the Senate and the conferees will take tremendous heart from the declarations of the Committee on Appropriations. They are contending for exactly the points for which we are contending, and I might say that it is an extremely difficult and hard-fought conference.

If the Senate expresses its view affirmatively on this bill, I think we can take it that we have the right to go into conference in a strengthened position, contending for more adequate support for medical schools and schools teaching the allied health profession than we have even had before, especially in view of the affirmative and eloquent declarations on that subject which are found in the committee's report at pages 5, 6, and 7.

Mr. President, on another part of this measure, it will be noted that no appropriations are provided for Economic Opportunity Act programs generally, nor for Headstart, nor for the Neighborhood Youth Corps. All these await authorization.

It is very important that the Senate be advised on all those points because we hope and expect that we should be able to give legislative authority within the next 2 months and that supplemental appropriations will be forthcoming promptly for the purpose of adequately funding those programs.

The same is true of the Emergency Employment Assistance Act, which has just become law. The administration's estimates have just been sent up. This matter is worrying many of us here, in view of the fact that unemployment stays at an unacceptable level—in the area of 6 percent—in this country.

Finally, Mr. President, it has become almost the custom that the appropriations for summer jobs come under the heading of Neighborhood Youth Corps—immediately before the summer season—and are counted in previous appropriation requests and actions. I am sure there will be a request shortly—before the summer—in a supplemental to deal with the problem of summer jobs. It is my hope that this matter will be resolved in the Office of Economic Opportunity supplemental appropriations request rather than waiting until immediately prior to the beginning of summer as has been the past custom. This is not a good practice

because it inhibits proper training and proper preparation for the absorption of these resources; hence I shall do my utmost to seek additional funds for summer jobs under the manpower training provisions of the Economic Opportunity Act when they come before us by way of a supplemental. I shall of course lay the necessary testimony before the Appropriations Committee, but I wish now only to emphasize the faot that we should not take it for granted that, come late spring, I or someone else standing in my place, will come in and seek the necessary money for summer jobs, but we should realize it is most provident that they will provide more leadtime in this particular case. I shall make every effort to bring about such a provision with respect to the poverty program supplemental when it is considered.

Mr. President, on another matter, in testimony submitted to the Appropriations Committee I expressed my grave concern that the fiscal year 1971 budget proposed a $6.7 million cut in NIMH support for psychiatric residency training which I believe would be the first step in the elimination, over a 3-year period, of the total NIMH program of $34 million to train psychiatrists.

This action would undermine psychiatric training in our country and result in the loss of thousands of psychiatric residencies at a time when we can least afford to lose psychiatric manpower.

We are facing a serious national problem with alcohol abuse and alcoholism and a drug crisis in our Nation. We must take special steps to prevent their spread and rehabilitate their victims. To carry out all of these programs, we will need more rather than fewer of our trained professionals in psychiatry.

Yet, if the phaseout of psychiatric residency training is effected, we stand to lose a shocking 36 percent of the psychiatric residency positions throughout the country—a loss of 1,528 positions of the current total of 4,275.

These cuts will not only be reflected in a loss of graduate psychiatrists, but also in a substantial loss of immediate services, especially to the poor, who receive most of their mental health care from psychiatric residents in hospital clinics and other public agencies.

Presbyterian Hospital in the Bronx, N.Y., provides a good example of this. This hospital serves an area of New York City with a large population of blacks and Puerto Ricans. The hospital's group of young physicians being trained as residents and now supported by stipends from NIMH take care each week of 830 patients. Of these patients, 24 percent are black, 15 percent are Puerto Rican, and the remainder are whites at the poverty level. You will find this prevailing situation not only throughout New York City, but also in many other parts of the country.

In New York City alone, more than 700 of the psychiatric residents are members of the minority groups they serve. Thus, any cutbacks in support for these residencies would be particularly damaging because it would eliminate the training of just those people most qualified to meet the mental health needs of the urban poor.

If we are to mount national programs for drug abuse, alcoholism, and many other behavioral problems, a $6.7 million cut in psychiatric training is false economy.

Paraprofessionals or indigenous workers are necessary to make programs to combat drug abuse and alcoholism, and to help solve problems of the young, the old, and the emotionally and mentally ill operable; but they must be trained and directed by qualified personnel. If we lose valuable numbers of the psychiatric profession, we will also lose our capability for training paraprofessionals and indigenous workers.

A recent Public Health Service survey shows that nearly 20 million Americans either have had a mental or emotional breakdown, or thought themselves close to it. As I have said before, expanded programs in drug abuse, alcohol abuse and alcoholism, childhood and adolescence and the mental health needs of the aged, call for increasing cadres of psychiatrists to meet these needs.

I am pleased that the Senate and House Appropriations Committees restored the full $6.75 million and concur in the statement contained at page 18 of the committee report restoring the $6,750,000 cut from the NIH training programs. To reduce the ranks of our psychiatric professionals could come at no less propitious time—a time when our veterans, our children, our poor, our minority groups, our drug addicted and alcoholics desperately need help. We, as a nation, will be the losers if they do not receive that help.

Mr. President, I ask unanimous consent that the text of a resolution prepared by the New York Society for Clinical Psychiatry concerning the proposed cutbacks be printed at this point in the RECORD.

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

RESOLUTION

The committee on psychiatric residency training of New York City, in emergency meeting assembled, hereby unanimously declares that—

Whereas, the need for mental health services is at an all-time high among children, adolescents, senior citizens, drug addicts, alcoholics and other groups, especially the poor and under-privileged, and the Administration has declared that a "crisis in health care" exists, and

Whereas, the vast bulk of the mental health care of the indigent poor and of the minority groups in the "inner city" and ghetto areas is supplied by young psychiatric residents, who spend about two of their three years of training serving in hospital clinics, community mental health centers, and other public agencies, and

Whereas, as psychiatrists-in-training in the 364 training centers in this country, there are now over 100 black physicians, over 350 physicians of Spanish extraction, and over 700 women physicians recruited into the psychiatric profession from these minority groups with the conviction that they, better than any others, can serve their own groups with understanding and compassion, but with the recognition that while this represents a great step forward, it is only a beginning, to curtail which would be a tragic loss to those minority groups, and

Whereas, in the approved, proposed, and already-built community mental health centers, as well as in other public agencies, there is a serious shortage of mental health personnel, necessitating an increase, rather than a decrease, in the manpower pool of psychiatrists, which is fed at its source by the psychiatric residency training programs, and

Whereas, curtailment of these vitally needed psychiatric resources at this critical time in the history of our country would not only be "penny wise and pound foolish", but might tragically increase the number of unproductive citizens by depriving them of this help,

Therefore, be it unanimously resolved by the undersigned, who comprise all of the directors of psychiatric training in all of the accredited training institutions in the City of New York, that we:

1. Vigorously protest the cut of $6.7 million in the psychiatric residency training appropriations in F.Y. 1972, and

2. Earnestly deplore the elimination of one-third—over 1,000—of the psychiatric residents now in training, at the very time when their services are desperately needed in the "inner city" and ghetto areas, and when the future of the mental health of the community rests in their hands, as much as in those of their fellow-psychiatrists who are now in institutional practice and public service (58%), as well as in private practice, and

3. Respectfully petition the Congress to restore adequate funding for the entire program of psychiatric residency training.

Respectfully submitted,

SHERVERT H. FRAZIER, Jr., M.D.,
DAVID KAIRYS, M.D.,
Cochairmen.

LIST OF COMMITTEE ON PSYCHIATRIC RESIDENCY TRAINING OF NEW YORK CITY

Harvey Bluestone, M.D., Bronx Lebanon Hospital, Bronx, N.Y.

James P. Cattell, M.D., Jewish Memorial Hospital, N.Y.C.

Henry Caulfield, Albert Einstein College of Medicine, Bronx, N.Y.

Elizabeth B. Davis, M.D., Harlem Hospital Center, Harlem, N.Y.C.

Harry Esecover, M.D., Hillside-Queens Hospital Center, Glen Oaks, N.Y.

Aaron H. Esman, M.D., Madeleine Borg Inst., Jewish Board of Guardians, N.Y.

Abraham N. Franzblau, M.D., Mount Sinai Inst. of Psych., N.Y.C.

Shervert H. Frazier, Jr., M.D., Psychiatric Inst., Presbyter. Hosp. N.Y.C.

Donald Gerard, M.D., Montefiore Hospital Med. Center, Bronx, N.Y.

Moe A. Goldberg, M.D., Veterans Administration Hosp., Manhattan, N.Y.

William S. Greenspon, M.D., Brooklyn Psychiatric Centers, Brooklyn, N.Y.

Edward Hanin, M.D., St. Vincent's Hospital & Med. Center, Greenwich Village, N.Y.C.

Morris Herman, M.D., Bellevue Hospital, N.Y.U. Med. Center, N.Y.C.

Albert S. Hotkins, M.D., Bureau of Child Guidance, Queens, N.Y.

Theodore J. Jacobs, M.D., Albert Einstein Col. of Med., Bronx, N.Y.

David Kairys, M.D., Mount Sinai Inst. of Psychiatry, Manhattan, N.Y.

Steven Katz, M.D., Roosevelt Hospital Med. Center, Manhattan, N.Y.

Stuart L. Keill, M.D., Assoc. Comm. Mental Hygiene, N.Y.C.

Gabriel Laury, M.D., Kings Park State Hosp., Kings Park, N.Y.

Robert Michels, M.D., Psychiatric Inst., Columbia-Presbyt. Med. Cent., N.Y.C.

Simon Nagler, M.D., Metropolitan Hosp. Center, Harlem, N.Y.C.

Bertrand New, M.D., Staten Island Hospital, Staten Island, N.Y.

George O. Papanek, M.D., St. Luke's Hosp. Med. Cent., N.Y.C.
Burton Pfeffer, M.D., Post-Graduate Center, Manhattan, N.Y.
Henry Pinsker, M.D., Beth Israel Hosp. Med. Cent., Greenwich Village, N.Y.C.
Harry I. Weinstock, M.D., City Hosp. Cent., Elmshurst, L.I., N.Y.
Peter Wilson, M.D., Cornell Med. Cent., N.Y. Hosp., Manhattan, N.Y.

Mr. JAVITS. Mr. President, let me express my appreciation to the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) who, with their traditional understanding of this situation, have accommodated so much that Members hold so dear in the programs of health and education, poverty, and related matters, which represent such a high-minded, humanitarian aspect of life in this country.

Mr. KENNEDY. Mr. President, I, too, want to join the ranking minority member of the Committee on Labor and Public Welfare in commending Chairman MAGNUSON and his committee. As chairman of the Subcommittee on Health, we have reviewed the items in the appropriation that are directed toward the health needs of the Nation.

Chairman MAGNUSON and the ranking minority member, the Senator from New Hampshire (Mr. COTTON), and the members of the committee, have done an exemplary job in allocating resources to the health needs of the Nation. Many new programs which need help and support are limited only by the amount of resources which can be allocated due to financial exigencies. They have shown a tremendous grasp and understanding of the vital health needs of the country. As chairman of the Health Subcommittee, I want to commend them, and the members of the committee generally, for the superlative job they have done in this area.

The PRESIDING OFFICER (Mr. BIBLE). All time has now been yielded back.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Ohio (Mr. SAXBE) are detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 88, nays 0, as follows:

[No. 182 Leg.]

YEAS—88

Aiken	Ervin	Muskie
Allen	Fannin	Nelson
Anderson	Fong	Packwood
Baker	Fulbright	Pearson
Beall	Gambrell	Pell
Bellmon	Gravel	Percy
Bennett	Griffin	Prouty
Bentsen	Gurney	Proxmire
Bible	Hansen	Randolph
Boggs	Harris	Ribicoff
Brock	Hartke	Roth
Brooke	Hollings	Schweiker
Buckley	Hruska	Scott
Burdick	Hughes	Smith
Byrd, Va.	Inouye	Sparkman
Byrd, W. Va.	Javits	Spong
Cannon	Jordan, N.C.	Stennis
Case	Jordan, Idaho	Stevens
Chiles	Kennedy	Stevenson
Church	Magnuson	Symington
Cook	Mansfield	Taft
Cooper	Mathias	Talmadge
Cotton	McClellan	Thurmond
Cranston	McGee	Tower
Curtis	McIntyre	Tunney
Dole	Metcalf	Weicker
Dominick	Miller	Williams
Eagleton	Mondale	Young
Eastland	Montoya	
Ellender	Moss	

NAYS—0

NOT VOTING—12

Allott	Hatfield	McGovern
Bayh	Humphrey	Mundt
Goldwater	Jackson	Pastore
Hart	Long	Saxbe

So the bill (H.R. 11061) was passed.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. MAGNUSON. Mr. President, there was a mistake in the Hartke amendment, not in the figures the Senate voted on, but in the amendment, and I ask unanimous consent that the clerk be allowed to correct it.

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

Mr. MAGNUSON, Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. ELLENDER, Mr. COTTON, Mr. CASE, Mr. FONG, Mr. BOGGS, Mr. PERCY, Mr. BROOKE, and Mr. YOUNG conferees on the part of the Senate.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any technical corrections in the Senate-passed bill that may be necessary.

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

Mr. MANSFIELD. Mr. President, the number of colloquies the Senator from Washington (Mr. MAGNUSON) has participated in today bears witness to the knowledgeable way he chairs the Appropriation Committee for Labor, and Health, Education, and Welfare. His judicious handling of the many parts of this complicated legislation, both in committee and on the floor, is deserving of thanks and commendations from the Senate.

The distinguished ranking minority member, the Senator from New Hampshire (Mr. COTTON), helped with the tremendous workload this particular committee had. His clear thinking, and willingness to defend his position contributed to a most interesting and educational debate today.

The importance with which this legislation is viewed, can be verified by the large number of amendments offered here today. The senior Senator from California (Mr. CRANSTON) was most thorough in his analysis. His comments and observations are always welcome. Supporting the above amendment, the junior Senator from California (Mr. TUNNEY), displayed his ability to succinctly articulate his ideas. Comments like these are always helpful and welcome in this body.

The Senator from Alabama (Mr. ALLEN) deserves special recognition for offering his important amendment to the bill and guiding it to acceptance by the Senate. Adding their informative comments to the discussion today were the Senator from New York (Mr. JAVITS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. PERCY), and the Senator from Louisiana (Mr. LONG). The general awareness of the issues at hand is increased by participation like we have witnessed here today.

Two additional amendments that were the basis for some outstanding colloquies on the Senate floor, were offered by the senior Senator from Massachusetts (Mr. KENNEDY) and the Senator from Indiana (Mr. HARTKE): This appropriation bill covered such a wide area of special fields that this body owes these gentleman a high commendation for their thorough work done on their respective amendments. Again, to Senator MAGNUSON and to Senator COTTON and the whole committee involved with this appropriation measure, commendation is due for the knowledgeable job they have done.

Again, the Senate owes thanks to the chairman of the Appropriations Committee (Mr. ELLENDER), who has led the appropriating to complete more bills earlier in the year than in recent years. By the time we recess all appropriating that have been forwarded to the Senate from the House will have been passed. It is a record with which the Senate is justly proud.

SENATE JOINT RESOLUTION 144—INTRODUCTION OF A JOINT RESOLUTION TO PROVIDE THE PRESIDENT WITH TEMPORARY EMERGENCY POWERS TO ACT WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. JAVITS. Mr. President, I send to the desk a joint resolution, to be received and appropriately referred, on behalf of myself, the ranking Democratic member of the Committee on Labor and Public Welfare, the Senator from West Virginia

(Mr. RANDOLPH), and the Senator from Colorado (Mr. DOMINICK), the ranking member of the same committee on the Republican side.

Mr. President, this joint resolution would give the President the power, by Executive order, effective, however, only until September 15, 1971, to provide for the maintenance or resumption of railroad operations and services essential to the national or regional health or safety, if he determines that the current series of strikes is imperiling the "health or safety of the Nation or a substantial part of its population or territory."

We have already adopted a resolution which will put Congress in recess for over a month, beginning August 6.

The purpose of this joint resolution—as I am the ranking Republican member of the committee and of the subcommittee—is to insure that the Federal Government has the power, during the period when Congress is in recess, to take steps to deal with a regional or national emergency which may result from the current series of railroad strikes.

Here is the record, Mr. President, and this relates to strike action resulting from the United Transportation Workers Union activities and acts of its members:

The record is as follows:

On July 16, two carriers were struck, serving 25 States, with 48,000 employees, and running over 15,671 miles of track.

On July 4, 1971, the number of carriers increased to four; States served, 35; employees, 120,000; miles of track, 35,569.

On July 30, 1971—today—10 carriers; 38 States; 163,000 employees; 49,710 miles of track.

It is expected that on August 6, 1971, the day that we are due to adjourn, that number will have gone up to 15 carriers, 41 States, 258,471 employees, and 81,917 miles of track.

On August 11—assuming that this is the timetable—62 percent of the workers will be involved and 44.7 percent of the track mileage will be involved in the strikes.

Of course, one need not luridly describe the problems we all know of, in the terms which we know can result from any major railroad strike.

Mr. President, I want collective bargaining to succeed, and I hope it does. I understand there will be intensive collective bargaining this weekend. Indeed, my hope and desire, and my career here, have been based on the fact that I wish nothing to interfere with free collective bargaining; and there is nothing in the resolution which would interfere with free collective bargaining.

We must make the fundamental American freedoms of the workingman and of management and of the investors in the railroads compatible, however, with the public health and safety.

We could get to the point, in the month between August 6 and September 8, where the public health and safety could be safeguarded only by the power which the combination of the President and the Congress can give to continued operations.

So this resolution has that purpose, Mr. President.

Secondly, it may be necessary for the Committee on Labor and Public Welfare to deal with this matter next week. If this measure is referred to that committee, it will be a base upon which a hearing may be quickly held, upon which preliminary data may be gathered, upon which the report of the various Government departments that have an interest may be solicited; and therefore we will not be caught in that terrible box in which we have been caught before in national stoppages of railroads that have resulted in having a bill one day and action the next day.

For all those reasons, on my own initiative—I have not been prompted in this by the White House or by anyone else, but solely on my responsibility as the ranking Republican member of the committee, having had rather considerable experience with the problem—I have introduced the joint resolution and asked that it be appropriately referred.

I ask unanimous consent that the text of the resolution and various newspaper articles discussing the situation may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and the newspaper articles will be printed in the RECORD.

The joint resolution and newspaper articles follow:

S.J. RES. 144

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas certain labor disputes between carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committee and certain of their employees represented by the United Transportation Union remain unsettled; and

Whereas strikes have commenced against certain of such carriers and are scheduled to commence against other such carriers in the near future as a result of such dispute; and

Whereas those carriers against whom strikes have been called are unable to continue to provide rail transportation services; and

Whereas such strikes, together with additional strikes against other carriers, may threaten the health and safety of the nation, or a substantial part of the population or territory thereof by depriving the nation, or regions thereof, of essential transportation services; and

Whereas there is a need for emergency legislation to enable the President to take such steps as may be necessary or appropriate to safeguard the national or regional health and safety pending the return of Congress from its scheduled recess: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the event that the President determines that the above dispute imperils the health or safety of the nation or a substantial part of the population or territory thereof, he may issue an executive order or orders providing for the maintenance or resumption of railroad operations and services essential to the national or regional health or safety effective until September 15, 1971.

SEC. 2. (a) Any executive order issued by the President pursuant to this joint resolution shall be enforceable upon suit by the Attorney General, through such orders as may be appropriate by any court having jurisdiction over any of the parties.

(b) In granting relief under this section, the jurisdiction of the court shall not be limited by the provisions of sections 6 and 20 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended (15 U.S.C. 17, and 29 U.S.C. 52) or the provisions of the Act entitled "An Act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115).

[From the Baltimore Sun, July 27, 1971]

GRAIN AND COAL HARD HIT BY EXPANDING RAIL TIE-UP

(By Linda Charlton)

The effects of the railroad strike were felt most sharply yesterday by the grain and coal industries, poultry producers, manufacturers of grain products, steel mills and auto plants.

Passenger service was curtailed in several areas. Service in and out of New Orleans has been halted since the strike against the Southern Railway and the Union Pacific Railroad began July 16. With the expansion of the walkout yesterday to the Southern Pacific Company and to the Norfolk & Western Railway, commuter service in San Francisco and Chicago was affected. Passenger service between Denver and the West Coast was cut off by the Union Pacific strike.

The strike against the Norfolk & Western which normally runs 55,000 freight cars a day across 14 states from Virginia to Nebraska, threatened the coal-mining industry in particular. A spokesman for the railroad said that 250 coal mines served by the line curtailed operations when the strike was announced.

MINES FACE CLOSING

A coal industry spokesman said that the strike would mean the closing of 350 mines in West Virginia, Virginia and Kentucky if it continued past tomorrow. This would mean layoffs for 16,000 miners.

Officials at the Ford Motor Company's assembly plant in Claycomo, Mo., a suburb of Kansas City, began taking a parts inventory yesterday to determine how long the plant, which employs 3,800 workers, could remain open. It is served only by the Norfolk & Western.

The General Motors assembly plant in the Fairfax industrial district of Kansas City, Kan., laid off 3,500 of its 4,600 employes July 19 because of a parts shortage caused by the Union Pacific strike.

The Norfolk & Western headquarters are in Cleveland. The line carries coal to nearly 1,000 industires there, including utilities, steel mills and auto plants. No problems have been reported yet, however, since most of these industries usually maintain at least a 30-day supply of coal.

The strike caught grain farmers in many areas at harvest time, with no way to move their bumper crops to market. Wheat was piling up in grain elevators and the streets of some Nebraska towns. Two streets in Arnold, Neb., were being used to store grain, and Main Street in Stapleton, Neb., was piled with wheat.

At Julesburg, Colo., 140,000 bushels of wheat was unloaded on the ground, and five towns in Kansas were also forced to pile wheat in the open, where it is vulnerable to rain. This year's wheat harvest in Kansas is the largest in history.

Some manufacturing companies were able to find substitute transportation. A macaroni plant in Omaha used trucks to move flour from a Burlington Northern depot and macaroni products from the plant to the railroad. The plant is normally served by Union Pacific.

SOME SHUT DOWN

Others, such as the St. Louis Grain Corporation and Checkerboard Grain Company in St. Louis, were forced to shut down. D. R.

Walker, the manager of Checkerboard, said that the resulting lack of corn was a threat to the poultry industry.

"The strike could wipe out the chicken industry in the Southeast," he said. "It could ruin the economy of the area."

In Atlanta, Gov. Jimmy Carter took emergency action yesterday, lifting weight limits for trucks on state roads so Middle Western grain could be brought into the state. "The chickens," he said, "are on the verge of starvation."

The strike came at the height of the harvest season for fruit and vegetable farmers whose perishable produce—melons, grapes, lettuce and peas—is now ripening rapidly and may, growers say, have to be plowed under if the strike continues.

A spokesman for the Council of California Growers, O. W. Fillerup, said yesterday, "Everybody is going to be in serious trouble" if rail transportation does not become available within three or four days. Several packing companies were shut down yesterday, and the council estimated a $2.5-million to $3-million daily loss to growers.

Pea farmers in Oregon wired President Nixon for immediate assistance, saying that their entire crop may be lost.

[From the Wall Street Journal, July 28, 1971]

RAIL WALKOUT KNIFES THROUGH THE ECONOMY; MILLS AND MINES CLOSING AS IMPACT GROWS

The United Transportation Union's strike against four major railroads is cutting an ever-widening swath through the nation's economy.

Moreover, the impact will intensify considerably if the UTU, as threatened, strikes six more lines this Friday and five others a week after that, a spot check by The Wall Street Journal finds.

After a dozen days of strike against the Union Pacific and Southern railroads and four days of walkout against the Norfolk & Western and Southern Pacific roads, these were the consequences:

The National Coal Association says 250 mines have been forced to close.

For want of transit, thousands of bushels of wheat have piled up on Midwestern prairies. And, for want of wheat, two flour mills have been forced to close and a number of others have had to curtail operations, the Millers National Federation reports. "Mill closings will inevitably lead to baker closedowns, and the possibility that bread won't be available to consumers in some areas served by struck railroads," a spokesman for the trade group asserts.

Some 11,500 commuters in San Francisco have been forced to arrange alternate transportation, most notably car pools and buses.

In Washington, Labor Secretary James D. Hodgson called on both sides to voluntarily agree to binding arbitration of the dispute by a neutral three-member, panel. But the United Transportation Union rejected the proposal, which the railroads were known to favor.

White House Press Secretary Ronald L. Ziegler said the Nixon administration "will continue to work toward a voluntary settlement" of the strike. "We have no plans at this time to send legislaion to the hill," he said.

Asked if the legislation might be sent to Capitol Hill by Friday, when the UTU has threatened to strike six more roads, Mr. Ziegler said: "There are a number of days between now and Friday."

Government sources have said that various legislative proposals are in the drafting stage and that there hasn't been any final decision on whether, or when, the administration will send something to Capitol Hill.

Transportation Secretary John Volpe wired Governors asking them to assess the "present and impending" economic impact of the strike in their states. Mr. Volpe asked for replies by today. A government source said the replies could help the administration determine how much damage the strike is causing and would send the evidence of such damage, if the administration decides to ask Congress to halt the walkout.

Apparently chiding the UTU, Mr. Hodgson said, "The three other unions earlier involved with the UTU in this dispute have negotiated new contracts. Another railway union has settled its dispute, accepting and implementing many wage and rules changes which are at issue now."

He continued: "to revert to arbitration at this point when we have established the right to the exercise of economic strength through court action would be foolish."

At the White House yesterday, Mr. Ziegler stressed that the administration sent legislation to Congress in February 1970 that would "do a more effective job" of handling emergency transportation strikes than the present procedures. The current impasse is one more indication that Congress should enact a permanent reform measure, he asserted.

Hearings on the administration's permanent reform bill opened yesterday before a House commerce subcommittee. The witnesses were members of Congress who have introduced some of the more than a dozen reform measures currently pending in the Senate and House.

BULK COMMODITIES HARD HIT

Bulk commodities have been hardest hit by the strike to date. Thousands of workers have been laid off in the coal fields because mine operators are running out of places to stack their diggings.

Yesterday, Eastern Associated Coal Corp., a subsidiary of Eastern Gas & Fuel Associates, announced in Pittsburgh it was closing a mine in Kopperston, W. Va., affecting 700 employees.

Consolidation Coal Co., closed its large Itmann mine, near Bluefield, W. Va., idling 900 persons, and a preparation plant at Pageton that employed 34.

A Consolidation Coal spokesman said operations were continuing at mines, including the Franklin Mine, also served by one of the struck carriers. "In the next few days we'll be stockpiling where it's possible to stockpile," the spokesman said. But he didn't have any doubt there would be further closings when the available space was exhausted.

Carl E. Bagge, the National Coal Association's president, sent a letter to President Nixon urging "immediate government action to bring the rail strikes to a halt.

"Immediate government intervention is essential to protect the national health and welfare," Mr. Bagge wrote the President. "A lengthy closing of mines not only would have a serious economic effect in Appalachia and other coal regions, but it could exhaust coal stockpiles at many utility plants and other vital installations with grave consequences for the nation," he added.

Auto plants, usually among the first to be closed by a rail strike because they, too, don't have any place to store their output, have so far generally escaped the agonies of this transit strike because this is annual model changeover time. But the situation could deteriorate rapidly. Many of the plants are closed, or are working reduced schedules, anyway, as they prepare for 1972 model cars.

Only one General Motors Corp. plant, in Fairfax, Kan., closed earlier than scheduled for retooling, rather than because of transportation woes.

The strike's impact, though, could worsen. GM said that if the walkout continues into next week the company would have difficulty in meeting its model 1972 start-up schedules at many of its plants. It's understood that 1972-model production was scheduled to begin at GM about mid-August.

In the chemical industry, ironically, the threat of an earlier strike prompted some plants to build inventories that they can now draw on. But Allied Chemical Corp. said the rail walkouts have forced it to curtail soda production at Green River, Wyo., and chlorine and caustic output at Brunswick, Ga.

In some segments of the food industry, the strike impact has been severe, and it could get worse if the walkouts are prolonged, or expanded.

The Council of California Growers estimated that California farmers may lose $3 million a day because they can't get perishables to market. Losses to related California industries, it said, could lift the total cost to the state to more than $11 million daily.

And Robert Mendelson of Mendelson-Zeller Co., one of California's food merchants, warned that Eastern consumers may start feeling the impact too, as some food prices start "doubling and quadrupling in the next three to four days."

Soaring trucking prices are going to be responsible in part for the higher food quotes in the East, food shippers complained. "Last week, the price for a truck to New York was $1,800," said Walter M. Tindell, general manager of Blue Anchor Inc., a Sacramento-based cooperative that sells California and Arizona fruits, grapes and berries. "Now," he said, "they're being quoted at $2,500 and you can't get them."

Meat supplies, too, are snarled. Farmer John, a division of Clougherty Packing Co., said it has laid off 800 of its 1,200 employes in Los Angeles because the strike has cut off its normal supply of 25,000 to 30,000 hogs a week.

Among flour mills, Seaboard Allied Milling Corp. said it has closed a mill at Topeka, Kan., and that it's running into higher transit costs at other mills because of the rail strike.

Conagra Inc., Omaha, Neb., said two of its 15 flour mills are operating at only 50% of their top capacity.

Borden Inc. said the strike impact on its dairy and foodstuff deliveries is "quite serious." Edward Demlien, distribution director, said the company is "covering our position as best as possible but trucks can't maintain support for too long."

Mr. Demlien declined to estimate the effect on earnings, but conceded the added transport costs are "substantial."

Kellogg Co. declared it has been forced to limit operations. A plant in Omaha, was closed for five days last week and it is operating at 50% of capacity this week because it can't get rail transportation.

The Omaha plant, Kellogg said, is the only one in the nation producing Sugar Pops and Sugar Smacks cereals.

A FAIR RAIL SETTLEMENT WAITING

The plea of Secretary of Labor Hodgson for voluntary action by the United Transportation Union and the nation's railroads to arbitrate their long dispute over work rules represents a despairing Administration effort to avoid recourse to Congress once again for emergency legislation to end strikes in this industry. In a real sense, there is nothing to arbitrate. The ingredients for a fair settlement were laid down eight months ago by a Presidential fact-finding board.

The U.T.U., which likes to think of itself as the most progressive of the rail unions, has lagged behind everybody else in going along with the board's sound proposals for abolishing featherbedding practices that should have disappeared a generation ago. It still insists on getting the projected pay increase of 42 per cent over 42 months without the locomotive engineers and other rail crafts in modernizing work rules.

The only time the U.T.U. has shown a willingness to face reality has been when a railroad was in danger of liquidation, as in the case of the foundering Jersey Central. Simi-

larly, the modified rules worked out last week by the U.T.U. and the Chicago and North Western reflected the exigencies of the special situation on that trouble-beset carrier. They offer little pattern for a national pact.

The selective strikes the U.T.U. has called against four major railroads have already caused widespread economic distress. The toll will become much worse if the union carries out its threat to tighten the noose with strikes against six more lines this Friday and another five a week later.

If the deadline for a broader strike arrives without either a negotiated settlement or bilateral acceptance of the Hodgson arbitration plea, the necessary course will be a Presidential recommendation to Congress for a law mandating the full package of wage increases and rules changes proposed by the Nixon emergency board last November.

[From the New York Times, July 30, 1971]

WHEAT PILE ON STREET NO JOKE TO TOWN IN NEBRASKA

(By Douglas E. Kneeland)

STAPLETON, NEBR.—From Logan County's modern, low-built brick courthouse, the sign and the American flag on the brand new building of the Bank of Stapleton across the way are barely visible as they peep over the top of the mound of wheat that fills a block on the south end of this town's drowsy Main Street.

"One of the farmers said that was a pretty good place to be piling it, right between the bank and the courthouse," Ed Cook, the youthful, closecropped county agricultural extension agent, said with a smile, "since it seems like they each get about half of it anyway."

That was a joke. But the wheat, which looks like a misplaced sand dune in the downtown section of this village of 310 persons about 30 miles north of North Platte, is not entirely a laughing matter to the farmers and businessmen here.

Like the poultrymen in the Southeast, the coal miners in West Virginia and the produce growers in California, the local people have been affected by the lengthening strike of the United Transportation Union against four railroads, the Union Pacific Railroad, the Southern Railway, the Norfolk & Western Railway and the Southern Pacific Company.

The economic disruption here and in other Nebraska towns served by the Union Pacific so far has not been as serious as it has been in some other areas. Barring heavy rain or extremely high wind, the wheat piled on the ground here and in some other villages for lack of storage facilities will keep considerably longer than the lettuce and other fresh vegetables and fruits in California, for instance.

FARMERS IN GOOD SHAPE

But about 200,000 bushels of wheat from this year's bumper crop, almost $250,000 worth at $1.25 a bushel, are stacked in the streets of Stapleton.

In the last few autumns, good yields combined with a shortage of boxcars forced farmers throughout Nebraska to leave large quantities of corn and milo on the ground while they were awaiting shipment. But Stapleton has never had to resort to the current extreme.

Now, the grain in the street is making some people here a little nervous. One of them is Edwin H. Burnham, the tanned, graying president of the bank, who is half owner of the Stapleton Mill and Elevator Company, which has purchased the wheat from area farmers.

"We felt we owed our farmers that," Mr. Burnham said, "so we stuck our necks out."

But the wheat is not insured. Shaking his head, the bank president added:

"I told my manager at the elevator that if we should have a cyclone and it picked up all this wheat and took it off someplace that he and I were going to get a tent and head for the hills, because our creditors are really going to be after us."

Since the farmers were able to sell their wheat, he said, they have not been placed in financial difficulty by the strike and have not had to seek additional loans or extensions on present ones.

Still, some of the farmers are fretting a bit about what will happen if the strike continues for a prolonged period.

"The big problem now is the elevator's getting rid of it so they can take care of the next one that comes along," said Howard Tunnell, a grizzled 72-year-old who calls himself a "suitcase farmer" because he lives in town and operates his wheat and corn acreage out in the country. "If they think they've got problems now, wait until the rye and barley and corn and milo come along."

The town encountered its first difficulty because the strike came at the peak of the wheat harvest, which is just about over in this area. At the same time, the elevator company's storage facilities were crammed with more than 200,000 bushels of wheat and corn that were being held from previous harvests under Government loan programs.

"They never called for any of it last winter, that's why we're in trouble," complained Leonard Rozmiarek, sitting behind the counter in the elevator company's small, woodframe office. "That grain bin right out here would hold all that street's got, but it's full."

Meanwhile, Stapleton has lived good naturedly with its dunes of wheat, which the town council permitted to be piled in the street because its hard surface and gutters would provide drainage in case of rain.

The courthouse, the bank and the fire station on that end of the street all have other entrances. The only other business on the block is a barbershop, which can be reached by the sidewalk.

"Nobody's complained," Arthur M. French, publisher of Stapleton Enterprise, a weekly, said with a grin. "Of course, it's piled in front of the bank and he owns the grain, you might say."

Agreeing that the wheat had caused no real problems in town, Mr. Cook, the extension agent added:

"One guy did get kind of loaded on a Friday night and tried to drive through it. He didn't think it should have been there. But we don't have much of a traffic problem."

Mr. RANDOLPH. I commend the Senator from New York (Mr. JAVITS) for introducing the Senate joint resolution to enable the President to maintain railroad operations and services essential to national or regional health or safety. I have joined with him in sponsorship of this measure because I feel we are on the verge of being confronted with a situation that threatens the health and safety of our Nation. Assuredly, both of us desire the collective-bargaining process to proceed. We hope that management and labor, through their negotiators and with the aid of Federal mediators, can bring a settlement to the current dispute. However, the prospects for such a settlement do not appear promising at this moment. We are entering upon a crisis period in this country from the standpoint of the movement of essential products. It is time for affirmative action to safeguard the health and safety of the American people. This resolution will provide the needed authority for the President to act in a short time margin.

On July 24 the Norfolk & Western Railway, which handles heavy tonnages of coal from the State of West Virginia, was struck. Coal today is an energy source which is absolutely necessary in this country to prevent brownouts, blackouts, and electrical power disruptions in this country, which certainly would further impair the health and safety of the American people.

As Senators know, we currently are on the ragged edge of an energy crisis in the United States of America, even with the continuous mining and movement of coal. The halting of our rail transportation system not only stops the movement of coal to market areas but also production.

On August 6 two other important coal carrying railroads, the B. & O. and the C. & O., will be added to the Norfolk & Western. These two carriers are also heavy movers of coal as well as other vital products, such as steel and chemicals. Clearly, there are other essential goods whose shipment will be halted during a rail stoppage. I have emphasized the products which move from our State of West Virginia and have a national impact.

I underscore and I speak with vigor about the necessity of standby authority for the President of the United States. This resolution is not designed to thwart collective bargaining—not in any wise to be interpreted as an effort to stop negotiations. Rather, it enables us, during the period when apparently Congress will be in recess, to achieve a responsible position as a legislative body and as individuals.

I think we need to witness, as much as anything in this Nation today, a rebirth of responsibility on the part of individuals as well as collective bodies, cluding Government.

Through this emergency legislation we will be fulfilling our grave obligation to protect the health and safety of our Nation.

Mr. JAVITS. Mr. President, I am very grateful to my colleague for his remarks and his cosponsorship. It is critically important that our approach on this matter be bipartisan, or rather non-partisan; and the statement of so eloquent a spokesman for the workmen of the United States fortifies my belief that this effort shall not disturb the collective bargaining process.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BYRD of Virginia. Mr. President, the figures submitted by the Senator from New York are disturbing. I do not know what the Senator's resolution proposes, but I am wondering whether the Senator feels, in the event these strikes are not settled, some question as to whether it is wise for Congress to go into recess, or whether we should be here on the job if the railroads of this country are coming to a halt.

Mr. JAVITS. I would say that my colleague from Virginia speaks in the high tradition that he has himself established and that his family name implies.

I think we simply have to see what happens. I have suggested a way in which someone may be vested with the authority during the recess. Let us re-

member that no power on earth can put 600,000 men back to work who do not want to work.

Railroad workers have shown real patriotism. No matter how angry they may have been at their conditions, or at the frustration of not being successful in collective bargaining, they have traditionally responded when we have called, and I believe that it can be effective to give this authority for a very short time to the President.

As I say, it can be effective; it is not necessarily the optimum, but we will have to judge, all of us and the President, on the basis of what we face next week, as to whether what would be a rather reluctant decision for so many Members has to be made.

My position was to find something which would seize the appropriate committee of the subject, and I believe this resolution—as I believe the Senator from Virginia will be satisfied when he reads it—will seize the appropriate committee of the subject.

Beyond that, I simply cannot state.

Mr. BYRD of Virginia. I thank the Senator from New York, and I shall read his resolution with great interest. I hope that it will solve the problem, because many plans have been made by many Members. But I still feel that if the transportation system of our Nation has ground to a halt, it is somewhat doubtful whether Congress should go into recess.

I thank the Senator from New York.

The PRESIDING OFFICER (Mr. BIBLE). The resolution will be received and appropriately referred.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

"EXECUTIVE PRIVILEGE" OF SENATE FOREIGN RELATIONS COMMITTEE?

Mr. MILLER. Mr. President, the Senate Foreign Relations Committee is reported to have voted yesterday to hold up the entire foreign aid bill in an effort to force the Secretary of Defense to provide the committee with his Department's 5-year plan for foreign military assistance.

This is but another example of the committee's increasing disaffection over the claims of "executive privilege" which have been asserted from time to time over the last several years by successive administrations.

The committee has sought to have the President's Assistant for National Security Affairs testify before it without success, and only yesterday former Ambassador Averell Harriman testified that he could see no good reason why Dr. Henry Kissinger should not be willing to accede to the committee's wishes.

As far as long-range plans for military assistance are concerned, I can see no good reason why these should not be made available, on a confidential basis, to the proper congressional committee Whether that committee should be the Foreign Relations Committee or the Armed Services Committee is something for the two committees to work out between them, and, failing that, for the full Senate to determine.

Also, I am inclined to agree with former Ambassador Harriman, especially if the testimony of the President's Assistant for National Security Affairs is kept confidential and as long as the questions put to him before the Foreign Relations Committee are relevant to that committee's jurisdiction. Similarly, it seems to me that he should be willing to testify, certainly on a confidential basis, before the Senate Armed Services Committee with respect to matters relevant to that committee's jurisdiction.

I might point out that the President's Counselor for the Office of Management and Budget, Dr. George Schulz, has testified before several committees of the Congress on many occasions.

But while I am about it, there are some of the Members of the Senate who are wondering whether the Senate Foreign Relations Committee has developed an "executive privilege" of its own with respect to the other Members of the Senate. I refer specifically to the fact that the Senate Foreign Relations Committee received copies of the Pentagon papers from Daniel Ellsberg nearly a year and a half before the rest of the Members of the Senate found out about them from the newspapers. Why were these kept from the rest of the Senate all that time? Certainly the Senate could have been called into secret session to be told about them. I believe the Foreign Relations Committee owes an explanation to the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

U.S. METRIC STUDY INTERIM REPORT ENTITLED "TESTIMONY OF NATIONALLY REPRESENTATIVE GROUPS"

A letter from the Secretary of Commerce, transmitting, pursuant to law, a U.S. Metric Study Interim Report entitled "Testimony of Nationally Representative Groups" (with an accompanying report); to the Committee on Commerce.

REPORT ON ADMINISTRATION OF FOREIGN AGENTS REGISTRATION ACT

A letter from the Attorney General, transmitting, pursuant to law, a report on administration of the Foreign Agents Registration Act, for the calendar year 1970 (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improved Controls Needed Over Extent of Care Provided by Hospitals and Other Facilities to Medicare Patients," Social Security Administration, Department of Health, Education, and Welfare, dated July 30, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Savings Availably by Transferring Army Inventory Accounting From Stock Funds to Industrial Funds at Installation Level," dated July 30, 1971 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

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

"ASSEMBLY JOINT RESOLUTION No. 35

"Relative to the retention of judge advocates and law specialist officers for the armed forces

"Whereas, There is under consideration in the Congress of the United States federal legislation which is designed to amend Title 37, United States Code, and to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces; and

"Whereas, The California Legislature in 1969 adopted a resolution which memorialized the Congress of the United States to enact appropriate legislation to provide for the procurement and retention of judge advocates for the armed forces, and the same resolution expressed approval of the subject matter and the contents of the then pending federal legislation which sought to achieve the desired result; and

"Whereas, The currently pending federal legislation is designed to further the retention of judge advocates of the Army, Navy, Air Force, and Marine Corps and of law specialists of the Coast Guard, because the retention rate of legal officers by the armed services is now dangerously low and legal careers with the armed forces should be made more financially acceptable; and

"Whereas, The Military Justice Act of 1968 has extended to service personnel the right-to-counsel safeguards which the United States Supreme Court in recent years has granted to defendants charged with crime in the civil courts, and the same statute requires the armed services to provide qualified and experienced lawyers as military judges in trials by special and by general courts-martial, and the four military services are very hard pressed to obtain and retain at least 700 additional military lawyers in order to satisfy the requirements of the statute; 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 Congress of the United States to enact early appropriate legislation approving the procurement and retention of judge advocates and law specialist officers for the armed forces; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman of the Senate Committee on Armed Services, to the Chairman of the House Committee on Armed Services, to the Secretary of Defense and the respective Secretaries of the Army, Navy, and Air Force, and to the executive secretary, Judge Advocates Association."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO DISCONTINUE FOREIGN AID TO OPIUM-PRODUCING COUNTRIES

"Whereas, Heroin is the greatest single cause of death of persons between the ages of eighteen and thirty-five in New York City; and

"Whereas, Federal Law Enforcement Agencies estimate that the economic cost of heroin addiction in the United States approaches eight billion dollars annually; and

"Whereas, It is estimated that eighty per cent of the heroin in America comes from opium grown in Turkey which in turn receives two hundred million dollars in foreign aid; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to discontinue foreign aid to opium-producing countries; and be it further

"Resolved, That a copy of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, July 21, 1971."

A resolution of the Legislature of Guam; to the Committee on Appropriations:

"RESOLUTION NO. 211

"Relative to requesting the United States Congress to appropriate funds to the government of Guam pursuant to the Guam Development Fund Act of 1968.

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the Senate and House of Representatives of the United States of America enacted Public Law 90-601, 90th Congress, S. 1763 on October 17, 1968, which Public Law was designated the Guam Development Fund Act of 1968; and

"Whereas, the Guam Development Fund Act of 1968 authorized an appropriation to the Secretary of the Interior in the sum of Five Million Dollars ($5,000,000.00) to be paid to the government of Guam for the purpose of promoting economic development in the territory of Guam; and

"Whereas, the government of Guam has complied with the provisions of the Guam Development Fund Act of 1968 by submitting to the Secretary of the Interior a plan for the use of such funds, which plan met the requirements of Section 3 of the Guam Development Fund Act of 1968, by designating an agency for the administration of the plan, by setting forth the policies and procedures to be followed in furthering the economic development of Guam, and by setting forth fiscal control and fund accounting procedures necessary to assure proper disbursement, repayment, and accounting for such funds; and

"Whereas, the need for the funds authorized to be appropriated are substantial, there being many possibilities for economic development in Guam which require either costly investigation or long term investment before being realized; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully petition and request the Congress of the United States to appropriate the necessary funds provided for under the Guam Development Fund Act of 1968; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate, to the Speaker of the House of Representatives, to the Chairman of the Senate Committee on Interior and Insular Affairs, to the Chairman of the House Committee on Interior and Insular Affairs, to the Secretary of the Interior, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted on this 2nd day of July, 1971."

A resolution adopted by the Osage Tribal Council, Pawhuska, Okla., praying for the enactment of legislation to create a new post of Assistant Secretary for Indian Affairs in the Department of the Interior; to the Committee on Interior and Insular Affairs.

A resolution adopted by the City of Pawtucket, R.I., praying for the enactment of legislation relating to exclusion from the mails of certain material offered for sale to minors; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Appropriations, with amendments:

H.R. 10090. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-327).

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

H.R. 9844. An act to authorize certain construction at military installations, and for other purposes (Rept. No. 92-326).

By Mr. HOLLINGS, from the Committee on Commerce, with amendments:

H.R. 2587. An act to establish the National Advisory Committee on the Oceans and Atmosphere (Rept. No. 92-333).

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, without amendment:

S. 959. A bill to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona (Rept. No. 92-329); and

S. 960. A bill to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona (Rept. No. 92-330).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, without amendment:

S. 74. A bill to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota (Rept. No. 92-328).

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

S. 602. A bill to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket numbered 50233, U.S. Court of Claims, and for other purposes (Rept. No. 92-334).

By Mr. METCALF (for Mr. ANDERSON), from the Committee on Interior and Insular Affairs, with amendments:

S. 447. A bill to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes (Rept. No. 92-332).

By Mr. STEVENSON, from the Committee on the District of Columbia, without amendment:

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes (Rept. No. 92-322);

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes (Rept. No. 92-321);

H.R. 2894. An act to incorporate the Paralyzed Veterans of America (Rept. No. 92-323);

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000 (Rept. No. 92-324); and

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest (Rept. No. 92-325).

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 6638. An act to amend the Act of August 9, 1955, relating to school fare subsidy for transportation of school children within the District of Columbia (Rept. No. 92-320).

By Mr. MANSFIELD (for Mr. FULBRIGHT), from the Committee on Foreign Relations:

S. Con. Res. 38. An original concurrent resolution commending the President for initiating a proposed "Journey for Peace." Ordered to be placed on the calendar.

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

S. 18. A bill to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty (Report No. 92-319).

By Mr. NELSON, from the Committee on Labor and Public Welfare, with an amendment:

S. 2007. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes (with supplemental and individual views) (Rept. No. 92-331).

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. MONDALE:

S. 2379. A bill for the relief of Esther Ramos Pechada. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2380. A bill to amend the act of November 5, 1966 (80 Stat. 1309), providing for the establishment of the Indiana Dunes National Lakeshore, and for other purposes. Referred to Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 2381. A bill for the relief of En Foo Chi. Referred to the Committee on the Judiciary.

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

S. 2382. A bill to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek. Referred to the Committee on Post Office and Civil Service.

By Mr. BURDICK (for himself, Mr. HRUSKA and Mr. MATHIAS):

S. 2383. A bill to amend certain provisions of chapter 311 of title 18, United States Code, relating to parole. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2384. A bill to amend section 612 of the

Federal Aviation Act of 1958, relating to airport operating certificates, in order to authorize and direct the Secretary of Transportation to provide financial assistance to certain small airports to cover the cost of acquiring, installing, operating and maintaining facilities and equipment required by such a certificate. Referred to the Committee on Commerce.

By Mr. MONDALE:

S.J. Res. 143. A joint resolution relating to peace for Pakistan. Referred to the Committee on Foreign Relations.

By Mr. JAVITS (for himself, Mr. RANDOLPH, and Mr. DOMINICK):

S.J. Res. 144. A joint resolution to provide the President with emergency powers to act with respect to the current railway labor-management dispute. Referred to the Committee on Labor and Public Welfare.

By Mr. TOWER:

S.J. Res. 145. A joint resolution to designate the period beginning June 18, 1972, and ending June 24, 1972, as "National Engineering Technicians Week." Referred to the Committee on the Judiciary.

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

S.J. Res. 146. A joint resolution to repeal Public Law 87–733. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARTKE:

S. 2380. A bill to amend the act of November 5, 1966 (80 Stat. 1309), providing for the establishment of the Indiana Dunes National Lakeshore, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

INDIANA DUNES NATIONAL LAKESHORE EXPANSION

Mr. HARTKE. Mr. President, today I introduce legislation for the purpose of expanding the existing boundaries of the Indiana Dunes National Lakeshore. It has been 5 years since Congress approved legislation creating that lakeshore, but at that time certain prime natural lands were not incorporated within the boundaries of the park. On the basis of studies and observations by respected naturalists, geologists, and authorities in other pertinent fields, along with concerned private citizens, and allied conservation groups it has now become obvious that carefully selected additions must be made to the present lakeshore area, and as quickly as possible.

The areas recommended for inclusion are designed to make the park more unified, viable and safe from future encroachments. Most of the areas were part of the original park proposals and early bills. I believe the additions incorporated within this legislation make sense, are in accord with sound land use policy, and are favorable to the healthy development of the entire region and the quality of life for its people.

Mr. President, this legislation affords us an opportunity to save additional areas of unique conservation value and to assure full realization of the lakeshore's purpose. It is an opportunity that exists now, but, if lost, will not come again. Therefore, I hope the Congress will approve these additions to the Indiana Dunes National Lakeshore, thereby conserving this unequaled natural resource for the present and the future.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 2380

A bill to amend the Act of November 5, 1966 (80 Stat. 1309), providing for the establishment of the Indiana Dunes National Lakeshore, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of November 5, 1966 (80 Stat. 1309), providing for the establishment of the Indiana Dunes National Lakeshore, is amended as follows:

(a) by deleting "'A Proposed Indiana Dunes National Lakeshore', dated September 1966, and bearing number 'LNPNE–1008–ID'" from the last sentence of section 1 and inserting in lieu thereof "'Boundary Map, Indiana Dunes National Lakeshore', dated July 1971, and bearing the number '626–91001'";

(b) by redesignating subsection 2(b) as 2(d) and amending the first clause thereof by deleting the words ". . . under subsection (a) of . . ." and inserting in lieu thereof the words ". . . and scenic easements under . . ."

(c) by adding new subsections 2(b) and 2(c), as follows:

"(b) The Secretary may acquire scenic easements over any lands within the area designated 'Conservation Easement Area' on the map described in section 1 of this Act: *Provided,* That the Secretary may acquire such scenic easements by condemnation only upon his certification that

"(1) it is necessary and appropriate to protect the scenic value of the lakeshore and its immediate vicinity;

"(2) he has made reasonable efforts in good faith to provide such protection through voluntary methods of conference and negotiation or the acquisition of such interests as are necessary to provide such protection by negotiated purchase or donation, but that such efforts have been unsuccessful; and

"(3) he has furnished at least sixty days notice to the party or parties in interest of his intention to utilize the authority provided under this subsection to acquire such scenic easements by condemnation.

"(c) in any instance in which the Secretary determines that the cost of acquiring a scenic easement pursuant to subsection (b) of this section will exceed 25 percent of the cost of fee simple acquisition, he may acquire fee title to the property and shall thereafter utilize the authority contained in section 5(a) of the Act of July 15, 1968 (Public Law 90–401; 82 Stat. 354) to convey a freehold interest in such property, retaining for the United States only such interests as are deemed necessary by him to carry out the purposes of this Act."

(d) by revising the first sentence of subsection 4(b) by inserting between the words "before" and "January 4, 1965" the words ". . . January 1, 1970, or, in the case of improved property located within the boundaries delineated on a map identified as 'A Proposed Indiana Dunes National Lakeshore', dated September 1966, and bearing the number 'LNPNE–1008–ID', which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, before . . ."

(e) by revising section 10 to read as follows:

"SEC. 10. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act."

By Mr. BURDICK (for himself, Mr. HRUSKA, and Mr. MATHIAS):

S. 2383. A bill to amend certain provisions of chapter 311 of title 18, United States Code, relating to parole. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I am introducing for myself, Mr. HRUSKA, and Mr. MATHIAS, today, legislation designed to expand and create opportunities for the rehabilitation of criminal offenders. In recent months, I have witnessed the emergence of a new mood in this Nation based upon a realization that the fundamental problem of crime is the recidivist—the repeated—who is not corrected by our correctional system. The cost of recidivistic crime to our society in terms of life, limb, property, taxes and earning power is billions of dollars every year. Most crimes committed in this country are committed by "graduates" of our institutions of criminal justice. It is time that we reassess our correctional strategy to make a maximum possible effort toward rehabilitation.

There will be no panaceas for rehabilitating offenders. It will be necessary for us to bring all possible resources together in our efforts to treat the offender. And we must treat each offender as an individual, so that as many as possible can and do reconstruct their lives in such a way that they will reenter society to behave lawfully.

In the last Congress, we enacted Public Law 91–492, which provided one step toward meeting these goals. This vital legislation provided the opportunity for parolees and probationers to be referred to halfway houses when their supervising officers saw need for it. This was not only a step toward providing the necessary working level linkages of our probation and parole authorities with the institutions, but enabled these officers to tailor a treatment program to the needs of the individual. I envision the legislation which is being introduced today as a next vital step on the pathway toward achieving these same goals.

Our experiences have demonstrated that there is a need for correctional authorities to have sufficient latitude to release an offender to the community when the evidence has accumulated that the individual is ready to be released. There is a different point at which prison experience has had its maximum effect for each offender.

When an offender is held in an institution long beyond his optimum time for release, he may become bitter and express this bitterness when he finally is released by further aggressive acts against society.

Legislation which I introduce today gives the Bureau of Prisons new authority to recommend parole for individual offenders when they are ready for release to halfway houses and to their communities under appropriate supervision. It gives the board of parole latitude to approve release at an earlier point in the

sentence of certain prisoners when the circumstances in the case warrant it. However, a fourth condition which the prisoner must meet before he can be recommended and approved for parole would be added to the statutes, requiring that the individual must make a positive effort toward his own rehabilitation before he is eligible for parole release at any point.

The language of this bill preserves all existing options for the sentencing judges to determine length of sentence, including a minimum length if in the discretion of the court it is warranted.

I cannot state with any degree of certainty that this legislation would reduce crime by 1 percent or by 2 percent or by any stated percentage. I do not believe that this or any other piece of legislation will present quick or painless answers to the problems of crime in this Nation. But I believe that the concept embodied in this legislation is essential to give our correctional authorities an additional tool to deal with criminal offenders.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an analysis of the bill.

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

ANALYSIS

SEC. 1. Amends 18 U.S.C. 4202 to provide eligibility for parole within the discretion of the U.S. Board of Parole after completion of one year of sentence for certain sentences longer than three years duration; retains minimum sentence of fifteen years for life terms.

SEC. 2. Amends subsection (a) of 18 U.S.C. 4203 giving authority for the Bureau of Prisons to prepare studies of inmates and make recommendations to the Board of Parole; recodifies three present criteria for the Board of Parole to apply in exercising its jurisdiction, adds a fourth condition, that the individual must have made positive efforts towards his own rehabilitation.

SEC. 3. (a) Continues present authority of sentencing judge to impose a minimum term during which a prisoner may not be eligible for parole.

SEC. 3. (b) Provides for the Bureau of Prisons to prepare the report and recommendation to the Board of Parole for all prisoners eligible for parole.

SEC. 4. Leaves unchanged existing mandatory minimum sentences for certain crimes.

Mr. HRUSKA. Mr. President, it is with pleasure that I join as cosponsor on the bill introduced by the junior Senator from North Dakota (Mr. BURDICK), chairman of the Subcommittee on Penitentiaries of the Committee on the Judiciary. The bill he introduces is designed to amend certain provisions of chapter 311, section 4202, of title 18 relating to parole.

The bill would make the present indeterminate sentence option now available to judges the first option and would further make the fixed term sentence the second or less preferred option. In addition, the bill would add as a requirement for eligibility for parole at the discretion of prison officials that the prisoner must have made positive efforts toward his own rehabilitation.

The bill treats with sentencing, which is a part of the title on that general subject contained in the report of the National Commission on Reform of Federal Criminal Laws. Report of that Commission was made earlier this year. It is now being considered by the Subcommittee on Criminal Laws and Procedures, of which the senior Senator from Arkansas (Mr. MCCLELLAN) is chairman. Some hearings have already been held on it. Others are scheduled.

It is well that the Senator from North Dakota proposes this amendment to section 4202 of title 18, because thereby we will have a specific proposal on this point when the attention of the Subcommittee on Criminal Laws and Procedures will be focused on that part of the National Commission's report dealing with sentencing.

The Senator from North Dakota should be commended for his attention to this particular point. It will be of assistance and guidance in consideration of this subject.

By Mr. BURDICK:

S. 2384. A bill to amend section 612 of the Federal Aviation Act of 1958, relating to airport operating certificates, in order to authorize and direct the Secretary of Transportation to provide financial assistance to certain small airports to cover the cost of acquiring, installing, operating, and maintaining facilities and equipment required by such a certificate. Referred to the Committee on Commerce.

Mr. BURDICK. Mr. President, airport safety was one of the primary concerns of all of us when we passed the Airport and Airways Safety and Development Act last year. Under this act, the FAA Administrator was empowered to require that airports serving air carriers certificated by the CAB obtain an "airport operating certificate." The operating certificate was to be issued upon conditions "reasonably necessary to assure safety in air transportation."

The FAA has now published its notice of proposed rulemaking to enforce this section of the 1970 act (docket No. 10607, notice 71–14). The financial burden of complying with the proposed conditions for the issuance of an airport operating certificate has placed in serious jeopardy the continued existence of many of our Nation's airports.

I do not question the wisdom or necessity of the FAA guidelines as presently proposed, although I am assured they are undergoing wide-ranging review prior to final promulgation.

However, what has become clear since the proposed regulations were published is that a vital link in our airways system—the airport serving our smaller communities—may not survive even a relatively modest increase in their cost of operations and certainly not an increase of the magnitude that would be required to comply with the airport certification requirements now being proposed by the FAA. These airports must provide most of the services offered by large airports. On snowy days, their runways must be cleared. In times of crisis, they must be able to respond to the call. Yet, most of them are operated on annual budgets of less than $100,000. Most of these airports have reached a point of desperation.

For these reasons, I am introducing an amendment to provide full Federal funding of the costs of the acquisition, installation, operation, and maintenance of the equipment and facilities which the FAA may require of small airports for the issuance of an operating certificate. This assistance would be available only to airports which enplane less than 0.25 percent of the country's total passenger enplanements.

This would include the vast majority of our airports. Of approximately 540 air carrier airports, some 463 are small hubs or nonhubs. These airports enplane only a small percentage of total U.S. passengers in a given year, but they are a necessary ingredient in our national air transportation policy.

Such airports are especially vital to a State such as North Dakota. North Dakota presently receives certificated air service at seven airports. In today's air age, it is imperative that this service be maintained and enhanced.

Available information indicates that air service to communities such as those in North Dakota cannot be maintained without the assistance urged in my bill.

Take, for example, the airport at Williston, N. Dak. Williston is the sixth largest city in North Dakota, with a population of 11,280. Williston serves as the hub for a thriving North Dakota oil producing industry. Air service is essential. The director of the North Dakota Aeronautics Commission, Harold Vavra, has informed me that it would cost Williston $99,000 annually to comply with the airport certification requirements now being proposed. This represents a total of $30.28 per passenger boarding on the CAB-certificated airline at Williston. This is more than the $30 average passenger fare per boarded passenger. Mr. Vavra has furnished me information indicating that similar situations exist in all North Dakota airports. I ask unanimous consent that the July 12, 1971, letter of the North Dakota Aeronautics Commission to the Federal Aviation Administration be printed in the RECORD following my remarks.

Mr. President, I believe the program created in the bill I introduce today is both justified and needed.

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

STATE OF NORTH DAKOTA
AERONAUTICS COMMISSION,
Bismarck, N. Dak., July 12, 1971.

FEDERAL AVIATION ADMINISTRATION,
OFFICE OF GENERAL COUNSEL,
Washington, D.C.

Attention: Rules Docket GC–24.

Subject: Comments—Airport Operating Certificates Docket No. 10607. "Notice of Proposed Rulemaking #71–14".

DEAR SIRS: In accordance with the Federal Aviation Administration's Notice of Proposed Rule Making No. 71–14, published May 14, 1971 in the Federal Register under Docket No. 10607, I request that the following late filed response of the North Dakota Aeronautics Commission be accepted as part of the record of this proceeding. Because of matters beyond my control, it was impossible to deliver this response in Washington, D.C. by July 13, 1971.

PART 139.49 "AIRPORT FIREFIGHTING AND RESCUE EQUIPMENT"

The State of North Dakota has a total of seven public airports served by Civil Aeronautics Board certificated scheduled airlines.

These seven public airports serviced by CAB certificated airlines are all non-hub type airports based upon their annual passenger enplanements with the exception of Fargo, N.D., which is a small hub.

The seven airline airports in North Dakota served by CAB certificated carriers, enplaned the following passengers during calendar year 1970:

CITY, 1970 PASSENGER ENPLANEMENTS, AND TYPE OF AIRLINE EQUIPMENT

Bismarck/Mandan, 55,364, Boeing 727–100; Boeing 727–200; Convair 580; Boeing 737–200.

Devils Lake, 2,450, Convair 580 prop jet.

Fargo, 86,843, Boeing 727–100; Boeing 727–200; Convair 580.

Grand Forks, 47,586, Boeing 727–100; Boeing 727–200; Douglas DC–9.

Jamestown, 3,700, Boeing 727–100 and Boeing 727–200.

Minot, 37,215, Boeing 727–100 and Boeing 737–200; Douglas DC–9.

Williston, 3,598, DeHavilland Twin Otter Prop Jet.

COST OF FIRE & RESCUE SERVICE PER ENPLANED PASSENGER IS PROHIBITIVE—WILLISTON, N.D.

Proposed Part 139.49 proposes rule making that a city such as Williston, N.D., with about 3,598 annual passenger enplanements with small (less than 12,500#) DeHavilland Twin Otter Prop Jet aircraft service, with less than five scheduled departures daily, will be required to provide INDEX no. 1 firefighting and rescue equipment and service. These aircraft gross less than 12,500 pounds max gross, but are operated by a CAB certificated airline.

The cost of the firefighting and rescue equipment and building to house same under INDEX No. 1 is estimated at a minimum of $90,000. The cost of personnel on a seven day per week basis is estimated at $50,000. Amortizing the $90,000 cost over a period of ten years, at a cost of $9,000 per year, plus $50,000 in salaries, levels out to an annual cost of about $59,000. This figures out at a cost to the City of Williston, N.D. of $16.40 (fire and rescue protection) per each enplaned passenger at the Williston Airport. This excessive amount by any standards of measurement is *highly unreasonable, unjust and not in the public interest.*

The additional costs to comply with proposed Section 139.67 public protection for persons and animals such as periphery cyclone fencing around the airport, plus security personnel and provision for emergency runway lights would add a minimum of an additional $40,000 per year operating expense which represents a total additional overhead annual expenses of $99,000 when applied against the annual enplanement of 3,600 passengers at Williston, N.D., will cost the City of Williston, N.D. a total of $30.28 per each enplaned passenger boarding the CAB certificated airline.

The average passenger fare per boarded passenger at Williston is about $30.00, compared with fire, rescue and security costs of $30.28 per each boarded passenger. There is absolutely no economics in this proposed rule making as it applied to non-hub airports and if adopted as proposed, will serve only one purpose, which is to decertificate and eliminate scheduled airline service to Williston, North Dakota, now provided by a CAB certificated airline.

Section 51 of the Airport and Airway Development of 1970, which is now Section 612 of the Federal Aviation Act of 1958, which is an act of Congress, states that the Federal Aviation Administration shall prescribe such terms, conditions and limitations as are *reasonably necessary,* to assure safety in air transportation. The foregoing clearly shows that the proposed regulations are not only unreasonable as they apply to small non-hub airline airports, but will serve the principal purpose of abolishing CAB certificated airline service to Williston, N.D. and to hundreds of other small non-hub airports in the United States.

DEVILS LAKE, N. DAK.

Devils Lake, N.D. is served by North Central Airlines with one turn-around Convair 580 prop jet service per day (one landing and one take off per day). During calendar year of 1970, Devils Lake enplaned 2,450 airline passengers, during which time Devils Lake was served with two round trips per day. Effective June 1, 1971, North Central suspended one round trip per day leaving the City with only one round trip per day. It is forecasted that with one round trip per day that Devils Lake's passenger boardings will drop to an estimated 1,200 during calendar year 1971.

The cost of firefighting and rescue equipment and necessary building to house equipment and fire fighting personnel sited upon the Devils Lake Municipal Airport is estimated at $90,000. The cost of personnel to man the equipment on a seven day a week basis, is estimated at $50,000. Amortizing the $90,000 cost over a period of ten years, sets up a cost of $9,000 per year for this item, plus $50,000 in salaries, which totals to an annual cost of $59,000.

This figures out at a cost to the City of Devils Lake of $49.17 (fire and rescue service) per each enplaned passenger boarding the CAB certificated airline at the Devils Lake Municipal Airport.

Additional costs to comply with proposed Section 139.67 (Public protection for persons and animals) would include airport periphery cyclone fencing plus airport security personnel and provisions for emergency runway lights (these are in addition to regular runway lights) would add a minimum additional cost of $40,000 per year operating expenses. The combined added annual expenses total $99,000 when applied against the annual passenger boardings of 1,200, the cost to the City of Devils Lake will add up to $82.50 per boarded passenger at the Devils Lake Municipal Airport for the privilege of boarding a CAB certificated airline there.

The average passenger fare per boarded passenger at Devils Lake is about $41.00, the fare to Minneapolis, Minnesota. The cost of providing passenger security, fire protection under the proposed FAA rule is forecasted at better than twice the gross ticket revenue produced by each boarding passenger on North Central Airlines.

It is obvious that a federal regulation that imposes such a cost burden upon the City of Devils Lake could have only one objective, which is to eliminate in its entirety, scheduled airline service at Devils Lake, N.D. presently provided by a CAB certificated airline.

JAMESTOWN, N. DAK.

Jamestown, North Dakota is served by Northwest Airlines, Inc., with Boeing 727–100 aircraft with three departures daily. During the 1970 calendar year, Jamestown boarded 3,700 passengers.

Jamestown, N.D. under Part 139.49, as proposed, falls in INDEX No. 3, but due to the fact that Jamestown has less than five departures per day, Jamestown automatically falls into INDEX No. 2 for standards for fire fighting and rescue equipment.

Here again, the annual cost for fire fighting and rescue personnel and amortization charges for equipment and a new building upon the airport is estimated at $120,000.

This figures out at a cost to the City of Jamestown, N.D. of $32.43 (fire and rescue service) per each enplaned passenger boarding the CAB certificated airline at the Jamestown Municipal Airport.

Additional costs to comply with proposed Section 139.67 (Public protection for persons and animals) would include airport periphery cyclone fencing plus airport security personnel and provisions for emergency runway lights (these are in addition to the high intensity regular runway lights), would add a minimum additional cost of $50,000 per year operating costs. The combined added annual expenses total $170,000 when applied against the annual passenger boardings of 3,700, the cost to the City of Jamestown will add up to $46.00 per boarded passenger at the Jamestown Municipal Airport for the privilege of boarding a CAB certificated airline there.

The average passenger fare at Jamestown is $35.00, while the cost of fire, rescue and security would be greater compared with the gross passenger revenue by $11.00 per boarded passenger.

BISMARCK, N. DAK.

Bismarck/Mandan is served by Frontier, Northwest and North Central Airlines. These airlines utilize Boeing 727–100; Boeing 727–200; Boeing 737–200 and Convair 580 turbo prop aircraft.

During the 1970 calendar year, Bismarck/Mandan boarded a total of 55,364 airline passengers. The Bismarck Municipal Airport has more than five scheduled departures daily, therefore comes under Index III, for aircraft not more than 160 ft. long.

The cost of fire fighting and rescue equipment and necessary airport building to house equipment and fire fighting personnel at the Bismarck Municipal Airport is estimated at $200,000.

The cost of wages for personnel to man the equipment on a seven day week basis is estimated at $150,000. Amortizing the $200,000 capital cost over ten years, will result in an annual direct operating expense for the Bismarck Municipal Airport of $170,000 per year.

This figures out at a cost to the City of Bismarck of $3.07 (fire and rescue service) per each enplaned passenger, boarding the CAB certificated airlines at the Bismarck Municipal Airport.

Additional operating costs to comply with Section 139.67 (Public protection for persons and animals) would include airport periphery cyclone fencing plus airport security personnel and provisions for emergency runway lights (these are in addition to regular high intensity runway lights) on a fully amortized and annual cost basis estimated at $50,000. The combined total annual operating expenses, $50,000 plus $170,000 totals $220,000, when applied against the annual passenger boardings of 55,364, the cost to the City of Bismarck will add up to $4.00 per boarded passenger at the Bismarck Municipal Airport.

FARGO-GRAND FORKS AND MINOT, NORTH DAKOTA

Proposed Part 139 would also impose unreasonable costs upon the airline cities of Fargo, Grand Forks and Minot, considering that these three cities are also non-hub type airports. The cost to each City would be in the range of $4.00 to $6.00 per enplaned passenger on the CAB certificated airlines serving these cities.

CONCLUSION

Because of the *unreasonable costs* involved in the compliance with proposed Part 139 "Airport Operating Certificates", at all *non-hub* and *small hub airline airports* in North Dakota and the United States, I propose that the Federal Aviation Administration amend its proposed Part 139 to grant a permanent waiver to all airline airports in the non-hub and small hub category, which would waive or exempt all airline airports being served by CAB certificated airlines from compliance with the following proposed regulations in Part 139:

FULL WAIVERS FOR THE FOLLOWING PARTS ON NON-HUB AND SMALL HUB AIRPORTS

Part 139.47(b)—Installation of emergency runway lighting system in addition to primary runway lighting system.

Part 139.49—Airport fire fighting and Rescue Equipment and Service.

Part 139.51—Handling and storing hazardous articles and materials.

Part 139.67—Public Protection.

Part 139.71(b)(7)—Coefficient of friction measurement equipment.

Part 139.83(b)—Measure runway slipperiness for various seasons.

Part 139.83(b)(1)—Part 139.83(b)(2)—Part 139.83(b)(3): Coefficient of friction.

Part 139–85—Safety Areas (This Section was not written to consider problems or conditions during high winds in heavy snow areas).

Part 139–89—Airport fire fighting and rescue equipment and service.

Wherefore, the foregoing considered, the North Dakota Aeronautics Commission respectfully requests, due to the unreasonableness of many parts of newly proposed Part 139, that:

(1) All non-hub and small hub airports (as defined in Airport Activity Statistics of Certificated Route Air Carriers), be completely exempted from newly proposed Part 139, or if the Federal Aviation Administration refuses to amend its proposed Part 139 to accomplish such an exemption, then that permanent waivers be granted in Part 139 to all non-hub and small hub air carrier airports waiving the effectiveness of eleven parts of subparts listed.

Respectfully submitted,

HAROLD G. VAVRA,
Director.

By Mr. MONDALE:

S.J. Res. 143. A joint resolution relating to peace for Pakistan. Referred to the Committee on Foreign Relations.

Mr. MONDALE. Mr. President, even in a world numbed by mass death and suffering, the horror in East Pakistan seems without parallel. Hundreds of thousands have died from disease, starvation, and brutal military repression. According to an authoritative report by the World Bank, even the most immediate efforts will not save hundreds of thousands more from dying of starvation.

And now more than 7 million people are crowded in the hopelessness and squalor of refugee camps in India.

It is as if the population of two States the size of Minnesota had been driven from their homes to an impoverished and disease-ridden exile in a foreign land—or as if the majority of the people in Minneapolis-St. Paul or St. Louis or Denver or San Francisco, had been killed or were about to die.

I think most of us find it very difficult to grasp the sheer magnitude of this tragedy, to understand the almost endless individual tragedies—the loved ones lost, the life work destroyed—which are the life and blood reality of the great statistical disaster.

But I think the American people are coming to understand clearly one element of this tragedy—the unconscionable neglect our own Government has shown for any real effort to alleviate it.

There is no need to recount here the long string of misrepresentations and empty assurances which the United States has made while it went on arming a repressive regime in East Pakistan and maintaining callous silence though millions were in torment.

But it is not too late to summon statesmanship in this ghastly problem. It is not too late to make real the rhetoric we hear so often about this Nation's concern for human life and for a generation of peace.

Congressman FRASER and I are introducing jointly in the House and Senate a resolution declaring that it is the sense of the Congress that the President should move immediately to seek the cooperation of the Soviet Union and the Peoples' Republic of China to work to stop the fighting and dying in East Pakistan.

As the Washington Post observed this morning, bureaucrats will find, as always, a thousand reasons why we should not act. I would only answer, as the Post did, that there are millions of reasons—the millions of men, women, and children whose lives are at stake in East Pakistan—to try this or any other means in an effort to foreshorten this catastrophe.

For the basic potential reality of all this is simple—this country has no interest in the subcontinent which can justify acquiescence in one more death in East Pakistan.

Mr. President, I ask unanimous consent that the editorial from the Washington Post and the text of my resolution be printed at this point in the RECORD.

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

S.J. RES. 143

Whereas the civil strife in East Pakistan has brought the death of hundreds of thousands and great human suffering to millions; and

Whereas the persistence of that strife is a clear and present threat to the peace of the area and thus a potential threat to the peace of the entire world; and

Whereas the President has stated his intention to seek the cooperation of the USSR and the Peoples' Republic of China in building a generation of peace for all mankind;

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That it is the sense of the Congress that the U.S. should urgently seek the diplomatic cooperation of the USSR and the Peoples' Republic of China in a joint effort to enable the Government of Pakistan to take whatever steps may be necessary to end the civil strife in East Pakistan; to return to the area a legally and democratically elected government without prejudice to the policy that government may follow once in power; to facilitate the rapid and unhindered return to their homes and property, without reprisal, of all refugees driven from East Pakistan as a result of the civil strife; and to re-establish, to the extent feasible, conditions affording a prompt resumption of commerce and economic development in East Pakistan.

[From the Washington Post, July 30, 1971]

A PROPOSAL ON PAKISTAN

In Pakistan, the world is witnessing a holocaust unmatched since Hitler—and "witnessing" is the operative word. While hundreds of thousands have died and millions have fled, the world has done little but look on in paralyzed horror, sighing for the victims and offering the survivors among them alms but taking no effective measures to ameliorate even the incontrovertibly international aspect of the tragedy: the forced flight of terrorized Pakistani refugees to India. After the catastrophe of the Nigerian civil war, one might have hoped the international community would have been prepared—in mental outlook, anyway—to prevent a repetition of it. But no.

The great nations with an interest in the subcontinent have been unwilling to halt their separate routine quests for national advantage merely for the sake of reducing the toll of human misery. The Russians are perhaps least to be blamed: they did not have an important position in Pakistan and they have used its agony merely to consolidate their position in India. The Chinese, on the other hand, have adopted a policy of totally craven expediency. They have rejected the Bengalis' cause of popular revolution against an unjust tyranny, and they have encouraged the oppression of the Bengalis by the Pakistani government, even to the point of offering to defend Pakistan against outside (meaning Indian) intervention.

American policy is, for Americans, even more regrettable. For "strategic" reasons which come down to no more than an outmoded habit of military alliance with Pakistan, the United States has kept up a flow of arms and has asked Congress for new economic aid (so far denied), all this under the pretext of gaining a friend's leverage in order to steer the Pakistanis back on a moderate course. There has not been a whit of evidence, however, that the Pakistanis have paid any heed to whatever American urgings may have been privately conveyed. On the contrary, the outpouring of refugees continues, at upwards of 20,000 a day, and the United States is widely blamed for facilitating it.

What are the alternatives? One is an Indian-Pakistani war. This is far from unlikely, in view of the domestic pressures upon both governments. Pakistan's policy of expelling its citizens across the border and India's policy of aiding the Bengali insurgency movement could provide the spark for broader hostilities at practically any moment. Such a war would add new dimensions of despair to the subcontinent, and it would intensify the political play on the Moscow-Peking-Washington triangle.

But, as well, a war would give U Thant and the international community which he represents an opening to deal with the basic problem of Pakistani cruelty. Everyone can see the death by starvation or cholera, in whatever numbers, and perhaps the greatest trans-border migration of peoples in modern history, and the imminent threat of war. Yet none of these has been adequate to mobilize Mr. Thant and the United Nations. But if a few people of one nationality were shot by a few soldiers of another, then the Security Council presumably would meet and the whole ponderous apparatus of international conciliation and problem-muffling might grind into gear.

The other alternative, as we see it, can only come either from an immediate joint appeal to Pakistan by the United States, the Soviet Union and the People's Republic of China or from separate but parallel appeals from these three. They would have to ask and help Pakistan to take the steps necessary to restore normal conditions, difficult—indeed impossible—as that task may seem now. The mechanics of American-Soviet-Chinese pressure are hard for an outsider to imagine (hard for an insider, too, no doubt). Yet it is plain that together the three countries, and only they, have the requisite influence to induce Pakistan to change course, and the problem is to find a way to bring it to bear.

There are, of course, a dozen reasons diplomats and politicians can give you why such a proposal is unrealistic and unworkable. Basically, it would require three extremely wary mutual rivals to collaborate, as they have never done, and to collaborate in an important arena of their rivalry. The argument for trying out the proposal, though, is quite simple: it could spare 10 or 20 or 80 million people terrible additional suffering, not to say—for many of them—their lives. Forlorn or visionary as it may be, no possibility for limiting the effects of the Pakistani tragedy ought to be abandoned out of hand. And if the United States is not to make a real and positive contribution, then

at the least it ought to end its current policy of aid, however limited, to Pakistan.

By Mr. JAVITS (for himself, Mr. RANDOLPH and Mr. DOMINICK):

S.J. Res. 144. A joint resolution to provide the President with emergency powers to act with respect to the current railway labor-management dispute. Referred to the Committee on Labor and Public Welfare.

(Statement in connection with this joint resolution are printed earlier in the RECORD.)

By Mr. TOWER:

S.J. Res. 145. A joint resolution to designate the period beginning June 18, 1972, and ending June 24, 1972, as "National Engineering Technicians Week." Referred to the Committee on the Judiciary.

NATIONAL ENGINEERING TECHNICIANS WEEK

Mr. TOWER. Mr. President, I introduce today a joint resolution which would request and authorize the President of the United States to proclaim the week from June 18 to June 24, 1972, as "National Engineering Technicians Week." This gesture, on the behalf of the American people, would be a sincere expression of our appreciation for the worthy aspirations of the American Society of Certified Engineering Technicians.

The society was formed in 1964. Since that time, this young and aggressive organization has worked hard in establishing the position of the engineering technician. These endeavors have been instrumental in asserting the role of the engineering technician as an integral part of the national and local communities, engaged in sound, professional practices.

The goals of the society are significantly worthwhile. The society desires recognition of its members as a vital component of the engineering and scientific team in the service of the national public welfare. Furthermore, it seeks to promote the educational, social, economic, and ethical responsibilities of the profession.

The society has made great strides toward the achievement of these goals, and I would like to assist it in its efforts. I believe that it is altogether fitting and proper for the achievements of this organization to be recognized by the proclamation of a National Engineering Technician Week in their honor. All of America will be furthered by the realization of their goals.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

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

S.J. RES. 145

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period beginning June 18, 1972, and ending June 24, 1972, is hereby designated as "National Engineering Technicians Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

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

S. 2374. A bill to establish a national program to control air and water pollution and to aid in the preservation of the environmental quality of the Lake Tahoe area. Referred to the Committee on Public Works.

(The above bill was introduced yesterday and referred to the Committee on Public Works. Through an inadvertence the text of the bill was omitted from the RECORD. It reads as follows:)

S. 2374

A bill to establish a national program to control air and water pollution and to aid in the preservation of the environmental quality of the Lake Tahoe area

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 "Lake Tahoe Environmental Quality Act of 1971".

SEC. 2. The Administrator of the Environmental Protection Agency is authorized to enter into agreements with the Tahoe Regional Planning Agency to carry out one or more projects to develop and demonstrate comprehensive water and air pollution control programs in any areas subject to the jurisdiction of the Tahoe Regional Planning Agency. Such demonstration programs and projects shall give special emphasis to environmentally vulnerable areas which are increasingly in demand as popular recreational centers, and shall include:

(a) Preparation of detailed plans for further development and conservation of the region's limited water resources, accompanied by a study of possible alternative sources of water for municipal uses within the Lake Tahoe Basin;

(b) Development of reliable and economical recycling methods and programs of effluent reclamation for municipal and recreational purposes within the Lake Tahoe Basin;

(c) Development of a comprehensive basinwide program for storm sewer collection and treatment, taking into consideration the environmental effects of standard storm-sewer construction methods and exploring alternative methods;

(d) Development of data on the relation of urban development in the Lake Tahoe Basin to soil siltation of streams and its consequent effects upon water quality;

(e) Development of general plans for meeting the demands of user populations within the limits imposed upon the area by its fragile ecology;

(f) Development of an air pollution control program to monitor existing and anticipated air pollution, to assess the impact of automobile and other emissions upon air quality with a view to establishing air quality standards for the future.

SEC. 3. In carrying out this section, the Secretary of the Interior and the Secretary of Agriculture shall cooperate with the Administrator of the Environmental Protection Agency for the purpose of offering for the use of the Tahoe Regional Planning Agency such of the personnel and facilities of the Environmental Protection Agency, the Department of the Interior, and the Department of Agriculture as may be appropriate.

SEC. 4. The Administrator shall review, in consultation with the Tahoe Regional Planning Agency, all expenditures of Federal funds, all Federal insurance, and all Federal guarantees of loans within the area subject to the jurisdiction of the Tahoe Regional Planning Agency, and no such funds shall be expended and no such insurance or guarantees provided unless the Administrator shall certify that such expenditures, guarantees, or loans are consistent with Federal laws governing air and water quality and with the regional plan or plans adopted by such agency.

SEC. 5. The Administrator shall report to Congress not later than June 30, 1974, the results of the demonstration programs and projects authorized by this section together with his recommendations, including any necessary legislation, based upon the findings of the projects in the Lake Tahoe Basin.

SEC. 6. There is authorized to be appropriated $6,000,000 to carry out the provisions of this section, which sum shall be available until expanded.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 400

At the request of Mr. MONDALE, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 400, a bill to establish a Criminal Justice Reform Administration.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Alaska (Mr. GRAVEL), and the Senator from Oregon (Mr. PACKWOOD), were added as cosponsors of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE JOINT RESOLUTION 135

At the request of Mr. TOWER, the Senator from Nevada (Mr. BIBLE), the Senator from Virginia (Mr. BYRD), the Senafrom New Jersey (Mr. CASE), the Senator from Florida (Mr. CHILES), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Montana (Mr. MANSFIELD), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Delaware (Mr. ROTH), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND), were added as cosponsors of Senate Joint Resolution 135, designating National Law Enforcement Officers Day.

SENATE RESOLUTION 160—SUBMISSION OF A RESOLUTION RELATING TO THE U.S. POLICY TOWARD CUBA

(Referred to the Committee on Foreign Relations.)

Mr. FULBRIGHT submitted the following resolution:

S. RES. 160

Resolved, That the President be advised that it is the sense of the Senate that he should take steps to review United States policy toward Cuba with the objective of beginning a process which would lead to the reestablishment of normal relations between the United States and Cuba.

SEC. 2. It is the further sense of the Senate that as a part of this process the United States should support reexamination by the Organization of American States of resolutions of that Organization relevant to Cuba.

SENATE CONCURRENT RESOLUTION 38—ORIGINAL CONCURRENT RESOLUTION REPORTED COMMENDING THE PRESIDENT FOR INITIATING PROPOSED "JOURNEY FOR PEACE"

(Ordered to be placed on the calendar.)

Mr. MANSFIELD, for Mr. FULBRIGHT, reported the following original concurrent resolution:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be and is hereby commended for his outstanding initiative in furtherance of the foreign relations of the United States and world peace by deciding to undertake "a journey for peace" to the People's Republic of China.

Resolved further, That the Congress offer and does hereby offer its full support to the President in seeking the normalization of relations with the People's Republic of China.

AIRWAY MODERNIZATION AND AIRPORT DEVELOPMENT—AMENDMENT

AMENDMENT NO. 347

(Ordered to be printed and referred jointly to the Committees on Finance and Commerce.)

AIRPORT CERTIFICATION REQUIREMENTS MAY CLOSE MANY SMALLER AIRPORTS

Mr. BAKER. Mr. President, the Airport and Airway Development Act of 1970—Public Law 91–258—was historic legislation in many respects. It created a new aviation trust fund to assure that the increased new taxes imposed on users of our Nation's airport and airway system would be used to finance badly needed facilities which would enhance air safety. The House version of the legislation, moreover, contained a provision to require the Administrator of the Federal Aviation Administration to certificate all U.S. airports receiving scheduled airline service no later than May 21, 1972. The Administrator was empowered to establish "minimum safety standards" for the operation of all such airports, and affected airports were not to be certified unless they could comply with the national standards.

The Senate accepted the House provision in conference as a reasonable step to increase the operational safety of our aviation system. Other elements of the system—the aircraft, airmen, controllers—previously had been certified for safety purposes and the airport was a logical addition.

The Federal Aviation Administration rulemaking with respect to the airport on May 14, 1971, published in the Federal Register its notice of proposed operating certificate requirements and noted that comments from the public would be accepted through July 13.

Comments which I have received from airports in the State of Tennessee and across the Nation indicate clearly that some of the minimum safety standards proposed in the notice of proposed rulemaking would be so costly and require such immediate implementation as to require some airports either to close or, at a minimum, to refuse airlines the use of their facilities.

There are approximately 540 commercial air carrier airports; only 25 are in large hubs, 38 in medium, 88 in small and some 375 in the nonhubs. These 375 make up 70 percent of all airports receiving airline service yet combined enplane only about 4 percent of the entire passenger enplanements in the country. Many of these airports have an operating budget below $150,000 a year—some less than $100,000. The proposed matching expenditures in the regulation would more than double the operating cost for many of these smaller airports.

The particular aspects of the FAA proposed rulemaking which seems to concern most communities revolve around the requirements for fire, crash, and rescue equipment and full-time employees to man and operate this equipment. The requirement that this equipment be able to respond any place on the airport operational surface within 3 minutes and the requirement for security fencing around the landing area perimeter are also grave concerns.

The FAA has received approximately 200 comments concerning the proposed regulation from all sizes and category airports. I have been most impressed by the concern and thoroughness with which Mr. Chester Bowers, director of airport service, and Mr. Bass Lockett, chief of the new airport certification group, have undertaken their task of completing the final certification regulation. These men appear keenly aware of the problem besetting our Nation's airports and have assured me that their regulation will be reasonable and contain modifications from the stringent proposal offered earlier this year.

Last week the Commerce Committee reported S. 1437, legislation amending the Airport and Airway Development Act of 1970. With the feeling that it is up to the Federal Government to be sure that loss of service is not the cost of Federal regulation of our Nation's airports, and that the purpose of the airport/airways trust fund is to improve and modernize our airport/airways system, I offer this amendment to S. 1437, Airport/Airways Development Act. It would do the following:

First. Extend the date of airport certification implementation from May 20, 1972, to May 20, 1973, in order to allow the FAA and our Nation's airports the necessary time to establish and comply with reasonable, minimum safety standards. With less than 10 months remaining before the national airport certification program is to be completed, final regulations have not been issued and thus airport sponsors do not yet know what requirements they finally will have to meet. Given the extensive amounts of equipment which undoubtedly will be required, however, and the necessity of obtaining funds for their purchase, a reasonable extension of the present deadline seems quite reasonable.

Second. Make all airport safety equipment and modifications, required as a result of the standards established by the Administrator to obtain an airport operating certificate, eligible for 82 percent Federal participation for funding. Safety equipment and modifications shall include, but not be limited to—airport firefighting and rescue—vehicles, housing, and equipment; lighting required for aircraft operational areas not otherwise eligible for greater Federal participation; equipment required for the security of navigational aids and aircraft operating areas; equipment required to measure and maintain the runway coefficient of friction at a level consistent with minimums set by the Administrator. The Administrator shall establish and maintain a complete list of items eligible for Federal funding under this section.

Third. Reimburse those airports having purchased, or already implementing, safety requirements under the regulation subsequent to May 21, 1970.

While I firmly believe that the airport certification program will, when implemented, provide an added measure of safety to passengers on airline aircraft, to general aviation flyers, and to the public, I am concerned about the short term effect on our national aviation system.

We all know that, partially because of the economic slowdown, airlines have reduced or eliminated scheduled service to many smaller communities. If additional communities are required to refuse airline service because they are financially unable to meet the minimum safety requirements imposed under Public Law 91–258 by the FAA, the cumulative effect on the Nation may be worse still.

Regardless of what standards are set, a major impact will still be felt by our small communities which are presently struggling to retain adequate air service. These communities do not have the resources to finance some improvements this new safety measure will impose, and they certainly cannot pass these costs on to our already financially troubled air carriers, who are presently cutting back, or attempting to eliminate completely, service at many of these small communities.

Mr. President, I have noted a lack of factual data or an authoritative study as to the cost-benefit relationship of firefighting and rescue equipment at airports. I believe it appropriate that this legislation should instigate the National Transportation Safety Board to study the cost-benefit of crash/fire rescue equipment at different size airports. The NTSB should consider:

First. The exposure and post effectiveness of crash/fire rescue at airports.

Second. Alternate means of enhancing airport safety such as visual and instrument navigational aids and control towers at airports presently lacking these devices.

I have obtained a brief and incomplete summary sheet of such data that I ask unanimous consent to have it printed in the RECORD at this point.

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

SUMMARY SHEET—BASED ON A REVIEW OF ALL ACCIDENTS AS REPORTED BY THE CAB BUREAU OF SAFETY AND MORE RECENTLY THE NATIONAL TRANSPORTATION SAFETY BOARD

Year	Total accidents with fire	Accidents on, or accessible from, airports			Number of accidents where CFR might have saved lives
		Total	Fatal	Killed/Injured	
	(1)	(2)	(3)	(4)	(5)
1955	20	8	3	39 1	0
1956	19	9	1	22 2	0
1957	33	20	1	12 2	0
1958	31	16	2	71 23	0
1959	34	15	3	6 0	0
1960	14	4	1	22 10	0
1961	12	8	3	99 13	3
1962	11	7	3	121 14	1
1963	8	4	3	21 31	2
1964	15	8	1	50 17	0
1965	18	10	1	43 49	1
1966	13	5	1	83 4	0
1967	17	11	1	1 1	1
1968	16	7	1	25 24	1

NOTES

Figures for the years 1955–1959 include both air carrier and general aviation (over 12,500 pounds) accidents; 1960–1968, air carrier only.

Col. (1): "Accident" includes all incidents where death, serious injury, or aircraft damage occurred at any time from start of aircraft engines to engine shutdown. The total number of accidents in which fire, of major on minor importance, was present. The total accidents are not those of just scheduled passenger service; they include all accidents in all types of air carrier operations, i.e., scheduled and nonscheduled; revenue and nonrevenue including training; domestic and international; passenger and cargo.

Col. (2): Total number of accidents of those shown in (1) which occurred on or in the immediate vicinity of any airport.

Col. (3): Total number of accidents of those shown in (2) in which occupant fatalities occurred.

Col. (4): Number of aircraft occupants either killed or injured in those accidents shown in (3).

Col. (5): Number of fatal accidents in which it is reasonable to assume that airport-based fire/rescue services might have been a factor in saving lives, assuming adequate services were available at all airports.

Mr. CURTIS. Mr. President, I am joining Senators BAKER and BROCK in the cosponsorship of an amendment to S. 1437 because it is a reasonable, sensible, and practical answer to a very serious problem facing the airports of the Nation, particularly those small airports which provide commercial airline service to the rural areas.

The Federal Aviation Administration has prepared some regulations for implementing the new airport certification requirements that it is administering. The proposed regulations contain some very strict safety requirements. Everyone wants the airports to be as safe as possible.

There has been some criticism to the effect that the proposed requirements are too strict. I am not a technical expert in this field. I do know that the airports of Nebraska, particularly those serving the smaller communities and rural areas, need additional time to meet the proposed requirements, and I do know that some of them have complained to me that the proposed regulations contain stricter safety requirements than they feel they are able to afford.

If these smaller airports cannot meet the requirements under the present law, they run the risk of being put out of business and of giving the Civil Aeronautics Board and the commercial airlines one more reason for cutting back airline service to many of our smaller cities and towns.

I respectfully request permission at this point, Mr. President, to include a letter which I wrote to Mr. John H. Shaffer, Administrator of the Federal Aviation Administration, setting forth my concern in this matter.

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

JULY 21, 1971.

Mr. JOHN H. SHAFFER,
Administrator Federal Aviation Administration, Department of Transportation, Washington, D.C.

DEAR MR. SHAFFER: I am deeply concerned about the airport certification regulations which your agency has proposed and their impact on the small and non-hub airports of the Nation.

It is my studied opinion, based on information which I have received from Nebraska sources, that you are going beyond the intent of Congress and that the regulations if allowed to stand untempered by reason will regulate many of the airports in rural America out of business.

I do not believe it is prudent or logical to force a vast number of people to go back to the horse and buggy because they can't afford the equipment that a government agency says it would be nice to have, and therefore should be required. The safety of the horse and buggy is not all that good, nor is the safety record of the small airport serving small and medium-sized communities all that bad.

I am sure you are aware that the most difficult proposed regulation for the small and non-hub airport to meet is the one pertaining to fire-fighting equipment. It is not only very expensive, but it is unreasonable in terms of the types of situations that occur requiring such equipment on the airport proper. I do not have facts to back this up, but I am advised by authorities on the subject that landing and takeoff crashes very, very seldom occur on the airport proper, but rather occur in the surrounding area where they would be out of reach of the fire and rescue equipment which you are prescribing for the airport. It would seem more logical to require that such equipment be located in the residential and industrial areas surrounding the airports. But even then the truest and most effective fight for safety is largely lost by the time that fire and rescue equipment is needed. A far more effective and less expensive way to bring safety to the pilots, passengers and potential ground victims is through the requirement and funding of additional navigational aids which serve to prevent accidents.

There is one point which I want to make very clear. The small cities and towns of rural America are in danger of losing their air carrier service because of the economic squeeze on the carriers. My own state of Nebraska presently faces prospects of the loss of airline service to four or five communities. If your proposed regulations are adopted, the threat will extend to even more communities, and the airlines faced with economic troubles will have a further basis for discontinuance of service—a discouragement at a time when they need encouragement to keep up this vital service.

I respectfully request that you modify the proposed regulations and defer their application until the small and hub airports can respond realistically to meet the new requirements. If this cannot be done, I shall press for the adoption of legislation by Congress to extend the effective date for the new regulations.

Sincerely yours,

CARL T. CURTIS,
U.S. Senate.

Mr. CURTIS. I also wish to make known to the Senate the reply that I received today from Mr. Shaffer.

FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., July 28, 1971.

Hon. CARL T. CURTIS,
United States Senate,
Washington, D.C.

DEAR SENATOR CURTIS: Thank you for the letter of 21 July 1971 containing your views on the airport certification program.

The Airport and Airway Development Act of 1970 amended Title VI of the Federal Aviation Act of 1958 to include a new Section 612(a) which states, "The Administrator is empowered to issue airport operating certificates to airports serving air carriers certificated by the Civil Aeronautics Board and to establish minimum safety standards for the operation of such airports."

As you are probably aware, the Act specifies that, "Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, including but not limited to, terms, conditions, and limitations relating to—

"(1) the installation, operation, and maintenance of adequate air navigation facilities; and

"(2) the operation and maintenance of adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft."

We have, in close coordination with all interested parties, developed proposed minimum safety standards including standards for aircraft firefighting and rescue equipment. To date, the coordination has included numerous open meetings with industry, the issuance of an Advance Notice of Proposed Rule Making and consideration of comments received, and the issuance of a Notice of Proposed Rule Making (NPRM). Comments on the NPRM were due by 13 July 1971 and after they have been reviewed, we will reexamine the airport firefighting and service needs before finalizing the rule.

At many of the smaller airports firefighting service is provided by trained volunteers who serve at little or no cost to the airport. Also, the cost of the fire station (where required) is shared by the Federal government up to approximately 50% and when the airport is certified, it will be eligible to receive approximately 50% of the aircraft fire and rescue equipment costs.

We have received many letters from most all segments of the civil aviation community

containing views similar to those you expressed. Although we have not had an opportunity to fully evaluate all of the comments, it appears that the proposed airport certification rule, as proposed, will be modified in certain areas. I assure you that all comments relative to implementing the Airport and Airway Development Act will be seriously considered prior to issuing a final rule.

Sincerely,

J. H. SHAFFER,
Administrator.

I believe that this bill will meet the problems posed by the new certification requirements. It will help the airports of Nebraska meet the requirements, and, therefore, I am pleased to cosponsor it.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 348 THROUGH 350

(Ordered to be printed and to lie on the table.)

Mr. PROUTY. Mr. President, on behalf of myself and Senator BAKER I send three amendments to amendment 308 to S. 382 to the desk and ask that they be printed in the RECORD immediately following my remarks.

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

Mr. PROUTY. Mr. President, all of us should be aware of the fact that the American people are sick and tired of weak and ineffective laws regulating Federal elections. I am confident that this Congress will restore the confidence of the American people in our Government by enacting the Federal Elections Campaign Act of 1971.

Senator BAKER and I worked long and hard with many of our colleagues on the Senate Commerce Committee to strengthen S. 382 as originally introduced. Together with our colleagues on that committee we made substantial progress toward drafting an effective and meaningful piece of legislation. In all candor we were not completely successful in our efforts to develop a strong bill because some of our colleagues on the Commerce Committee favored tabling all amendments suggested to the bill not relating to title I.

As the ranking Republican member of the Committee on Rules and Administration, I continued the fight to see that the legislation was considered in its entirety. Other members on the Rules Committee agreed with me and we succeeded in developing a strong and sound approach to the whole subject of political campaigns for elections to Federal offices. The bill reported by the Senate Rules Committee completely overhauls the laws regulating campaigns for Federal office. It is a strong, no-nonsense bill that will restore the faith of the American public in the elections process.

It is a tough bill imposing penalties on political candidates who do not strictly adhere to its requirements.

It closes every single loophole in existing law.

The unregulated District of Columbia Political Committee is dead.

The myth that a candidate is not responsible for other committees which happen to support him is ended.

Mr. President, enactment of S. 382 will completely change political campaigns in America. The people will know all the facts about campaign financing. Moreover, candidates will be strictly limited on the amount of money they can spend on the communications media.

I am disappointed that apparently partisan political considerations have led to the introduction of amendment 308 as a complete substitute for the excellent piece of legislation reported by the Senate Rules Committee.

Passage of amendment 308 as it is now structured would again substitute a weak bill for a strong bill.

It would substitute an incumbents bill for a fair bill.

It would encourage the creation of unpaid debts.

It would make it more difficult for the American people to know where political committees get their money from and how they spend it.

It would perpetuate the lack of confidence of the American people in our election process by refusing to give the enforcement authority to an Independent Federal Elections Commission.

The amendments being introduced by Senator BAKER and me to amendment 308 represent an attempt to restore some of the provisions contained in the bill reported by the Senate Rules Committee.

First, we believe that the Rules Committee was correct in exempting all Federal candidates from the equal time requirements in section 315(a) of the Federal Communications Act. Witness after witness testified that the equal time requirements of section 315(a) are in effect "no time offered requirements", because broadcasters are inhibited from giving free time to any candidate.

Amendment 308 by exempting presidential and vice presidential campaigns from equal time requirements recognizes the fact that section 315 has not worked in the interest of having an informed democracy. However, by not including all candidates for Federal office under the exemption, amendment 308 merely represents an effort to provide special protection for every incumbent Senator and Congressman. The American public deserves to expect more from this Congress than legislation designed to protect incumbents.

Our second amendment to amendment 308 would restore the interchangeability feature contained in the Rules Committee bill with respect to spending limitations. Again all the evidence warns against an arbitrary overstructuring of political campaigns by Congress unless Congress wants to deliberately increase the percentage of incumbents reelected to office. Is it not enough that since 1940 93 percent of all incumbents for Federal office have been reelected?

We have given ourselves the franking privilege.

We have name recognition in our States or congressional districts.

We have the ability to make news headlines by our stand on the issues and the way we vote.

Now amendment 308 attempts to give us a further advantage by placing separate but identical limitation on broadcast and nonbroadcast communications media. It in effect is implying that a campaign in New Hampshire, Maine or Wyoming is the same as a campaign in New York City, New Jersey, or California. Since campaigns in fact have very different requirements in different parts of the country, the Rules Committee correctly permitted the individual candidate to spend money on either broadcast or nonbroadcast communications media as long as he stayed within his overall limitations.

Our final amendment, Mr. President, restores the fair labeling provision contained in a Rules Committee bill.

Mr. President, disclosure of political contributions and expenditures is meaningless unless the American people are given the opportunity to easily obtain the facts. My amendment which was overwhelmingly adopted by the Rules Committee simply required political committees to place a notice on the material they used for soliciting contributions. That notice did two things.

First, it certified to the potential contributor that the political committee had complied with the Federal Disclosure Act. Second, it informed the potential contributor that he could purchase a copy of the report of contributions and expenditures from the Government Printing Office.

Mr. President, the American citizen should be entitled to this information. We should make certain the American citizen who wants to contribute to committees be given the opportunity to obtain the information about how the particular committee spends its money. I might point out, Mr. President, that long ago we protected stockholders in our Nation's businesses by requiring corporations to issue stockholders' reports. It is about time we afforded the same opportunity to those dedicated Americans who contribute money to political committees in the hopes that our democracy will more effectively work.

I support a number of other amendments to amendment 308 and I sincerely hope that when we get to consideration of this important bill we can amend amendment 308 so that it will reflect the same strength as the bill reported by the Rules Committee.

As a matter of fact, Mr. President, I am in hopes that we can further improve the Rules Committee bill by adopting an Independent Federal Elections Commission to make certain that the Federal Elections Campaign Act of 1971 becomes a piece of legislation which is enforced with fairness, impartiality, and effectiveness.

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

AMENDMENT NO. 348

On page 2, line 7, insert "(1)" before "Section".

On page 2, strike lines 10 and 11, and insert in lieu thereof the following: "and the following: 'other than Federal elective office (as defined in subsection (c) of this section),' ".

On page 2, between lines 11 and 12, insert the following:

"(2) Section 315(a) of such Act is amended by inserting after the first sentence thereof

the following: 'If a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format.' "

AMENDMENT No. 349

On page 4, beginning with line 16, strike down through line 7 on page 5 and insert in lieu thereof the following:

"(2) (A) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(ii) $30,000, if greater than the amount determined under clause (i).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(B) In addition to the amount which he may spend under paragraph (2) (A) of this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media under section 103 of the Federal Election Campaign Act of 1971.

On page 8, strike lines 6 through 21 and insert in lieu thereof the following:

(c) (1) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(B) $30,000, if greater than the amount determined under subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(2) In addition to the amount which he may spend under this subsection for the use of nonbroadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of broadcast communications media under section 315 (c) of the Communication Act of 1934 (47 U.S.C. 315(c)).

AMENDMENT No. 350

On page 22, after line 23, add the following new section:

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402."

(2) (A) The Comptroller General shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Comptroller General.

EMERGENCY LOAN GUARANTEE ACT—AMENDMENT

AMENDMENT NO. 351

(Ordered to be printed to lie on the table.)

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

PUBLIC WORKS APPROPRIATIONS, 1972—AMENDMENT

AMENDMENT NO. 352

(Ordered to be printed and to lie on the table.)

Mr. INOUYE. Mr. President, the Senate will consider on Saturday the bill containing appropriations for the Atomic Energy Commission. Contained in this measure are funds for a 5-megaton underground nuclear test, called Cannikin, to be detonated on Amchitka in the Aleutian Islands some time this fall. I am offering this amendment to postpone the use of these funds for the Cannikin test until May 31, 1972, because I do not believe that this test can be conducted with adequate assurances of safety not only for the environment but more importantly for the residents of the Pacific Basin.

In October of 1969, the Atomic Energy Commission detonated a 1-megaton nuclear test on Amchitka. Prior to that time, I became increasingly concerned that this test activity could trigger an earthquake which could cause a disastrous tidal wave or tsunami. In an attempt to evaluate all the available data on the possibility of triggering earthquakes as a result of a multimegaton explosion and the possible resulting destructive tsunamis, I have gathered and studied available information on this subject.

In the course of my investigation I learned that a panel of experts was appointed in 1968 by the President's Office of Science and Technology to evaluate the effects of multimegaton underground nuclear tests. One of their conclusions was that the need for a test of this nature should be compelling in light of the possible risks which could occur from its detonation. I believe that certain portions of the report bear repeating at length. This panel's report states:

The Panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests. Although the possibility that underground nuclear tests might initiate one or more earthquakes has been suggested in the past, new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large yield test explosion and in the following weeks. The largest of the observed associated aftershocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site.

In fact the AEC's environmental impact statement acknowledges that the understanding of "earthquake mechanisms is still developing and is not subject to exact calculations." In addition the AEC environmental impact statement also adds that "the possibility of Cannikin causing the premature release of a large quake cannot be ruled out."

It is acknowledged that the Alaska-Aleutian area is one of the most seismically active areas in the world. This area is prone to earthquakes and in the past 71 years, eight earthquakes of the magnitude of eight or more on the Richter scale have occurred. Further in 1970, 68 quakes alone have registered on the Richter scale and on Sunday, July 25, a quake registering 6.5 on the Richter scale took place in the Aleutians. I emphasize that the 68 earthquakes recorded in Alaska last year were only those earthquakes recorded on instruments. In addition, many earthquakes of lesser magnitude occur in unpopulated areas and are never recorded.

Let me emphasize that the Cannikin test is expected to be a multimegaton blast, equivalent to the force of nearly 5 million tons of TNT—that is approximately 250 times more powerful than the bomb dropped on Hiroshima. The AEC's experience with underground nuclear tests is with their Nevada test sites, an area much less active seismically than the Aleutians. In the face of the Atomic Energy Commission's own admission that the available knowledge of predicting seismic activity is still developing and other scientists' views that such nuclear tests could possibly trigger such seismic activity, it is clear that there are risks involved in the detonation of Cannikin.

As I have stated, a number of scientists believe that such an underground nuclear test can trigger earthquakes. As you are probably aware, tidal waves or tsunamis are principally caused by underground earthquakes with vertical ground movement. The Atomic Energy Commission's environmental impact statement characterizes the likelihood of Cannikin creating the risk of tsunamis as "negligible" and "highly unlikely." Frankly, this admission does little to allay the fears to the people living in the Pacific rim. Hawaii has been devastated in the past by tidal waves. A 1946 earthquake in the Aleutians produced a tidal wave which took the lives of 159 men, women,

and children and caused property damage estimated at $25 million in Hawaii. Three subsequent earthquakes in Chile and the Aleutians in 1952, 1957, and 1960, which caused tidal waves, have cost 61 lives and caused approximately $30 million of property damage. The possibility of a tsunami is not ruled out, and adequate assurances cannot be given by the AEC or anyone else that a tsunami will not result. It appears that there is a hazard, and no matter how small the possibility of such an event I am convinced that preparations for the blast should not proceed.

Serious questions as to possible environmental damage has been raised as a result of the Cannikin blast. A specter of the contamination of the water around the Amchitka Island following this test has been raised. Again, the AEC's environmental impact statement uses language such as "unlikely possibility" to characterize the possibility of contaminating the ocean. The environmental impact statement sets forth various models as to the likelihood of radiation-contaminated water reaching the surface. However, no explanation is given in the statement as to why one model is to be accepted over the other. Assuming the AEC's worst possible alternative occurs, there is no discussion in the impact statement as to the possibility of the release at the same time of discharged radioactive materials around Amchitka from the two previous nuclear tests conducted at the same time.

In light of the seismic and environmental risks from Cannikin, the question becomes whether there is a compelling necessity to proceed with this test. I do not believe that the need for this test has been established. As was publicly revealed for the first time during the floor debate on the Atomic Energy Commission's authorization bill, Cannikin will be used for the development of a warhead for the Spartan missile of the Safeguard anti-ballistic-missile system. The high-yield Spartan warhead was originally conceived as a system to protect populated areas from an attack by the Chinese. The rationale for the Safeguard system has been changed to that of a defense of our Minuteman sites. In light of the shift of purpose for the Safeguard system, it is doubtful if the testing of a large Spartan warhead is of compelling technical value. Secretary Packard's letter to the chairman of the Joint Atomic Energy Committee called Cannikin "essential to the optimum defensive deployment of Safeguard." However, Secretary Packard did not state that Cannikin was essential to the deployment of Safeguard, but only essential to the optimum deployment of Safeguard. Further, there are indications that the Safeguard system will require a new, improved Spartan with a short-range lower yield warhead. Thus, the testing will at best involve an obsolete component of the Safeguard missile defense.

In addition to the above factors, I believe recent diplomatic initiatives point to the need, at the very least, to postpone this test until May 31, 1972. The hopeful statements emanating from the SALT talks concerning a possible agreement on the ABM indicate the likelihood that the system may not be deployed as now conceived. It would be most unfortunate if such a large multimegaton blast would be permitted to proceed and threaten the climate for an agreement with the Soviet Union at the SALT talks in Helsinki. In addition, I believe the adoption of an amendment to postpone this test would remove a potential obstacle to the President's journey for peace to Peking and express our support for his efforts to achieve a lasting peace in the Far East.

I am aware that the President and other officials of the administration are now conducting an additional review as to the need and advisability of proceeding with the Cannikin blast. I have been advised that the Under Secretaries Committee of the National Security Council, which is conducting this review, composed of Presidential Assistant Henry Kissinger and representatives of the Department of State, Joint Chiefs of Staff, and Central Intelligence Agency, has or will in the near future submit to the President its recommendations on whether the United States should proceed with Cannikin. Apparently, the White House has received conflicting recommendations as to the advisability of proceeding with Cannikin. According to an article appearing in the Washington Star on July 26 it appears that the State Department, Office of Science and Technology, Environmental Protection Agency, Council of Environmental Quality, and USIA have an Environmental Quality, and USIA have expressed reservations over proceeding with this test.

I also want to reiterate that this amendment in no way ties the President's hands. It contains a provision which permits the President to order the detonation of Cannikin for compelling reasons of national security. As I have emphasized, I have not seen compelling evidence which convinces me of the necessity for this test. To my mind innumerable factors point to the need to postpone this test: The location of Amchitka in one of the most seismically active regions of the world; the possibility that this test may be obsolete technically; current diplomatic developments—the SALT talks and the President's impending China visit; and the possibility of a devastating tsunami affecting the peoples located in the Pacific rim—Hawaii, Alaska, California, Canada, and Japan.

I urge your favorable consideration of this amendment and ask unanimous consent that the text be printed in the RECORD at the end of my remarks.

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

AMENDMENT NO. 352

On page 5, line 11, insert the following: new Section 103. None of the funds appropriated by this act shall be obligated or expended, directly or indirectly, to detonate any underground nuclear test scheduled to be conducted on Amchitka Island, Alaska before May 31, 1972: Provided, however, that the President may schedule such a test on the grounds of compelling national security requirements; Provided, further, that the President shall submit to the Congress no later than sixty days prior to the scheduled test a report on these requirements.

NOTICE OF HEARINGS IN ROANOKE, ALA., AND MIAMI, FLA., ON UNEMPLOYMENT AMONG OLDER WORKERS

Mr. RANDOLPH. Mr. President, the Senate Special Committee on Aging is continuing its study of widespread unemployment among older workers. During the past 2½ years, the jobless level for persons 45 and older has risen sharply from 596,000 to 1,025,000—for a 72-percent increase.

The committee's initial hearing on this subject was held in South Bend, Ind., on June 4. Our next hearings, which I will have the responsibility to chair, will be conducted on Tuesday, August 10, 1971, in Roanoke, Ala., at 12 noon, at the National Guard Armory, and on Wednesday, August 11, 1971, in Miami, Fla., at 10 a.m. at the Metropolitan Senior Center, 1407 Northwest 7th Street.

I express appreciation to our committee chairman, the Senator from Idaho (Mr. CHURCH) for his cooperation in pursuing an intensive inquiry into the employment difficulties of older workers. Members of the Senate, generally, are concerned with this accentuated problem.

NOTICE OF HEARINGS ON CORPORATE SECRECY

Mr. NELSON. Mr. President, pursuant to authority granted at the organization meeting of the Select Committee on Small Business, held on March 11, 1971, I announce the resumption of public hearings before the Subcommittee on Monopoly on the subject, "The Role of Giant Corporations in the American and World Economies." Part 1 of those hearings was held in 1969 and entitled "Automobile Industry." Part 2 will begin on November 9, 1971, and will be entitled "Corporate Secrecy."

During recent weeks this country has been giving more than usual attention to the issue of secrecy in Government generally and the Defense Establishment in particular. More and more people are wondering who makes the rules on what shall be secret and what shall be disclosed, what the rules are, and whose mistakes and excesses the rules are intended to protect from the light of day.

But the classifiers and the protectors of secrets at the Department of Defense may well be rank amateurs, when compared with those who protect the secrets of those vast, powerful, multinational "private governments," the giant business corporations. It is with that system of secrecy, probably the best fortified and most labyrinthine in the world, that the hearings to resume this fall will be concerned.

NOTICE OF HEARING ON BILLS RELATING TO OFFSHORE TERRITORIES

Mr. BURDICK. Mr. President, I wish to announce that the Subcommittee on Territories of the Committee on Interior and Insular Affairs has scheduled a hearing for Wednesday, August 4, to consider the following bills relating to our offshore territories:

S. 2030—To amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature;

S. 2031—To amend the Revised Organic Act of the Virgin Islands to permit sessions of the legislature at places other than Charlotte Amalie, Saint Thomas;

S. 1733—To amend the act of September 26, 1970 (84 Stat. 884); and

S. 1215—To authorize the Secretary of the Interior to conduct a study with respect to certain land acquisitions by the United States in Guam.

The hearing will begin at 10 a.m. in Room 3110, New Senate Office Building. Anyone who wishes to be heard in connection with this proposed legislation should contact the committee staff in order that a witness list may be prepared.

ADDITIONAL STATEMENTS

THE RAIL STRIKE

Mr. TOWER. Mr. President, we are confronted with a rail strike that threatens the economic security of the entire Nation.

The so-called "selective strike" method is being employed by the United Transportation Union on a nationwide basis. This method was, for the first time, upheld recently by the Supreme Court. It is now quite obvious that this procedure represents something more than just a union's expression of its demands.

As of today 10 rail carriers will be shut down. This has interrupted services throughout the Nation that are critical to the continuation of our economic system. In other words, we are faced with a national emergency. The strike has broken the links of our national transportation system.

Every Senator knows the facts of this national emergency. We have been bombarded by our constituents in recent days to the effect that if this situation is not resolved in a matter of days they will face economic disaster.

Mr. President, national strikes in the transportation industries, particularly those dealing with the railroads, are becoming a national disgrace. The current strike is being continued simply because both sides know that in the end Congress will resolve the dispute. When we settle the dispute we will do so in a matter of hours. Our overriding concern will be, not the particulars of the contract, but rather the restoration of rail service.

There is little doubt that resolving the strike should be paramount in our mind. However, there is a great deal of doubt as to whether the Congress of the United States should be in the business of resolving labor-management disputes.

Mr. President, nearly 17 months ago the President of the United States sent to Congress a bill to establish a permanent and rational method with which to deal with these disputes. I am a cosponsor of this bill which is commonly referred to as the "Emergency Public Interest Protection Act." Since that time a number of alternative bills have been introduced in the Senate and the House of Representatives. The issue deserves priority consideration.

Yet, before the week began only 1 day of hearings had been held on this matter. On June 15 of this year the Senate Labor and Public Welfare Committee held hearings and received testimony from Secretary of Labor Hodgson. The committee has not announced when these hearings will be resumed.

It is somewhat of a coincidence that just this week the House Committee on Interstate and Foreign Commerce opened its hearings on permanent legislation to deal with emergency disputes in the transportation industries. While these hearings are late in surfacing, I am hopeful that they will result in some substantive action. However, I am somewhat pessimistic since it seems action only results when we are faced with a crisis.

At this point in time, it again seems probable that the Congress will be forced to settle the dispute. The administration has not yet sent emergency legislation to the Congress in the hope that the dispute will be resolved voluntarily by the two parties involved. I have always felt that it is in the Nation's best interest if such disputes are solved within a collective-bargaining environment as free as possible from Government intervention.

However, the current mechanisms employed under the Railway Labor Act do not lend themselves very easily to collective bargaining. The Emergency Public Interest Protection Act would both free the Congress from acting in the typical stopgap manner and would give the President a number of options to work with under such emergency situations. Even more important these options would provide the disputants with the necessary incentive to reach an agreement voluntarily long before the Government intervened.

Mr. President, Congress has a responsibility to the American people to solve this problem. While this strike continues, the economy of this country and the millions of Americans who live within that economy are suffering. They are a third party to this dispute and are forced to bear the brunt of its results. These people must be protected from disputes of which they played no part and have no power to settle. It is the responsibility of this Congress to enact permanent legislation to deal with this deplorable situation. If we have to settle this dispute through the emergency stopgap method which we have used no less than three times since the President issued his reform recommendations, it will again highlight the lack of positive action on this most pressing problem. If we as lawmakers, and not arbitrators, are forced to dictate the provisions of a labor contract, I can only hope that it will be the last time we do so.

SOVIET NAVAL POWER INCREASES

Mr. YOUNG. Mr. President, on July 29 the Washington Evening Star published a story, with a UPI dateline at London, entitled: "Jane's Sees Soviet Nuclear Lead in 1970's." Since Jane's has long been recognized as the most reliable authority in the entire world on naval power, the story presents an alarming situation.

If Russia continues feverishly to build up her naval might, and we continue, as we have been, to reduce appropriations and thus diminish our naval strength, we could well become a second-rate naval power to Russia as early as the 1970's.

Russia already has a well-equipped, vast army far more powerful than ours. In other military categories as well, such as fighter planes, Russians are either equal to or superior to us.

Mr. President, it would be a sorry day for the United States if we permitted ourselves to become a second-rate power to Russia. I ask unanimous consent that the entire article be printed in the RECORD.

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

"JANE'S" SEES SOVIET NUCLEAR LEAD IN 1970'S

LONDON.—The Soviet Union will have the nuclear punch by the mid-1970s to destroy virtually all American land-based missiles and bombers in one surprise attack, the authoritative Jane's Fighting Ships said today.

It said this leaves America's 41 Polaris and Poseidon submarines as "the most survivable" U.S. strategic deterrent forces for the foreseeable future.

The 1971–72 edition of Jane's painted this grim picture of declining American and booming Soviet naval and ballistic missile strength:

The size and relative capabilities of the U.S. Navy continue to decline "at an alarming rate". The Soviet fleet now represents "the super-navy of a superpower."

LEADS IN TWO CATEGORIES

The Soviet Navy has already exceeded the United States in active surface ship and submarine numbers. It has near parity in nuclear submarine strength and a larger nuclear submarine building program.

The only category of warships in which the U.S. Navy now and for the near future maintains a decisive advantage is the aircraft carrier.

The Russians have gained superiority over the United States in numbers of intercontinental ballistic missiles and the megatonnage that can be delivered. Current Soviet construction of six submarines a year could give the Soviet Union parity if not superiority in Polaris-type submarines by 1975.

"Soviet progress in the strategic weapons area is of utmost concern to U.S. Defense leaders," Jane's said, "because improved guidance and multiple warhead technology (MIRV) could permit the predicted Soviet strategic forces of the mid-1970s to destroy virtually all U.S. land-based intercontinental ballistic missiles in a surprise first-strike attack.

RUSSIAN MISSILE SUBS

"Simultaneously, Soviet missile submarines could destroy most U.S. manned bombers before they could become airborne.

"Accordingly, the U.S. Navy's 41 Polaris-Poseidon submarines are acknowledged as the most survivable U.S. strategic deterrent forces for the foreseeable future."

Jane's estimated current Soviet naval strength at 83 nuclear powered submarines, 318 conventionally powered submarines, two helicopter carriers, 26 cruisers including missile ships, 100 destroyers including missile armed vessels, 130 small frigates and corvettes and nearly 800 smaller craft.

The U.S. Navy in 1972, Jane's said, will have a force of 13 attack carriers compared with 16 three years ago, three antisubmarine

carriers instead of six in 1969, 160 cruisers, frigates and destroyers.

THE RAILROAD STRIKE

Mr. SPONG. Mr. President, today I sent a telegram to the White House urging President Nixon to exert every pressure to bring about a settlement of the present rail strike. I ask unanimous consent that the text of the telegram be printed in the RECORD.

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

The PRESIDENT,
The White House,
Washington, D.C.:

Your initiative in meeting with union and company negotiators is a welcome and constructive step toward resolving the spreading rail strike. I want to urge you to keep the parties at the White House, behind locked doors if necessary, until some agreement is reached.

As I am sure you appreciate, failure to resolve this dispute could have the most serious consequences for the economy. It is estimated that the shutdown of Southern and Norfolk & Western operations in Virginia affects 50,000 jobs and already has had a serious impact on mining and shipping industries.

The public has a vital stake in these talks. It needs your strong voice to represent it and an unflinching assertion of Presidential pressure to resolve the impasse. I am hopeful you will provide that leadership.

WILLIAM B. SPONG, Jr.,
U.S. Senator.

TRASH DISPOSAL AT VIRGINIA BEACH, VA.

Mr. BYRD of Virginia. Mr. President, on July 11, the Washington Post published an article describing an imaginative approach to the problem of trash disposal which has been undertaken in the city of Virginia Beach, Va.

The city has compressed much of the waste collected there for nearly 5½ years and has piled it up, covered it with dirt, and created a hill which is humorously referred to as "Mt. Trashmore." Besides providing for waste disposal this has created a hill 72 feet above sea level, the highest point of elevation in a generally flat seaside area.

I think this is a fine example of the kind of initiative which is so much needed to solve the many environmental problems that we face in the United States today.

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:

TRASH DISPOSAL AT VIRGINIA BEACH, VA.

(By Myra MacPherson)

VIRGINIA BEACH.—There are mountains and there is Mt. Trashmore.

It looms beside the Virginia Beach-Norfolk Expressway and is seen by thousands of tourists on their way to the beach nine miles away. It is 72 feet high, 800 feet long, 100 feet wide, 15 per cent dirt and 85 per cent garbage.

Standing on top of Mt. Trashmore the other day, general foreman Frank Ennis gazed down at sea gulls circling where orange dump trucks and compactors were spreading around another load, and he reflected on the relativity of it all.

"It may not look so big until you start considering it's all garbage and then it's a right big hill. To someone from West Virginia it's just a lump on the ground, but to us it's a mountain."

It is, in fact, the highest elevation in this sea level resort area and it has been growing relentlessly at the rate of about 1,000 tons of refuse a day for 5½ years.

Mt. Trashmore is one answer to the growing problem of what to do with all the junk the world throws away, since ecology awareness had made the old rat-infested dump, ocean dumping, and air polluting incinerators un-American, unacceptable and unhealthy.

In 1969, the Health, Education and Welfare Department partially funded this city's project to demonstrate man's ability to do something positive with his garbage. Authorities call the project by a much duller name, sanitary land fill, and cringe at the common Mt. Trashmore label, but they are stuck with it.

They will dress up Mt. Trashmore next month, start seeding grass and landscaping it in September and hope to have a recreational site by next summer. It'll take an estimated $250,000 in state, federal and local funds to turn the trash mountain into a soapbox theater and concerts, along with tennis courts, picnic grounds and baseball diamonds.

One federal government officials said the experiment seems such a success that subsequent Mt. Trashmores may forever change the topography of our country's flat regions.

"There's nothing these level areas need more for recreation than a change in topography—you can have ski slopes, riding trails and such" said Kent Anderson of the Environment Protection Agency. He said that a "feasibility study" is now underway to see if the Chicago area is ready for a similar, but even bigger pile—a 1,000-foot-high mountain.

The other day, a visitor on top of Mt. Trashmore, steeling himself as the wind wafted a faint but unmistakable aroma up from where the workmen were unloading, asked how you keep garbage from smelling.

"Tell you the truth, there's no way. Only thing you can do is quickly follow it with dirt and that stops it," said Ennis. "I tell anyone who complains to just stick his nose in his own garbage can. It don't smell like perfume either. And you're multiplying that with trash from about 400,000 people—180,000 from Virginia Beach and the rest of Norfolk."

To the unscientific mind, it seems a minor miracle that nothing chemically needs to be done to treat the trash. It is compacted into about 100 pounds per cubic foot, spread one layer on top of another, then topped with a covering of dirt which comes from the bed of a man-made lake at the foot of the mountain.

Mt. Trashmore is a burial ground for old tires, mattresses, springs, automobile parts, garbage, tree limbs. "You name it, you're standing on it," said Ennis, walking over the mountain. A blue plastic milk bottle, a doll's face, rusted beer cans, chunks of sponge rubber and a basketball and several car tires stuck up through the dirt. "Tires are our biggest headache. They're so buoyant they just keep bouncing back up," said Ennis.

One lone flower grew nearby. "That's nothing," said Ennis. "We've had watermelon and cantaloupe vines start up from thrown away rinds with seeds in 'em. No tomato vines yet, though."

Before the grass seeding an asphalt soapbox derby lane is laid, the mountain will be topped with about six feet of dirt. Tests have been run constantly by scientists at Old Dominion College to check the ground water for possible pollution. There has been none, and only a small, normal amount of methane gas has been reported. The secret is in compacting the material and covering it with fill so that there is no oxygen.

"You need oxygen to generate methane and odors," Ennis said.

He should know. Neither Ennis nor surrounding neighbors will ever forget that summer a few years ago when it rained for 17 straight days and they couldnt get dirt cover on.

"It was a right strong odor," Ennis reflected.

But he defends Trashmore by saying, "this whole area was just an ordinary dump heap. When we came in there were thousands of rats and snakes. You used to pop those rats with shotguns. Since we started, we haven't seen a single rat. There are no holes for them to live in when you land-fill."

Some areas of the country bury land fill in the ground, but in Virginia Beach the water table is too near the surface for this method. And besides, as they say, the area needed a hill. Federal and local funding came to $100,000 for three years. The city spent an additional $286,475 last year and this year, adding smaller trash mounds at the foot of Trashmore to make soap box derby deceleration lanes and parking lots.

Unlike most projects, the fact that the building of Trashmore lasted almost two years longer than planned is considered an overwhelming success. It means they managed to get more garbage and trash into a denser area than originally estimated. "And that original estimate never even included Norfolk's trash," Ennis said.

Land fill is considered one of the more economical ways to dispose of refuse, far cheaper than incinerating and far more desirable than open dump grounds.

"People think open dump grounds are cheap, but not when you consider what a community pays out in rat poison control, mosquito spraying and the just plain esthetic cost to you," said Anderson. "It isn't something you can measure."

Next month, when Mt. Trashmore stops accepting garbage, the city of Virginia Beach will not go back to an open dump heap. Several hundred acres in a remote woods 20 miles from the beach have been set aside for another Mt. Trashmore. It will be only 45 feet high but will be spread over a wider area.

They expect it to keep the area's trash and garbage problem solved for another 20 years.

VISIT TO UNITED STATES BY EMPEROR HIROHITO, OF JAPAN

Mr. ROTH. Mr. President, I was pleased to read earlier this week of the suggestion by Prime Minister Eisaku Sato that Emperor Hirohito pay an official visit to the United States. I hope that the President will extend such an invitation in the very immediate future.

One of the strong bulkwarks for peace in the Asian area during the past 25 years has been the close cooperation between the United States and Japan. It is my belief that peace in the Far East, as well as throughout the rest of the world, depends in very large measure upon these two countries continuing in a spirit of friendship and close cooperation.

Japan is emerging from the postwar period as one of the superpowers of the world. Her economy is the fastest growing in the world and some predict it will result in a gross national product that will exceed that of all other nations, including the United States before the end of the century. Whether or not these predictions come true, it is absolutely imperative, in my judgment, that these two industrial giants, the United States and

Japan, work together in friendship for the development and stabilization of conditions in the Far East.

I, for one, applaud the action of the President in his brilliant diplomatic stroke of opening discussions between the People's Republic of China and the United States. Despite the difference between China and ourselves, it is of critical importance that there be direct communication between these two nuclear nations. In seeking the normalization of these relations, it is, however, important that we do not estrange our allies and friends. I believe this is especially true of Japan, who, because of her industrial might, will be a most important factor in world politics—perhaps even more important than China with her hundreds of millions in the foreseeable future. Japan could very quickly become a major nuclear power in the event she felt isolated. Another nuclear power would serve no one's interest, neither Japan's nor ours.

The people of Japan both admire and fear Red China. They admire her because of a common Oriental heritage; but they fear her because of her size, both in land and population. I think it is fair to say that they would feel their nation especially endangered if Korea or Formosa were to fall into hostile hands.

Today, there are four great powers in the Pacific—Russia, China, the United States, and Japan. Obviously a relaxation of tensions in that vast area cannot come about without the cooperation of all four powers, particularly that of China and Japan. For that reason, I think as we seek to normalize relations with mainland China we must keep foremost in our minds the need to proceed with the cooperation and close counseling of our ally, Japan.

It is, therefore, my strong hope that President Nixon will invite Emperor Hirohito to visit the United States as a symbol of the great friendship which exists between these two nations. Such a visit would also serve to dispel any notions that the United States seeks to improve relations with one nation at the expense of another.

I hope additionally that there will be the closest consultations between the United States and Japan on matters involving China and the Far East. Peace in our time demands no less.

Mr. President, on Wednesday the New York Times published an article by C. L. Sulzberger relating to the extraordinary steps President Nixon has taken in the quest for peace in the world. I ask unanimous consent that the article be printed in the RECORD.

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

THE MINORITY LEADERS

(By C. L. Sulzberger)

LONDON.—An extraordinary political aspect of this era is the ascendancy of the minority leader who, despite absence of clear-cut national backing, audaciously pushes through programs of momentous import. The three outstanding cases in point are U.S. President Nixon, British Prime Minister Heath, and West German Chancellor Willy Brandt.

Mr. Nixon gained office on Nov. 5, 1968, with only 43.4 per cent of the popular vote, the lowest percentage since Woodrow Wilson's in 1912. Mr. Brandt assumed power with 42.7 per cent in September, 1968. He managed to get the chancellery by making a coalition with the small Free German party. When Mr. Heath won in June, 1970, his Conservatives were supported by but 46.4 per cent of the voters.

In each case a government representing less than half the people took over. Yet, because of different quirks in electoral laws or national possibilities, each was able to assume control and each has made the most of his opportunity. Although they won by a whisker, the three Western leaders have shown vision, cut and thrust.

Mr. Nixon took two huge steps to alter the entire framework of inherited foreign policy by starting unilateral disengagement from the Indochina war, although widening its scope to accomplish this, and by opening new relationships with China that will have repercussions in Asian policy, Russian policy and European policy.

This has been a carefully coordinated approach. The President encountered much political trouble at home by permitting U.S. participation in invasions of Cambodia and Laos, to strengthen South Vietnam's flank as American troops withdrew, and by refusing to be stampeded into pellmell retreat from Indochina as demanded by opponents.

Yet he always warned that he could control the situation, telling me last March, "Those who think Vietnam is going to be a good political issue next year are making a grave miscalculation." The connection with his maturing China policy was clearly implied when, in the same conversation, he said he hoped to "open the door of cooperation to China" and "in this way there will be a chance of building a world that is relatively peaceful."

Initially the wisdom and balance of Mr. Nixon's judgment ran counter to the emotional misjudgments of his opponents. One result was that his popularity, as measured by opinion polls, plummeted before the dramatic announcement of his planned Peking trip reversed the trend.

Mr. Heath's problem in Britain has certain similarities. The Prime Minister is determined, despite a considerable majority opposing the idea, to bring his country into the European Common Market and thus to terminate all vestigial pretensions to the tradition of world empire and great-power status.

Although the Labor party has double-crossed its own policy and swung against joining "Europe," which it previously wanted to join, Mr. Heath has shown more guts than any Prime Minister since the wartime Churchill and is determined to ride the issue with a tight rein, or fall in the effort.

Mr. Brandt is in somewhat the same position. He is pressing for a definitive West Berlin access formula with Moscow, using the Western allies as his spokesman (because this remains their legal obligation) as a precondition to an entirely new relationship with the Soviet Union and its East European allies.

This would erase the last bits of Adenauer's old policy and open the way for friendly relations with every European Communist land and less strained association with East Germany.

In each instance, as drastic innovations were introduced by resolute minority chieftains, their already doubtful popularity sagged. Mr. Nixon and Prime Minister Heath declined to new lows in the polls and Mr. Brandt's position appeared so weak that his opposition began to discuss ways of upsetting him. Yet Mr. Nixon and Mr. Heath are well on the way to reversing the ebb tide and Mr. Brandt's moment may come.

Clearly democracy need not always abide by what appears to be old-fashioned majority rule. When guided by firm and visionary leadership, it can change its own inchoate mind and follow policies that have previously been the subject of fevered argumentation. If Nixon, Heath and Brandt can all get away with their programs, the world will receive its greatest face-lifting since the second great war.

FORMER UNDER SECRETARY GEORGE W. BALL OPPOSES WAR POWERS LEGISLATION

Mr. GOLDWATER. Mr. President, on Tuesday, the Honorable George W. Ball, former Under Secretary of State, presented his thoughtful and original commentary to the Committee on Foreign Relations on the subject of the war powers legislation pending in that committee.

In view of the great realm of experience from which Mr. Ball speaks, having served in the executive branch five separate times over the last 38 years, and the obviously high grade of thinking that went into his presentation, I am amazed that no member of the committee has seen fit to place Mr. Ball's statement in the RECORD where it can be easily studied by persons with an interest in this subject.

It is particularly impressive to me to notice that Mr. Ball takes a realistic approach to the issue even though he confesses to hold a sympathetic view toward the desire of Congress to gain a major voice in shaping policies that can lead into war. Even so, he concludes—

It would be far better if the Congress . . . could develop an effective *modus operandi* with the President . . . a working arrangement that would assure the kind of participation which the drafters of the current legislative proposals have in mind without having to freeze the procedures in legislative aspic.

Coming from an individual who some observers credit with being the only dove in the high ranks of the Johnson administration during its early days, this is a pretty strong warning to steer clear of the war powers proposals. There must be some frightful drawbacks attached to them to arouse such a mortal thrust from a person who shares so many of the concerns and attitudes which the authors of these bills themselves hold.

At the root of the trouble Mr. Ball has with the measures is his belief it was the original purpose of the Founding Fathers to leave a "deliberate ambiguity" in the Constitution as to where the war powers lie so as to guarantee "flexibility" of action. Contrary to the basic assumption made by the sponsors of this legislation, Mr. Ball contends the Constitution does not deposit the controlling powers in the field of military affairs with Congress. Instead, he believes the framers of the Constitution wanted "to encourage a spirit of institutional free enterprise with active competition between the two coordinate branches." By means of this contest the two political branches were expected to work out their own arrangements that would best suit the changing needs and moods of the country.

In other words, Mr. President, the war powers bills fly directly in the face of a deliberate decision by our Founding Fathers not to spell out the borderlines

which separate the war powers of the President from those of Congress.

In consequence, Mr. Ball points out:

What this immediate project represents is an attempt to do what the Founding Fathers felt they were not wise enough to do.

While we are thinking this over, we might search for the answer to Mr. Ball's next problem:

(H)ow does one draft a statute that would make it possible for the Congress to contribute its wisdom, and play at least a coequal role with the Executive, in shaping fundamental decisions that may lead to war, without inhibiting the President in doing whatever is necessary in circumstances of crisis and emergency to protect the vital interests of our country?

To this we might add one more question, which is, just who among us is qualified to write such legislation—a document the Founding Fathers themselves felt inadequate to draft?

Mr. President, there are many other ideas in Mr. Ball's testimony which are well worth considering, not the least of which is the challenging proposition that the Neutrality Acts adopted in the aftermath of World War I may have prevented the United States from taking firm action which would have averted World War II. This leads Mr. Ball to wonder what catastrophe the United States might be swept into should the war powers legislation pass and prevent our Nation from taking action where and when it is needed to nip some future disaster at the bud.

Mr. President, I know all Members of Congress would benefit from reading Mr. Ball's testimony; and for this reason, I ask unanimous consent that his statement be printed in the RECORD.

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

STATEMENT OF HON. GEORGE W. BALL

Mr. Chairman, this is a useful time to be considering the procedures for the exercise of the nation's war-making powers. For a long time we have been embroiled in a frustrating struggle in Indo China that has progressively lost the support of the American people, and today we are trying to extricate ourselves from a mess.

Although I think it necessary that we examine in an atmosphere free from passion and anger the course of action that led us, by a succession of faltering steps, more and more deeply into Southeast Asia—and I hope this Committee will play a major role in that inquiry—it is even more urgent that we concentrate on the future.

For a long while it has been apparent that much of the Senate—and principally this Committee—have considered the Vietnamese war from a set of assumptions quite different from those held by three Administrations and this fundamental difference has served to impede the candid exchange that is indispensable if our constitutional arrangements are to work very well. What has occurred is, in essence, a constitutional breakdown—a failure of the system of checks and balances, that has left us with a conceptual argument as to where the authority to commit this nation to war may reside and how that power is to be properly exercised.

Flexibility, we have been constantly told, has, more than anything else, contributed to the survival of our constitutional system. When that flexibility derives from what I suspect was deliberate ambiguity on the part of the drafters of the constitution the result can be frustrating.

Certainly the Founding Fathers foreswore their normal clarity in defining the relation between Congress and the Executive in regard to the whole area of our foreign policy. Since what they wrote was in response to their experience under a monarchy, their principal preoccupation was more to prevent the despotic use of power than its efficient employment. The objective of the doctrine of the division of powers, as Mr. Justice Brandeis said in a famous dissent in *Myers* v. *United States*, was not, after all, "to avoid friction, but, by means of the inevitable friction incident to the distribution of powers among three departments, to save our people from autocracy." Given this constitutional concept, it was inevitable that the effective distribution of powers would be subject to periodic tidal flows, with authority shifting from one branch to the other and then back again to reflect not only changes in the objective situation that the nation faced, but the disparate personalities of the individuals who from time to time dominated each branch, as well as fluctuations in the mood of the country.

As every schoolboy knows—or might have been expected to know before we elevated basket-weaving above the study of history—the Constitution does not clearly delegate authority over foreign policy to either the President or the Congress. All it does is to confer on the President certain powers by which he can affect our foreign relations, while assigning certain other powers to the Congress and still others specifically to the Senate. The result is to encourage a spirit of institutional free enterprise with active competition between the two coordinate branches. Sometimes that competition has been restrained or at least cushioned by the fact that the President and the leading personalities of the legislative branch approached the problems of our foreign relations from similar, if not identical, philosophical positions—sometimes not.

Beginning, notably, with the Korean War the President staked out a strongly independent position with regard to that extension of foreign policy involving the deployment of American forces; and, though President Eisenhower expressed a less assertive view, the last three Presidents have, in practice, used their claimed authority with considerable freedom—particularly in Southeast Asia. Now we are suffering some of the consequences, as our protracted unhappy experience makes it everyday more emphatic that a democracy cannot fight a war in which the people do not believe without doing harm to its own integrity and authority. It is—or should be—the special role of the Congress to assure that this does not occur again, since, on a day-to-day basis Congress stands as the best representative of the peoples' views and opinions. Obviously, it is not an infallible instrument for that purpose, since it is not immune to the passions and excitements of the moment—but a Congress, aware of its power and sensitive to the responsibility that goes along with that power, should be able to ask the hard questions involved in an actual or threatened military operation with a certain degree of objectivity where—as recent experience has shown—the Executive may be so absorbed by operational problems—by tactics as opposed to strategy—that, instead of asking whether we should commit more forces to secure certain given objectives—or indeed whether those objectives are worth the cost already incurred—he instead asks how can we utilize more resources to do the job.

It is for this reason it is essential that the Executive and Congress must work closely together not only in the actual conduct of a war but, even more, in shaping the policies that help create the situations that lead to conflict—and, finally, in the hard decision as to whether, when a crisis comes, the United States should react with military means.

I am, therefore, sympathetic with the desire of Congress to gain a major voice in the decisions that can—either step-by-step or abruptly—result in sending our young men to war.

In the fifties and early sixties when the Cold War was at its chilliest many Americans consciously or subconsciously concluded that what appeared as an act of aggression or a challenge to established government anywhere in the world became almost automatically a matter of urgent American concern—at least to the extent that the aggressor or challenger might appear to be drawing support from one of the two major Communist powers. At the same time many—both in and out of the government—came to believe that, given the superiority of our power, there was almost no area outside the Iron Curtain where we could not effectively use our power to check what appeared as aggression. In retrospect it was, I suppose, inevitable that, sooner or later, we would try to apply our power where the terrain, both political and physical, made its effective application impossible. That has been the situation in South Vietnam, and it was probably a good thing that—if we had to learn by experience—we should encounter such a discouragement sooner rather than later; for our Vietnamese involvement is finally compelling us to reassess our responsibilities, test our working assumptions and seek to redefine our role in a world that has substantially evolved from the world of twenty years ago when we dealt with the situation of Korea.

What the Committee is attempting to do here is a part of this broader effort. By assuring Congressional participation in the key decisions, it is an attempt to erect a carefully designed procedural impediment to the kind of creeping involvement to which we succumbed in Vietnam. Yet, admirable as is the objective, it is a problem that must be approached with a great deal of caution. In fact, I should point out that what this immediate project represents is an attempt to do what the Founding Fathers felt they were not wise enough to do: to give precision and automatic operation to the kind of legislative-executive collaboration which they deemed essential to prevent the unrestricted use of American forces by the Executive acting in the pattern of monarch, while at the same time assuring him sufficient flexibility to defend the country against any threats that might suddenly appear.

To be sure, since the drafting of the Constitution, we have had two centuries of experience, and, with this as a guide, Congress is perhaps now better equipped to make precise what the Founding Fathers chose to paint only with a broad brush. Yet, if experience encourages the Congress to go ahead with this attempt, it also underlines some of the dangers and difficulties of doing so; for, in seeking to provide precise guidelines to govern future situations, we must recognize that the world is in a state of rapid transformation and, as the Founding Fathers perceived, it is impossible to anticipate at any given moment the unlimited variations which the future is capable of presenting. Thus, any legislation that is finally drafted should be developed only after the most exhaustive study and debate, making sure that it reflects something more than a transient situation in the life of our nation or a momentary mood of the American people.

In seeking to codify prevailing ideas as to the role of Congress in foreign policy, we must contantly bear in mind that legislation is a blunt instrument. Like it or not, that is a fact from which there is no escape, since it derives from the nature of legislative bodies and from the limited means through

which they can express their decisions in permanent form.

I know of no better illustration of the dangers involved than the history of the Neutrality legislation, which the Congress passed in the years from 1935 to 1937. This, like the legislation now before us, was a good faith effort to assure that the United States would not be drawn into another conflict like that of the First World War. It was legislation that reflected the prevailing mood—disillusion with our involvement in a conflict that had not solved the world's problems as we had innocently hoped and a conviction borne of economic depression, that the United States should give priority to its pressing domestic problems and should, therefore, not involve itself too intimately in the affairs of other parts of the world.

By 1937, it is worth noting, public opinion polls were showing that a large majority of Americans believed our participation in the First World War had been a mistake, just as a large majority now believe that our involvement in South Vietnam was misbegotten. In January 1938 a piece of legislation called the Ludlow Amendment, which would have required a popular referendum before a declaration of war, was defeated in the House by only twenty-one votes, in spite of a massive effort by the Administration to mobilize a position against it.

The immediate background of the Neutrality legislation was the disclosures of an investigating committee under Senator Nye, a man of deep isolationist convictions who died only last week. This Committee had just shown, to the satisfaction of a large body of American opinion, that the imperial ambitions of a few European leaders had caused the First World War and that the United States had been drawn into that war through insidious propaganda and the conspiracy of munitions makers—or what I suppose we would call, in the modern idiom, the "military-industrial complex."

By passing a series of Neutrality Acts, Congress believed that it would forestall the repetition of such a disaster. Those acts were sweeping in scope, establishing rigid governmental control over the shipment of munitions abroad, prohibiting the export of arms to belligerent nations, forbidding private loans or credits to nations at war, and authorizing the President to forbid travel by Americans on the ships of warring states. Many experts were convinced that no loophole had been left through which this country could again be drawn into conflicts with other nations.

We all remember the somber history of these Congressional acts, and what an impediment they imposed to participation by the United States in the timorous politics of Europe which paved the way for Hitler's conquests and another world catastrophe—a catastrophe which, as recent disclosures have made quite clear, could have very probably been averted if the United States had lent a steadying hand to reinforce the will of the flatulent statesmen then guiding European destinies.

I mention this incident not because it is in any way an exact parallel—certainly this Committee is approaching its present task with far more sophistication and understanding than was displayed by Congress in the 1930s. But it is a cautionary tale that we should bear in mind in trying to answer the hard question we are discussing here today: how does one draft a statute that would make it possible for the Congress to contribute its wisdom, and play at least a co-equal role with the Executive, in shaping fundamental decisions that may lead to war, without inhibiting the President in doing whatever is necessary in circumstances of crisis and emergency to protect the vital interests of our country? In seeking to answer that question, let us be quite certain that Congress does not let itself be influenced in the design of that legislation by the transient mood of disillusion and disenchantment which our Vietnamese embroilment has created, just as Congress in the 1930s was seriously misled by the revulsion of the American people against its then recent experiences with war and depression.

As one who has served in the Executive branch of our Government five separate times over the last thirty-eight years, I approach the present effort with uneasiness. Certainly, it would be far better if the Congress—and particularly the Senate—and, most important of all, this key committee of the Senate, could develop an effective modus operandi with the President, the Secretary of State and the other major figures in the Executive branch who play a role in the decisions affecting our foreign affairs—a working arrangement that would assure the kind of participation which the drafters of the current legislative proposals have in mind without having to freeze the procedures in legislative aspic. In saying this, I do not mean to be critical of this Committee, for much of the lack of easy rapport between the two ends of Pennsylvania Avenue results, in my judgment, from certain bad habits which the Executive Branch has acquired over the past two decades. But, if that is more than one can reasonably expect—and experience would suggest that it may be—then let us carefully test what is now proposed against our experience and design the necessary legislation with enough flexibility to make it workable.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. GRAVEL. Mr. President, many of us know Col. Joseph E. O'Leary.

In his capacity as chief of the Army's Legislative Liaison Office, Joe O'Leary has dealt intimately with our constituents' problems; he has helped us understand Army policy and programs; he has escorted us on official visitations.

The U.S. Army plays a major role in the life of Alaska and consequently I have had many occasions to call upon Joe O'Leary for assistance.

He has been an outstanding representative for the Army, totally reliable, knowledgeable, and trustworthy.

Today, Joe O'Leary retires after 29 years of Army service. I know many Members of the Senate join me in wishing him well in his future endeavors as a Washington consultant.

Joe is the type of person who adds credit and glory to the cause of public service.

I ask unanimous consent to have printed at this point in the RECORD a résumé of Colonel O'Leary's career.

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

COL. JOSEPH E. O'LEARY

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 brigade. 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.

"NO" TO AGE DISCRIMINATION IN EMPLOYMENT

Mr. PERCY. Mr. President, on July 21, the Washington Post published an article by Mike Causey in his "Federal Diary" column, commenting on a legislative proposal to set age limits on employment within Government agencies. The policy now being considered would allow a 21, 30, or 35.5 age cutoff for any Government job deemed appropriate.

I wish to make known my opposition to this proposal as I understand its possible application. Unemployment among middle-aged and older workers is already high, yet this proposal will only add to unemployment in this age group. If the Government is to take any action which would affect middle-aged and older workers, I strongly suggest that this action be in the direction of opening up new jobs and of providing better retraining programs.

It would be foolish to deny that the processes of aging can render an individual unsuited to a particular job, but the ages at which different individuals become ill suited for certain jobs vary widely. Do we want to ignore these wide differences and exclude older people—otherwise perfectly capable—from performing certain jobs? Many older people keep themselves in remarkably good physical condition, and work hard to keep their minds open, alive, and alert. Do we want to lock these individuals out from certain Government jobs?

Earlier this year, I introduced a bill to establish counseling, training, supportive services, and research activities in the Department of Labor to assist middle-aged and older workers who are unemployed or who are seeking new employment. I ask that those individuals who are now endeavoring to set age limits on jobs abandon this idea and join me in opening up more job opportunities for this age group and in ending age discrimination.

The rationale behind this "age setting" proposal contrasts strongly—and unfavorably, in my opinion—with the thinking of an 84-year-old man who was recently named "Outstanding Senior Citizen" by the delegates to the Illinois State Conference on Aging, held on July 14 in Springfield. Howard Bede of Highland Park, Ill., was given this high honor because he has worked tirelessly and effectively over the years to make people recognize that older individuals can contribute to society, and that retirement need not mean inactivity. Beginning in 1959, Mr. Bede started developing a school volunteer program for senior citizens. He fought hard to open doors for elderly people through volunteer work in the Winnetka, Ill., school system and in neighboring school districts.

The needs and aspirations of older people are sometimes thoughtlessly and cruelly ignored. In recent years there seems to have been a definite trend toward prematurely pushing people out of the mainstream of American life. I think this movement is wrong and terribly shortsighted, and I ask my colleagues to heed the message of Mr. Bede; namely, that older people can contribute meaningfully to our society if they are only allowed to do so. It is most important that we think carefully about all of the unfortunate consequences of writing into the law unnecessarily low age limitations on certain Federal jobs.

So that Senators may have a more complete picture of the proposal now under consideration, I ask unanimous consent that Mr. Causey's column be printed in the RECORD together with testimony that I am giving today before the Subcommittee on the Aging of the Senate Labor and Public Welfare Committee.

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

EXECUTIVE WANTS TO SET AGE LIMITS

(By Mike Causey)

Promising such authority would be used wisely and sparingly, the administration asked Congress to permit it to set maximum age limits for government job candidates.

Civil Service Commission boss Robert E. Hampton said the legislation would reaffirm the "clear policy against age discrimination," but at the same time would allow a 21, or 30, or 35.5 age cutoff for any job deemed appropriate.

At the moment only a few agencies—FBI, CIA and Interior Department among them—have authority to set age limits for jobs. Interior uses it only for park policemen positions. Most, however, according to the 40-plus set, have unofficial but very real guidelines that make it tougher to get work with the onset of gray hair.

The government argument is that it would be fairer for the President's agent—presumably CSC—to have the authority than to have age limits set legally on an occupation-by-occupation, agency-by-agency basis.

Presumably, the CIA finds it uneconomical to train 60-year-old candidates who might be called upon to make a mid-night parachute drop or swim a shark-infested lagoon in line of duty. Officials say there are other jobs which age limits are necessary for the good of the government.

But union officials, as might be expected, are not wild about the proposal. They envision a youth push that would carve out more and more jobs for young people—a move that would hurt men seeking second careers in government and could hamper job-hunting efforts of middle-aged housewives seeking new jobs, or reemployment, with Uncle Sam.

Military retirees who leave the service in their mid-40s could also be hurt by the age-limit legislation—depending, of course, on how it was used.

Many retired enlisted men enter apprentice training programs on leaving the armed forces. The jobs do not pay all that much, but with their military retirement incomes they make for a comfortable life and give government the skills of mature, well-trained workers.

Opponents of the age-limit legislation foresee the day when apprenticeship programs—because of cost and investment involved—might be limited to younger people, completely cutting out the 40-plus candidates.

They also see it as a foot in the door, initially for the Federal Aviation Administration, to bar certain air traffic control trainee jobs to older applicants.

American Federation of Government Employees chief John F. Griner warns that the legislation also includes "provisions for selection out that is, for firing without any appeals procedure . . ." based primarily on age.

PAY: Although most federal workers are counting on an automatic 6 per cent pay raise next January, administration salary watchers believe the day of across-the-board raises is gone forever.

The next boost will result from Bureau of Labor Statistics data on private industry wage gains that will be linked to "key" jobs in the federal service. But all the publicity over "inflated" mid-management jobs has given the budget-conscious administration ideas.

UNEMPLOYMENT AMONG MIDDLE-AGED AND OLDER WORKERS

(Testimony by Senator CHARLES H. PERCY)

Mr. Chairman and members of the subcommittee: I welcome this opportunity to testify this morning on the problem of unemployment among middle-aged and older workers. This is a problem which has concerned me deeply for some time, and one which unfortunately seems to be getting worse. Its seriousness is dramatically illustrated by up-to-date figures provided by the Bureau of Labor Statistics of the Department of Labor:

Beween January 1969 and June 1971, the number of unemployed individuals aged 45 and older rose from 596,000 to 1,025,000 or by 72 percent.

During the same period, the number of persons in this age group out of work for 15 weeks or longer rose from 115,000 to 353,000, or by about 207 percent. This means that about one out of every three unemployed persons aged 45 and older—as opposed to one out of four younger individuals—has been looking for work for 15 weeks or longer.

The number of mature workers out of work for very long periods—27 weeks or longer—rose from 48,000 to 205,000 or by 327 percent from January 1969 level.

The average duration of unemployment for persons 45 and older is 17 weeks. For all other unemployed persons, the average is 10.3 weeks.

A report issued by the Senate Special Committee on Aging projects that if current labor force participation trends continue, one out of six men now in the 55–59 age category will no longer be in the work force by the time he reaches age 65. Ten years ago this ratio was only one in eight. And the Committee suggests that if major policy changes are not made, this problem will intensify during the 1970's.

Unemployment hangs like a black cloud over the entire nation, but it most seriously threatens the middle-aged and older worker. It is much easier for the younger worker to increase his job opportunities simply because he is more mobile than the older person. More often than not, older persons are tied down to a given location because of home mortgages and children in school. Older people cannot readily cancel debts and say good-bye to friends and ties of long-standing to take

jobs in other cities. Thus their job market is somewhat more restricted than that of the younger worker, who can more easily relocate to another city where employment prospects are better.

In addition to his reduced mobility, the older worker must cope with age discrimination in employment. One study has revealed that more than half of all private employers in states without age discrimination legislation in 1965 admitted to making use of age limits in hiring practices. Although discrimination is widespread, only 15 court proceedings have been instituted under the Age Discrimination in Employment Act of 1967 by the end of 1970. Because of the costs of training and retraining workers, private companies and industries assume it is more profitable to hire younger people. Ironically, many employers overlook the fact that the older worker's less mobile, but more stable, situation offsets to some degree his shorter working future. Companies may incur the same, or an even greater, loss by hiring the younger but more mobile worker who decides to relocate or change jobs than by hiring the older but more stable worker.

Mr. Chairman, the effects of unemployment on the younger worker can be discouraging. The effects on the older worker can be tragic.

One of the most serious consequences of unemployment for the older worker is a reduced or lost income during his years of retirement. Because of serious deficiencies in many private pension plans, the end of one's job may also mean the end of one's pension coverage—even though an individual may have contributed hundreds or thousands of dollars over the years toward his pension account. The end of one's job may mean the total or near-total erosion of his lifetime savings.

Even if the older worker manages to escape the total loss of private pension coverage or his lifetime savings, he may not escape suffering from reduced Social Security benefits caused by unemployment during his later working years. The reason for this is that Social Security benefits are based on a person's lifetime earning record.

Unless appropriate action is taken, older persons currently unemployed will join the ranks of the "older poor,"—those living at or below the nationally established poverty level. Yet already, the "older poor" total five million Americans—or a full quarter of the elderly population.

Despite all these grim facts, only a very small percentage of the nation's job training and retraining efforts are focused on workers 45 years of age and over. In 1970, only 4 percent of all enrollees in manpower programs were older workers.

Mr. Chairman, as a supporter of the President's revenue sharing proposal, I am reluctant to propose another categorical program. Categorical programs are inconsistent with revenue sharing. However, I think we must be realistic and fair with the states in recognizing that revenue sharing has not yet been enacted, but still something to work toward. In the meantime, the states and cities cannot do without certain high priority programs, and I strongly believe the Federal Government must help the states zero in on a problem as serious as the current problem of unemployment among older workers.

To provide increased employment opportunities for middle-aged and older workers, I have introduced S. 1580, a bill entitled the "Middle-Aged and Older Workers Employment and Community Service Act."

Title I of this Act would do the following:

(1) Direct the Secretary of Labor to designate full-time personnel experienced in manpower problems of middle-aged and older workers to have responsibility for leadership, development, and coordination of the programs initiated under this legislation;

(2) Direct the Secretary to establish a central office within the Department of Labor to provide information on and special attention to the problems of middle-aged and older workers and the programs concerning such workers;

(3) Authorize the Secretary to conduct research and demonstration projects to focus on the special problems of the mature worker.

Title II would establish a "Midcareer Development Service Program." This program would be administered by the Manpower Administration of the Department of Labor, to assist older workers to find employment by providing training and counseling services to them. For employed persons who find themselves in "dead-end" jobs, supportive services would be offered to enable them to upgrade their skills and to foster occupational advancement. The authorization under this Title would be $140 million during fiscal 1972, and $210 million during fiscal 1973.

Title III of this bill would establish a "Community Senior Service Program" for persons aged 55 and older who lack opportunities for other suitably paid employment. The Secretary of Labor would administer the program and the Federal Government would pay up to 90 percent of the program cost. Older citizens would be paid at least the minimum wage in work which would contribute to the general welfare of a community. Thus this legislation seeks not only to help older workers, but also to utilize their talents and contributions to make improvements in our clinics, hospitals, schools, day-care centers and libraries, and in our environment. The projects operated under this Title would be coordinated to the fullest extent possible with projects now operating under the Economic Opportunity Act of 1964 and with other existing related programs. The bill authorizes $35 million for fiscal 1972 and $60 million for fiscal 1973 to carry out the purposes of this Title.

Title IV, the "Special Reports and Studies" provision, calls for:

(1) A study of the feasibility of extending unemployment compensation benefits for unemployed workers aged 55 and over who have exhausted their unemployment compensation;

(2) A report on the means of eliminating the lack of coverage and other inadequacies in the workmen's compensation and disability insurance programs, health insurance, and pension plans—particularly as they affect adversely the employment of middle-aged and older workers;

(3) A report on present programs of private nonprofit organizations to furnish job opportunities on a full or part-time basis for individuals 55 years and older;

(4) A study of part-time employment in the executive branch of the Federal Government to help increase part-time job opportunities for older persons in the executive branch.

These, then, are the major provisions of S. 1580, and I urge early and favorable action by this Committe on this legislation. Unemployment among older workers is rapidly increasing, and positive action is needed soon.

It is a sad irony that as we achieve major advancements in medicine and technology which make it possible to prolong the lifetime of an individual, we also seem to be pushing middle-aged and older persons out of the mainstream of American life. There is a definite trend toward limiting the options for employment, recreation, and education for older persons. While we must, of course, focus much of our attention on the needs and problems of the young, we must not do so at the expense of the needs of older people.

More and more frequently, and in more and more ways, we seem to be saying to the older person: "You are neither needed nor wanted." This is a strong statement, but I think some bluntness is required if the public is to become fully aware of the effects on older people of our thoughtless actions—or apathy.

Mr. Chairman, nothing is more damaging to the human spirit than the belief that one's capacities are unused or unwanted. I think we can not only lift the spirit of older Americans but tap a vast and valuable pool of human resources by passing S. 1580.

STRENGTHENING WOMEN'S RIGHTS

Mr. PROXMIRE. Mr. President, since the ratification of the 19th amendment in June of 1919, this Nation has pledged itself to a policy of equal political rights for all Americans, regardless of sex. It is now time, I believe to assert this same policy for all nations.

The first step we can take in this effort is to ratify the U.N. Convention on Political Rights for Women. Through this instrument, we will place our support behind the worldwide movement to advance the rights of all human beings.

We must clarify once again that ratification of this type of measure will not in any way have a detrimental effect on either the rights American women enjoy today, nor the ones we hope to strengthen in the near future. The Treaty on Women's Political Rights provides that women shall have equal rights in voting in all elections, in running for elected office, and in holding a position of public responsibility.

The State of California recently studied what steps State governments could take to insure equal rights for all. In reference to political rights, the Report of the Advisory Commission on the Status of Women stated:

> There are no significant statutory disabilities to prevent women from assuming fully the duties and exercising the rights of political equality.

Mr. President, when the convention was first submitted to this body, the conclusion of the Secretary of State on this subject was substantially the same:

> No substantive legal questions are involved in the United States becoming a party to this convention.

By a simple act, a two-thirds vote of this legislative body, we can show our desire to extend the rights of women all over the world. This cannot help but strengthen the rights of men as well, as all humankind begins to contribute to the effort to build a better world. By a simple act, we can put ourselves on record in support of the cause of human rights. In the words of the California commission, such steps "will enable women to make the maximum contribution to society."

This, Mr. President, is our goal. One of the most basic steps toward that goal is the ratification of the Convention on Women's Political Rights. I ask that the Senate ratify this treaty as soon as possible.

EAST PAKISTAN: BIAFRA REVISITED

Mr. PEARSON. Mr. President, continuing disorders in Pakistan have left an estimated 200,000 people dead, created more than 6 million refugees, and severely reduced the prospects for a fall harvest adequate to meet the needs of the people of East Pakistan. The spectre of a mass starvation in East Pakistan, far exceeding the death toll of Biafra, may become a grim reality this fall. This massive loss of life is made all the more tragic because it can be prevented. In a world with surplus food, death by starvation due to political disputes is the ultimate obscenity perpetrated by man upon man.

Although the need for swift action is readily apparent, the distribution of emergency food supplies is not simply a matter of transporting food from Americans to Pakistanis. In order to get the food to the people, normal channels for the distribution of food in affected areas must be reestablished. These channels will not be restored until a series of political accommodations between the Government of Pakistan and dissident elements in the East are reached. Our Government must, in good conscience, attempt to use every legitimate means at its disposal to facilitate a political settlement and restore the means to transport available relief supplies to the people of East Pakistan.

The United States is in a moral-political dilemma similar to the one encountered during the civil war in Nigeria. On the one hand, it is morally unacceptable for Americans to stand idly by while thousands of people die horrible, needless deaths by starvation. On the other hand, we must recognize that exerting pressure on the Government of Pakistan to reach accommodation with opposition forces in the East is direct interference in the internal affairs of a sovereign nation.

How, then, do we balance our concern for the people of Pakistan with our desire to refrain from political intervention in the internal affairs of nations around the world?

As a general principle of our foreign policy, noninterference in the internal affairs of sovereign nations is founded upon two basic ideas. First, Americans are rarely directly affected by internal politics of sovereign nation-states. Second, Americans now recognize that their nation's power to intervene around the world is finite; the United States cannot be the arbiter of the disputes of all mankind.

In the case of the situation in Pakistan, however, neither of these general principles is valid. The futile deaths by starvation in East Pakistan do have a direct impact upon Americans, perhaps more of an impact than spectacular Byzantine, violent changes of government which occupy the time and energies of diplomats. Each American who is aware of the situation in East Pakistan dies a little each day his Government fails to do its utmost to alleviate the suffering in that area.

As for the second principle, in this case, at this time, the United States and other donor nations do have a good deal of influence over the Government of Pakistan. That Government is dependent upon the capital and commodity flows from the members of the aid consortium headed by the World Bank, which supplies foreign assistance. Surely the taxpayers of the United States and other consortium members cannot condone that continuation of economic, and certainly not military, assistance to a government which systematically excludes a part of its population from sharing in the benefits of that assistance, or worse yet, kills them with it. It would seem that the Government of the United States, following the lead of the consortium, should make clear to the Government of Pakistan that continuation of aid is dependent upon an end to the killing of civilians in the east wing and the distribution of adequate food supplies to all people of the East, without regard to religion or political affiliation.

Mr. President, should the State Department fail to impress upon the Pakistanis that many Americans cannot condone the unnecessary starvation and brutal killing of fellow human beings, Congress may find it necessary to suspend, by law, economic and military assistance to Pakistan.

PRESS BEHAVIOR

Mr. GOLDWATER. Mr. President, since publication of the Pentagon papers by the New York Times and other newspapers there has been so much argument and discussion about it that some of the basic considerations have become obscured.

Because of this, a speech July 10, 1971, by publisher James S. Copley, of San Diego, to the California-Nevada Associated Press Association is especially important. Mr. Copley beyond the question of legality and security raises the matter of press behavior.

He pointed out that freedom of the press carries with it a high degree of responsibility on the part of individual newspapers to present the news fairly and completely and dispassionately, adding:

> In this regard, I believe that time will show the New York Times, and other newspapers that have elected to identify with the Times have done professional journalism a disservice.

Mr. Copley insisted that what really happened had nothing to do with freedom of the press.

He explained—

> The New York Times came into the possession of stolen documents which the Government regards as sensitive. Making no known effort to procure their declassification to permit their legal publication—and against the advice of the Federal Government—the Times elected to publish the documents. In short, there was a straightforward route to follow, not in anyway involved with freedom of the press, and the Times chose not to follow it.

Mr. Copley reminded his audience that the Supreme Court did not in any way condone the fact that the Times and its colleagues received stolen property and that they did so knowingly.

Mr. President, I believe Mr. Copley's assessment of this important question is one with which all Senators should be conversant. Therefore, I ask unanimous consent that Mr. Copley's address be printed in the RECORD.

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

WELCOMING REMARKS OF JAMES S. COPLEY AT THE CALIFORNIA-NEVADA ASSOCIATED PRESS ASSOCIATION

It is a pleasure for me to welcome you to this meeting of members of the California and Nevada Associated Press Association—special because my home town is across the bay.

It also is a special privilege for us to assemble in Coronado in the spirit of a co-operative that dates its origin back to 1848.

Indeed, we should remind ourselves that—in this fast-moving, ever-changing world—there are certain fundamental values that remain with us. One is The Associated Press and the spirit, which it represents, of a dedication to objective, dispassionate reporting of man and his doings.

This objective, dispassionate reporting is what The Associated Press was created to accomplish, and, despite all the change, all the turmoil, since 1848, that is what The Associated Press—our Associated Press—is accomplishing today.

This, then, is what makes our co-operative unique: unchanging dedication to a journalistic ideal which, really, is unmatched anywhere in the world.

Only in the United States of America do we have publishers, broadcasters and others in the communications industry banding together in one organization for the sole purpose of having unbiased and objective news reports. The AP has no other purpose.

Much of the post-war world has seen the development of national news services frequently supported in whole or part by government funds—with the inevitable results.

Speaking from my own experience with the Inter-American Press Association, attempts to make the flow of news conform to government controls unfortunately continue in many areas of the world.

It is good, then, that the basic principles of The Associated Press have remained unchanged for more than a century.

Methods of gathering, distributing and displaying news, however, are changing rapidly, as we all know.

As you saw earlier in the film, we have AP men whose primary writing tool is a CRT console. We have a technical staff whose mission no longer is limited to the care and feeding of M15 teleprinters.

So, with our basic mission of objective news unchanged, there is great change under way *in the methods* we use to accomplish that basic mission. As is already evident, this is not change simply for the sake of change.

One of the great strengths of The Associated Press has been its strong state and regional reports. After World War II, many thought there would be a diminishing of interest in local news as we faced tremendous international and national challenges.

However, in recent years, there has been a significant change in public attitude. Government and international problems have grown so enormously that the average citizen, as an individual, has felt a sense of frustration in trying to influence them or make his views felt. As a result, he has turned toward those things that he feels he *can* deal with and influence.

His interest has sharpened in the local and regional events that affect him directly and personally, problems in schools . . . in traffic . . . in the hundreds of urban ills that plague suburbs and cities.

If San Francisco solves a school problem,

it is of interest in Los Angeles, Reno and Phoenix, to mention just a few cities.

In short, the reader's interest in local and regional news has been intensified. It is closer to home and he can play a part in it.

This is not to say that he has lost his interest in national affairs. To the contrary, he is deeply interested in them, and our obligation to him in this regard is very great.

This obligation is sharply underscored by the current crisis created by the publication of secret state documents by the New York Times and other newspapers, and by the Supreme Court decision that followed.

The reading public is hungry for news of the matter. In this case, however, it is not just news. It is news that involves us very deeply.

Consequently, it would be idle were we, responsible members of an old and respected press association, to complete this meeting without facing up to a few of the realities which the crisis embodies for us.

Viewed soberly, it is plain that an almost monumental challenge has been laid down to our basic dedication to pursue and present the news to our readers fairly, and in complete and dispassionate form.

In this regard, I believe that time will show the New York Times, and other newspapers that have elected to identify with the Times, have done the profession of journalism a disservice.

The Times has contended that the First Amendment of the Constitution of the United States of America is in issue.

But is it really?

The First Amendment prohibits the Congress from passing laws abridging freedom of the press. I doubt if there is any likelihood that Congress has any such intent.

What has happened really has nothing to do with freedom of the press. The New York Times came into the possession of stolen documents which the government regards as sensitive. Making no known effort to procure their declassification to permit their legal publication—and against the advice of the federal government—the Times elected to publish the documents. In short, there was a straightforward route to follow, not in any way involved with freedom of the press, and the Times chose not to follow it.

Apart from questions of the relative sensitivity of each of the 7,000 documents involved; apart from the damage that may come from giving the world an accurate insight to our private, national reasoning processes; apart from the possibility that our enemies may benefit in their cryptographic analysis from seeing the exact text of our secret communications; apart from all of these things there is another matter which affects all of us here.

The Supreme Court did not rule on this. The Court merely declared that, in its opinion, publication of the material in the hands of the Times and its colleagues would not gravely injure the United States of America.

The Court did not in any way condone the fact that the Times and its colleagues received stolen property and that they did so knowingly. This behavior certainly cannot enhance the luster of our great profession.

Against this background it is imperative that journalists at large meet fully their obligation to the public to pursue with great aggressiveness every critical element of the issue.

For instance, too little is known so far concerning the how, the why and the wherefore of the stolen papers. The reading public is hungry to know who were the various people involved in the theft, how the Times received the documents and how other newspapers also received them.

They are curious to know who harbored Mr. Ellsberg, why the Times has not yet been prosecuted for unauthorized possession of stolen goods, how this whole chain of events is affecting our international relations, and the answers to many other questions.

In short, we are involved in a serious news story and, as is our tradition, we must do the job fully and fearlessly, even though it may affect us adversely.

As all of these grave issues swirl about us, I believe it will be beneficial for us to reflect again upon facts which we all know but rarely articulate.

First, a free pass is a tap-root element of the wonderful society we call The United States of America.

Second, a free press is, in itself, not a guarantee that the obligations of our profession to the people will be fully discharged. We must be a *responsible* press as well as a free one; a law-abiding, dependable and fair press.

These are the qualities that bring us respect, and the word "respect" goes to the heart of it all.

Without respectability there is no credibility; and without credibility, all else—even the exciting technological development we have just seen on film—will lose meaning.

For technology is only a means to an end—and the end that we are seeking demands freedom, responsibility, dependability, respectability, credibility.

These words are not going to lose their meaning. They represent the highest ideals of our profession—they give the only real meaning to our business.

The great and responsible journalists of this country will see to it that they remain our ideals . . . that these words continued to mean what they say.

There is just too much at stake.

Thank you, ladies and gentlemen. Feel welcome in San Diego. While there is much to be done in our meeting, there is also much to be seen in our fine city. Enjoy your stay.

HARRY E. BOYD, RETIRED EDITOR OF CEDAR RAPIDS, IOWA, GAZETTE

Mr. MILLER. Mr. President, one of Iowa's most distinguished editors retired on July 1. Harry E. Boyd has been one of those editors who believe that an editor has a responsibility to the community, not the community to the editor. As he is fond of saying, "you can get some things done if you are not kicking people in the face all of the time."

Editor Boyd remarked—

I've always felt the editor of a paper should be as close to work in the community as he can get. It makes more sense to be in at the planning stage and shoot off your mouth, rather than let them get committed and then throw rocks.

Harry Boyd, during his 42 years of meeting the Cedar Rapids Gazette's deadlines, has always insisted that a newsman's duty is to get it right, not necessarily first.

Because the Gazette has adhered to the Boyd precepts, it deservedly has earned the reputation of being one of the finest newspapers in the Nation.

I ask unanimous consent that a feature article on this outstanding editor, written by Phyllis Fleming, be printed in the RECORD.

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

[From the Cedar Rapids Gazette, July 25, 1971]

BOYD RETIRES AFTER 42 YEARS OF GAZETTE DEADLINES

(By Phyllis Fleming)

The Gazette's new city hall and police reporter had spent more years playing the alto sax professionally than he had the typewriter.

But, he didn't see a musical career for himself and he was confident that The Gazette would provide a stepping stone to a job on a big Eastern paper.

Recalling those days in June, 1929, Gazette Editor Harry E. Boyd chuckled and said, "I figured I'd be here about three years then I'd become editor of the New York Times."

But, The Gazette job proved to be a good fit. His intentions of going East faded and he later turned down a job with the Associated Press in Washington, D.C.

Now, 42 years later, Boyd, who retired as Gazette editor July 1, can look back on years of providing leadership not only for The Gazette but for the community.

"If you are going to tell people what to do, you must get out and do some of the work yourself," Boyd said. "None of these things get done except by teamwork involving a lot of people." So Boyd, a man with a wry sense of humor and the ability to listen, has been active in many state and local organizations.

And though he never left The Gazette, he did reach the bigger reading audience he had hoped for as a young man. For eight years (until 1957), he wrote a nationally syndicated column of light humor. At its peak, "My America" ran five days a week in 70 papers with a circulation of over two million.

CAREER PLANS CHANGED

Looking back, Boyd said he never regretted the day "Old Dad" Lazell, former editor of the Cedar Rapids Republican and a faculty member at the University of Iowa journalism school, talked him into going into journalism.

Lazell was his registration adviser and Boyd was having a problem getting his commercial art course schedule lined up.

Boyd had some experience with newspapers—as an eighth grader he was the editor and sole staff member of the "Weekly Snooze," a hand-lettered publication which he passed around once a week to friends and classmates; he had written humorous pieces for the high school paper and he had been staff artist for the Sioux City Journal.

So the switch in career plans was made, and Boyd enrolled in the school of journalism

At 21, he was older than most entering students, and his plans for paying his way through college were a little out of the ordinary. During the following four years, he played three or four nights a week in a dance band, sometimes going to class the next morning in a tuxedo.

While still in high school in Sioux City, Harry started to play the alto sax by ear and played in orchestras. He continued with this part time through a year at Morningside college in Sioux City, then for three years played full time with orchestras out of Sioux City and Chicago including the Morro Castle Revue orchestra on the Keith-Orpheum vaudeville circuit.

In 1925 he enrolled at Iowa U. The first year he played sax and clarinet in Doc Lawson's orchestra; for the next three years he played in and managed his own five-piece band, Harry Boyd's Music. They once went as far as the University of Nebraska to play a dance. Travel was by train and the fee was $450.

"BEST WAY" TO FINANCE COLLEGE

But music was never a "lifetime thing, just the best way to get through college."

Boyd recalled his first few days at Iowa U. After he had registered, paid for books, room and tuition, he had $15 left, but he had a job. In addition to the nighttime orchestra dates, he and several other students provided mealtime music at Kitty Mayme's, a downtown Iowa City restaurant, and got their meals in return.

Meanwhile, Boyd was busy on campus. He was art editor and editor of Frivol, campus humor magazine; editor of the Daily Iowan, campus newspaper; president of a senior

men's honorary, and got top grades. He was graduated summa cum laude in 1929.

He was all set to go to the Des Moines Register at $35 a week, "but I had the feeling they didn't really have a job for me," he recalled. When The Gazette's Verne Marshall offered $50 a week and a specific job, Boyd took it. "That was big (salary) in those days," he said, noting that it was just before the stock market crash.

Boyd had been city hall and police reporter for a year when the opportunity to become editorial writer came along in an unexpected way.

The man who had been editorial writer had a drinking problem and there were days when he didn't show up. He failed to show up once too often. On that day, Boyd was sitting at his desk when Marshall, then managing editor, walked over and asked, "Can you write editorials?" Boyd said, "Well I can try." "Marshall said, "Get there and start writing."

And write editorials he did until his retirement. In these early days he was the only editorial writer, with 1½ columns to fill weekdays; two columns on Sunday. His weeks averaged about 60 hours with Friday nights especially late, 2 to 3 a.m., because both Saturday and Sunday pages were being taken care of then.

Boyd was named associate editor in 1932 and editor in 1941. His writing chores have been heavy. In addition to editorials, he succeeded Marshall as the author of a front page column called "Current Comment". This was dropped in 1942 when The Gazette went to a full editorial page.

He next wrote a weekly column, "Strictly Informal", which was the forerunner to the light humorous items he dealt with in "My America".

POLITICAL CONVENTIONS

Boyd covered all but one of the national political conventions for The Gazette beginning with the Democrats in 1932 up through both Republican and Democratic in 1964.

"I think I had more fun at the national political conventions than anything else," he said, even though he and Frank Nye, Gazette associate editor who accompanied him to many of them, were usually up half the night working.

He recalls the 1932 convention in Chicago with special fondness. "For anybody from out in the sticks, it was quite a show."

Will Rogers sat right in front of him in the press gallery. Damon Runyon of "Guys and Dolls" fame was there as a Hearst reporter. Runyon's typewriter was just back of the speakers rostrum. He stood at the typewriter all day long and kept up a running story on the convention.

Will Rogers figured in a funny story from this convention.

Just a few weeks before, Iowa Sen. L. J. Dickinson had given the keynote speech at the national Republican convention and he had painted a glowing picture of the economy despite the fact that this was during the midst of the Depression. The speech was apparently a memorable one.

At the later Democratic convention, W. Earl Hall, former editor of the Mason City Globe-Gazette, was seated at the back of the press box. He passed a note up to Will Rogers asking for "the autograph of the world's greatest humorist." Boyd recalls that without even hesitating, Rogers quickly signed "L. J. Dickinson" and sent the note back to Hall.

At a later convention, Nye and Boyd were working on stories in their hotel room. Boyd was lying on the bed with a small typewriter on his chest typing a story. Suddenly Nye realized he didn't hear typing. He looked over and there was Boyd sound asleep with his fingers poised over the typewriter keyboard.

COUNTED IN DELEGATION

Then there was the time that Boyd and Nye got counted as part of the Alabama delegation during an Alabama caucus.

Asked if reporters from earlier days weren't more colorful than they are now, Boyd agreed, but added, "They were more colorful because they didn't worry much about the facts. They are less colorful now, but much more professional than they used to be."

He emphatically says that newspapers of today are better than they were 20 years ago.

"All daily newspapers have become more responsible in reporting. There was a lot of fire horse, gee whiz, sob sister writing" in the early days.

Today there's less "gee whiz" and more attention to factual, reliable handling of the information.

He sees at least two reasons for this—the field of coverage has broadened a great deal and become more complex and better trained people have been made available to newspapers by the colleges.

Recalling his own days as city hall reporter, he said the two biggest proposals at one point were new street numbers and whether a parking lot or a park should be placed on municipal island. "The discussions dragged out for about a year," he said. "Now many council meetings have a dozen problems that are really tough."

Boyd thinks newspapers are here to stay, but that they are going to have to speed up production by using more mechanical techniques. He also sees more emphasis on interpretive reporting than concentration on spot news.

EMPHASIS ON GETTING IT RIGHT

"Television and radio take the cream off getting a story first. Newspapers must place emphasis on getting it right rather than first."

Referring to recent attempts to subpoena reporters' notes, Boyd sees "constant nibbling at the press and broadcasting in an attempt to trim them down. A lot of people are mad at them. The better a newspaper does its job the more people are mad at it. People don't like to read what they don't already think."

And what is the job of today's newspaper? The same as the job was when he started, Boyd said; to get as complete and as accurate information on what is going on as it can get and to do whatever it can do in interpreting facts to help the reader.

"The same things make news now that used to make news." Innovations in handling the news haven't changed that, Boyd said.

Asked if the courts should be able to subpoena reporters' notes and expect to get them, Boyd said, "My first reaction is no" but he said he hadn't thought this problem completely through.

Commenting on his own days of notetaking, Boyd said, "I never had any notes they could subpoena in court and get anything out of."

"I never took many notes," he said, recalling the first feature story he was assigned to do by John Battin, Gazette city editor. The subject was a recently retired railroad engineer and Boyd got all set with his notebook and pencil. As the man talked he made a few marks in the notebook, then the man asked, "now what have you there?" Since Boyd had only a few scribbles, he was forced to fall back on his memory to recount what the man had told him. It worked, too.

Asked just what he thinks the role of a newspaper in the community is, Boyd said the newspaper should, through editorials, say what it thinks, but it shouldn't tell others what to think. Neither is it necessary for the newspaper to have an opinion on every subject that comes up.

GET OWN WORDS BACK

Boyd doesn't think newspapers have the "crackdown" power that some ascribe to them, but he does think "people rely more on what they read in the newspaper than they think they do."

"You can see it in writing editorials, in having your own arguments come back to you in your own words. The person may not even remember where the words came from."

Boyd was an editor who actively participated in many community and state activities. The list of his activities, a long one, includes 23 years on the board of the public library (15 years as president); member of the Mercy hospital board since 1952; member of the Chamber of Commerce board and member of many Chamber committees; chairman of the Iowa College-Community Research council for nine years; member of the Iowa commission for reorganization of state government; member of the board of the Iowa Good Roads Assn.; chairman of the Mental Health center board. Listed in "Who's Who", he is also a member of many professional and social groups.

"I've always felt the editor of a paper should be as close to work in the community as he can get. It makes more sense to be in at the planning stage and shoot off your mouth, rather than let them get committed and then throw rocks."

He admitted that this probably "makes for a little less interesting reading, but for a better community."

He also sees community activity as a way of getting information first hand, of keeping in touch with business people and finding out what they can and will do.

He believed in getting out of the office and meeting people, in talking to policemen, people on the streets, at the coffee counter, etc.

Referring to people who come into the office, he said, "You can almost be sure they're not representative of a group. You need to balance them off by getting out and talking to people."

Asked how he would describe The Gazette's general political stance, Boyd said, "Independent, but leaning Republican. We have supported Democrats." He recalled that when he came to Cedar Rapids, the town was a G.O.P. stronghold but he pointed out that this is no longer true.

EDITORIAL POLICY

Speaking generally about editorial policy, Boyd said, "You can't get too far out of line with the general tone of the community. You can get some things done if you are not kicking people in the face all of the time."

Boyd recalls that one of his first editorials dealt with the need for an access highway north out of town along the line of Center Point road.

This is approximately the line of the Cedar Valley roadway which is nearing construction. "There is satisfaction in picking away at something like this."

He also recalled how The Gazette was able to dissuade the Legion from building a proposed bowling alley across what was then the end of Fourth avenue SE. The street was already blocked by the Union depot and many thought the depot would be there forever. The Gazette position was that another through street was needed downtown and if the depot was ever moved, Fourth avenue would be ideal. A few years later the depot was gone and Fourth avenue went through.

Not everything is successful. "We wrote quite a lot about storm sewers, but didn't get much accomplished," Boyd said.

Looking at the expansion of Cedar Rapids during his tenure, Boyd called the growth "a healthy type, about 2½ percent a year, no big booms or no bad setbacks." He credited this partly to a good group of businessmen and to a Chamber of Commerce that steered toward balanced growth.

However, he said, he has had a feeling in the last few years that there has been a "diffusion of leadership. We lost something we had 10 years ago by so many groups going off

in their own direction without enough (coordinated) direction."

Boyd sees continuance of good leadership as the community's biggest problem. "Older (leaders) need to give younger leaders more opportunity to step in and show what they can do . . . We've got a lot of good young people here but they don't get much opportunity to work on really basic problems."

BASIC PROBLEMS

Basic problems mentioned by Boyd included leadership, highway arteries and jobs. "It's essential to keep industries that can provide jobs. Jobs are what solve most of the problems. It takes money and you don't have it without jobs."

Boyd called the recently proposed Target '76 "a program that makes good sense. We've got to get rid of a lot of overlapping government agencies and get more regional type management."

He continued, "The city isn't going to prosper unless the region prospers so some of the leadership has to come from the region."

We no longer can afford duplication of facilities and manpower, Boyd said. "I think we are going to have to have more rapid progress in county consolidations and school consolidations but it won't be easy."

Looking back over years of dealing with politicians and various officials, Boyd said, "As a general rule, politicians are much better than they get credit for. They are more conscientious than people give them credit for. . . . Not all are as bright as they ought to be but most try to do as good a job as they can. This has been especially true in Cedar Rapids. We are lucky to have a lot of good city officials . . ."

Asked if he would like to be starting again instead of retiring, Boyd said no, that he had worked during an interesting time—the Depression, World War II, beginning of atomic age—and added:

"I'd kind of hate to be starting now because there are so many problems there don't seem any answers to."

Asked to specify, he mentioned the Near East and Southeast Asia and said, "I wonder whether we'll ever get solutions that are very satisfactory." He also cited the great need for funds faced by states, semi-public organizations and cities; needs without any obvious solutions.

CONTINUE AS CONSULTANT

Though Boyd will no longer be faced with daily deadlines at The Gazette, he will continue as a consultant. Editorial responsibilities will continue to be handled by the three editorial writers, Associate Editor Frank Nye; Art Heusinkveld, editor of the editorial page, and Jerry Elsea, and three other members of the editorial board named earlier this spring.

Boyd, 67, and his wife of 46 years, Dorothy, reside at 450 Forest drive SE. Their daughter, Mrs. James Read, lives in Minnetonka, Minn. Their son, John, is an assistant professor of English literature at Cornell university.

A PROPOSAL ON PAKISTAN

Mr. SAXBE. Mr. President, the lead editorial in today's Washington Post calls for—

An immediate joint appeal to Pakistan by the United States, the Soviet Union and the People's Republic of China or from separate but parallel appeals from these three.

It also states:

In Pakistan, the world is witnessing a holocaust unmatched since Hitler . . .

Mr. President, on July 12, 1971, on page 24485 of the RECORD, I said:

I believe that the Pakistan strife may provide an opportunity for the United States, the Soviet Union, and the People's Republic of China to attempt to reconcile a most difficult problem and thereby strengthen their common efforts at international cooperation. The President may wish to call for an international conference to discuss this problem. I also stated, let us recognize Yahya's policy for what it is—the most brutal and deliberate genocide since Adolph Hitler.

Today I wish to announce that the Saxbe-Church amendment to suspend aid to Pakistan has 33 cosponsors, with the addition of the Senator from Alaska (Mr. GRAVEL). I invite the attention of Senators to a number of articles on Pakistan and ask unanimous consent that they be printed in the RECORD.

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

[From the Washington Post, July 30, 1971]

A PROPOSAL ON PAKISTAN

In Pakistan, the world is witnessing a holocaust unmatched since Hitler—and "witnessing" is the operative word. While hundreds of thousands have died and millions have fled, the world has done little but look on in paralyzed horror, sighing for the victims and offering the survivors among them alms but taking no effective measures to ameliorate even the incontrovertibly international aspect of the tragedy: the forced flight of terrorized Pakistani refugees to India. After the catastrophe of the Nigerian civil war, one might have hoped the international community would have been prepared—in mental outlook, anyway—to prevent a repetition of it. But no.

The great nations with an interest in the subcontinent have been unwilling to halt their separate routine quests for national advantage merely for the sake of reducing the toll of human misery. The Russians are perhaps least to be blamed: they did not have an important position in Pakistan and they have used its agony merely to consolidate their position in India. The Chinese, on the other hand, have adopted a policy of totally craven expediency. They have rejected the Bengalis' cause of popular revolution against an unjust tyranny, and they have encouraged the oppression of the Bengalis by the Pakistani government, even to the point of offering to defend Pakistan against outside (meaning India) intervention.

American policy is, for Americans, even more regrettable. For "strategic" reasons which come down to no more than an outmoded habit of military alliance with Pakistan, the United States has kept up a flow of arms and has asked Congress for new economic aid (so far denied), all this under the pretext of gaining a friend's leverage in order to steer the Pakistanis back on a moderate course. There has not been a whit of evidence, however, that the Pakistanis have paid any heed to whatever American urgings may have been privately conveyed. On the contrary, the outpouring of refugees continues, at upwards of 20,000 a day, and the United States is widely blamed for facilitating it.

What are the alternatives? One is an Indian-Pakistan war. This is far from unlikely, in view of the domestic pressures upon both governments. Pakistan's policy of expelling its citizens across the border and India's policy of aiding the Bengali insurgency movement could provide the spark for broader hostilities at practically any moment. Such a war would add new dimensions of despair to the subcontinent, and it would intensify the political play on the Moscow-Peking-Washington triangle.

But, as well, a war would give U Thant and the international community which he represents an opening to deal with the basic problem of Pakistani cruelty. Everyone can see the death by starvation or cholera, in whatever numbers, and perhaps the greatest trans-border migration of peoples in modern history, and the imminent threat of war. Yet none of these has been adequate to mobilize Mr. Thant and the United Nations. But if a few people of one nationality were shot by a few soldiers of another, then the Security Council presumably would meet and the whole ponderous apparatus of international conciliation and problem-muffling might grind into gear.

The other alternative, as we see it, can only come either from an immediate joint appeal to Pakistan by the United States, the Soviet Union and the People's Republic of China or from separate but parallel appeals from these three. They would have to ask and help Pakistan to take the steps necessary to restore normal conditions, difficult—indeed impossible—as that task may seem now. The mechanics of American-Soviet-Chinese pressure are hard for an outsider to imagine (hard for an insider, too, no doubt). Yet it is plain that together the three countries, and only they, have the requisite influence to induce Pakistan to change course, and the problem is to find a way to bring it to bear.

There are, of course, a dozen reasons diplomats and politicians can give you why such a proposal is unrealistic and unworkable. Basically, it would require three extremely wary mutual rivals to collaborate, as they have never done, and to collaborate in an important arena of their rivalry. The argument for trying out the proposal, though, is quite simple: it could spare 10 or 20 or 80 million people terrible additional suffering, not to say—for many of them—their lives. Forlorn or visionary as it may be, no possibility for limiting the effects of the Pakistani tragedy ought to be abandoned out of hand. And if the United States is not to make a real and positive contribution, then at the least it ought to end its current policy of aid, however limited, to Pakistan.

[From the New York Times, July 30, 1971]

PAKISTAN REGIME IS PREPARING FOR LONG GUERRILLA WAR IN EAST

(By Malcolm W. Browne)

DACCA, Pakistan. Pakistan's military Government is waiting for what it fears may be a protracted guerrilla war in East Pakistan, and Government strategists are drawing from the writings of Mao Tse-tung and other experts in their plans.

"Ours is a regular army," a high-ranking Pakistani officer in an interview. "We recognize that regular armies are not suitable for guerrilla campaigns, as the Vietnam experience has shown. We can shield the nation against external threats, notably India, but only the people can conduct anti-guerrilla warfare."

Pakistan's army, which consists mainly of West Pakistanis, attacked Bengali dissidents on March 25 to re-establish the authority of the national government and to supress the separatist movement.

Tens of millions of East Pakistanis, it is reported, fled the major towns for the relative security of the countryside and several million crossed the border into neighboring India.

OPEN BATTLES FOUGHT

Initially, the Bengali separatists fought the army in open battles. Bengali forces included almost all of East Pakistan's police and militia forces, as well as the East Bengal Regiment, a unit in the national army.

But the national army quickly seized all the major towns in East Pakistan and wiped out opposition strongpoints. Resistance became sporadic and took the form of sniping and sabotage on railroad lines.

During the last two weeks, however, guerrilla activity has accelerated and has begun to pose a problem for the military authorities. The three divisions of troops, armor and artillery now being maintained in East Pakistan have not been able to prevent the

dynamiting of power installations, bridges, roads and houses by guerrillas.

Most experts speculate that Bengali guerrillas who went to India on March 25 have now had time to receive training and weapons in Indian camps and are now back in action in East Pakistan. According to one estimate, there are 30,000 active guerrillas in the province. One step toward countering this force was taken by the Government on July 15 when it organized the new Razakar (Volunteer) force.

AUXILIARY MILITIA FORMED

Razakar units are hamlet militia responsible to the local police as a kind of auxiliary. Anyone over 14 may join after a loose screening procedure. After brief training the recruit is given a rifle and paid about 70 cents a day while on duty.

"The Razakars guard vulnerable points such as power stations, bridges and so forth, but they should be especially helpful as members of rural communities who can identify guerrillas," an army officer said.

The Government says it has already recruited more than 22,000 Razakars of a planned force of 35,000.

"The people are definitely giving us information about the guerrillas," the officer said. "The people realize that the guerrilla operations are hurting the economy and that this hurts the people. If we can convert this resentment into support for us, we'll overcome the guerrilla problem."

The officer said the army was increasingly successful in determining guerrilla infiltration routes and in ambushing them.

"Mao Tse-tung teaches that roving rebels accomplish nothing and that successful guerrillas must have a base inside their target country," he said. "This we are denying them."

[From the Christian Science Monitor, July 29, 1971]

CAUGHT AMID WELTER OF IT ALL ARE POOR, SIMPLE BENGALIS

(By Henry S. Hayward)

HONG KONG.—Four full months after the onset of the Pakistani civil war, neither India, Pakistan, nor the outside world seem to have made any real progress toward correcting the difficulty, or even stemming the tide of fleeing humanity which continues almost unabated.

You don't need to be physically present in northeastern India or East Pakistan to realize how desperate the situation there has become.

Caught amid the welter of it all are the millions of poor, simple Bengalis of East Pakistan—the hapless victims of this great upheaval.

The great difficulty confronting anyone—be they nation or individual—who wishes to help is that Pakistan continues to regard the problem as its own internal affair. And India, the recipient of the influx, is not on sufficiently good terms with its Muslim neighbor to work out a solution to the problem without raising the specter of self-interest.

A mere itemization of the latest developments shows how the situation continues to deteriorate.

Best estimates are that nearly seven million refugees have arrived in India from East Pakistan since last March. Almost without exception they have come by foot, or oxcart at best. Some have come a hundred miles or more.

They are still coming at the rate of 50,000 a day. A few days ago a correspondent on the scene reported large numbers of new refugees walking toward the Indian border from the Barisal region and Faridpur. The walking tide was estimated at 400,000 to 500,000 people.

At least two million children are involved in the Hegira. Many of them are suffering from malnutrition. India now has 700 centers operating to provide milk, but even so they can service only 600,000 children.

The representative of the League of Red Cross Societies in Geneva, Norwegian Col. M. D. Erla, said in New Delhi the other day: "I have seen many catastrophes but none like this."

He said that the plight of the refugees was worse than those in Biafra—and that no solution was in sight.

On the other side of the border, a visiting Canadian parliamentary delegation summed up its findings on the situation in East Pakistan by saying:

It was bad enough a month ago when this correspondent watched the tide of Bengali refugees flooding into the Indian areas just north of Calcutta. Indian sources say the figures exceed six million.

It was just as grim when one went to the East Pakistan side of the border and heard the whispered explanations of frightened residents as to why this massive, historic, heart-wrenching exodus is taking place.

The story is one of racial and religious hatred, of poverty and disease, of political maneuvering, military repression, and the suspension of democracy.

"At best you can say life is semi-normal."

One effort to stem the outflow of refugees and persuade those who have fled to return to East Pakistan is being made by Tunku Abdul Rahman, former prime minister of Malaysia and current secretary-general of the Islamic Secretariat. He is working on a plan to provide safe-conduct guarantees for refugees who wish to return to their homeland.

The problem is that before most of these terrorized, penniless people can be persuaded to return they must be convinced they will not again become victims of military persecution on racist, religious, or political grounds.

Despite repeated denials by the Pakistan Government and the Pakistan Army, the refugees now coming out of East Pakistan still complain of their homes being looted and burned by Pakistani soldiers. They also claim their women and girl children are often taken away—where, they do not know.

Aside from the cost in terms of human misery, which is staggering to any beholder, the cost in terms of money also is great. India is reported to have spent the equivalent of £280 million ($672 million) already on the refugees.

This new financial burden is not one Indian can shoulder for long without imposing heavy additional taxes on its own population.

[From the New York Times, July 29, 1971]

PAKISTAN SAYS INDIA KILLED FIVE IN SHELLING

DACCA, PAKISTAN.—Pakistani authorities charged Tuesday that an Indian artillery barrage killed five civilians and wounded 13 in the district capital of Comilla in East Pakistan.

Comilla, which is close to the Indian frontier, was reported shelled last week and Pakistani officials said one civilian was killed. Shelling across the frontier occurs almost daily and has resulted in many disputes between the Indian and Pakistani Governments.

Meanwhile, military authorities here discounted the effectiveness of the two-week-old offensive being conducted by Bengali separatists. Handbills posted in Dacca have warned the population to evacuate the city by Aug. 1 to avoid injury in the coming clashes between guerrillas and the Pakistani army.

NEW DELHI.—The East Pakistan refugee problem has no parallel in human history, Col. M. D. Ezla of the League of Red Cross Societies said Tuesday. Colonel Ezla, a Norwegian, is here to help the Indian Red Cross aid the seven million refugees who have crossed from East Pakistan.

[From the Washington Post, July 29, 1971]

10 MILLION PAKISTAN EXILES PREDICTED BY END OF YEAR

(By Marilyn Berger)

Angier Biddle Duke, who headed an International Rescue Committee team studying the plight of Pakistani refugees in India, predicted yesterday that the continuing tension in the region would bring the number of refugees to 10 million by the end of the year.

Duke, a former U.S. ambassador, was in Washington to seek U.S. government cooperation in a number of programs the IRC has started in India to aid the refugees. In a report that Duke gave yesterday to Francis L. Kellogg, special assitsant to the Secretary of State for refugee affairs, the IRC reported on "the desperate air of tension the Pakistani army has tried to maintain along the border by mortar fire to which the mission can bear personal witness."

The report stated: "There is no indication that the exodus has been halted. If the present trend continues, the figure is likely to go to seven million before July is out. Seven million is the total population of Cuba."

Indian sources indicated the prediction was correct. The movement of refugees from East Pakistan started on March 25 when the forces of the Pakistani central government cracked down, allegedly to prevent the establishment of a secessionist state. Reports from the scene told of rape, murder and other atrocities, and Bengalis poured into India to escape what was widely described as a bloodbath.

State Department officials said yesterday that military activity in East Pakistan has largely subsided since May although action against guerrillas continues. These officials also note that the flow of refugees has dropped to "as low as 20,000 a day."

Duke said that the continuing state of tension rather than any actual bloodshed is enough to keep the refugees coming into India. He said the IRC was setting up programs to use refugee doctors and teachers to work with the Bengalis who are filling camps in India. He said the IRC hoped to raise $1 million and to get additional funds, partly from the U.S. government, to run a program that would cost $2 million over the next six months.

But Duke said that any attempt to work with the refugees is nothing more than a palliative. "Political solutions for the return of the Bengali refugees must be found," the IRC mission report said.

There is concern within the U.S. government that the continuing drain on India caused by the presence of the refugees could lead to an explosion.

Some officials are also worried that the end of the monsoon rains in October could bring more bloodshed. Intensified civil war with a greater flow of refugees could create still greater strains on India.

A possible Indo-Pakistani conflict carries with it the potential for a Sino-Soviet confrontation, U.S. officials have noted. Pakistan is understood to feel confident of Peking's support, while India has been backed by the Soviet Union.

The United States, meanwhile, has sought to keep up a dialogue with both sides. Assistant Secretary of State Joseph J. Sisco saw both the Indian and Pakistani ambassadors on Tuesday before he left for Israel. The United States has welcomed Pakistani President Yahya Khan's willingness to accept a United Nations presence along the border.

The Indians have turned down the Secretary General's proposal, refusing to be "equated" with Pakistan in this situation. Indian officials say further that it is im-

possible to seal a 2,720-mile frontier with no natural geographic barriers.

The United States has officially taken a low-key stance, urging restraint on both India and Pakistan and quietly nudging Yahya to reach a political accommodation with the Bengalis that would allow the refugees to return.

WAITING AT FORT DETRICK

Mr. MATHIAS. Mr. President, 2½ years have passed since the President decided to end Federal activities in the field of biological warfare and to close out the research and development facilities used for that purpose at Fort Detrick, Md.

Two and one-half years have passed since I first tried to explore with the administration ways of putting the facilities at Fort Detrick to work to advance the health and welfare of mankind.

Two and one-half years of letters, phone calls, meetings, studies, consultations, pledges, amendments—you name it—have passed. And despite the solid support of the scientific community, despite the fact that Fort Detrick is an incomparably equipped facility, despite the fact that if we fail to use it we will eventually have to duplicate it elsewhere, despite the fact that a single phone call would set it to work immediately on the cause and cure of cancer and other diseases—nothing has been done.

In January, the President proposed a massive national effort for the conquest of cancer. He said:

> It is important that this program be identified as one of our highest priorities and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape.

The president of the American Association for Cancer Research, Dr. James Holland, has described Fort Detrick as "a magnificently specialized laboratory" which could rapidly be transformed into "a bastion in the fight against cancer." And a number of other experts in this field have testified that the men and equipment at Fort Detrick are ready and able to start work right now on research into cancer and other diseases.

I have recently been informed, for example, that the vaccine now used to combat equine encephalomylitis among horses in the Southwest is a byproduct of work done some 11 years ago at Fort Detrick and that all the necessary equipment to make the vaccine is already set up there.

The simple fact is that we have, in Fort Detrick and its scientists and its equipment an invaluable resource—altogether representing a quarter of a billion dollar investment on the part of the American people—which we are failing to utilize because of precisely those dangers that the President warned us against—the dangers of "bureaucracy and redtape."

In May of this year, after some 6 months of leisurely deliberation, the Department of Health, Education, and Welfare approved and sent to the White House a number of alternative proposals for turning Fort Detrick into a national laboratory for combating cancer and other diseases. Some 2 months have passed and the White House has yet to make a decision.

Today we are considering the appropriations bill which includes the funds for such public health research programs.

For 2½ years the team of scientists and skilled personnel at Fort Detrick have been waiting for that single, simple phone call that will tell them: "Go to work and help find a cure for cancer and for other diseases that continue to afflict mankind."

They should not have to wait another day.

THE CASE OF THE $20,000 "JUNK"

Mr. HARTKE. Mr. President, I ask unanimous consent that there be placed in the RECORD a number of newspaper articles discussing the recent incidents involving complaint letters written to General Motors, placed on microfilm, disposed of, discovered by junk dealers, and then repurchased by General Motors for $20,000. Several of the articles discuss complaints about the Corvair heater, on which the Committee on Commerce has recently held hearings. I think that Senators will find them notably interesting.

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

[From the Detroit News, Apr. 28, 1971]

GM BUYS BACK RECORDERS TO KEEP THEM FROM NADER

(By Robert W. Irvin)

The General Motors Corp. has paid $20,000 for more than 100,000 of its own microfilm records of owner complaints apparently to make sure they don't fall into the hands of Ralph Nader.

That was the word today from Floyd Avery and Ken Simpson, who got the money April 20 after finding records.

GM admitted that "several cartons" of microfilm copies of outdated Chevrolet owner relations customer files from the early 1960's were discovered last week in a Detroit area salvage yard.

"These microfilms of obsolete files had been retired under normal business procedures and were processed for destruction several years ago," GM said. "When GM learned they still were in existence, it reacquired them from the salvage operator."

"Yeah, we sold them back to GM and got 20 big ones from them—$20,000," said Avery.

He and Simpson are owners of the Downriver Industrial Surplus Corp., of Wyandotte. They also run a music store in Wyandotte.

The microfilm records—each about a half inch by half inch—were mounted on 3-by-5-inch cards. There were 18 boxes full of these cards.

Avery, of Riverview, and Simpson, of Wyandotte, acquired the records when they purchased the contents of Sam's Radio Electronic Surplus at 11762 Cloverdale, Detroit, for $7,500.

"The records happened to be in the store," Simpson said.

"We were in the process of moving all the surplus equipment when a customer came in and bought some of these cards from us for 6 cents each," Simpson recalled.

"We didn't know what they were but, when the guy came back later and wanted to buy the whole lot, we got suspicious."

So, Simpson said, "I held up one of the cards to the light and saw the Chevrolet heading on the film."

It was then that he and Avery decided they may have found something valuable.

Nader gets into the picture at this point but the circumstances are unclear. Simpson and Avery say someone from Nader's office in Washington called and asked for the film.

Nader's people say the Detroiters called them and offered to sell the film. The Nader people said they were willing to take it as a gift.

In any event, GM apparently moved quickly to see that Nader, its archcritic, didn't get the film.

"We used Nader as a hammer, let's face it," said Simpson.

"We arrived at a figure with GM of 20 cents apiece or $20,000 for the batch."

Actually, said Avery "we gave them 105,000 for the $20,000 and then they went searching the building for more boxes.

"We found another with 7,000 more," he said. "We gave them those for nothing."

Simpson said GM "implied that the film may have been stolen but we told them we bought the warehouse and they agreed there was nothing illegal about our acquiring the cards."

Asked if they had thought about simply giving GM back its property, Avery, 44, said: "I'm old but I'm not senile."

"I'm not over this yet," Avery said, "It's like so much gold. It's like hitting the sweepstakes. I guess we're just lucky. How else do you explain it?"

"I personally will be indebted to GM for quite a while," said Simpson, 31, "It's going to be a long time before I top this sale."

However, Simpson and Avery appeared a little worried about the publicity their business deal was getting.

"GM's a big outfit for me to pull their tail and my name ain't Nader," Avery said. "Everybody keeps telling me not to worry but they know who I am and that scares me . . ."

"I don't think they'll do anything to us," Simpson said. "I wouldn't talk if I didn't have the money."

"We got a $20,000 cashier's check from the National Bank of Detroit," Simpson said. "We asked how they went about selling GM the film, Simpson said:

"We just contacted GM customer relations early last week. They forwarded the call to four different people. Finally, we dealt with a W. E. Ludwick. I guess he is in the records division."

They told him they had some GM complaint files that he would be interested in.

"We agreed to meet the next day at 9:30 a.m. but he was there an hour early," Simpson said.

"They told us each card was a complaint about a Chevrolet car," Avery said. "They were from 1962 to 1965."

As soon as GM paid for the films it hauled them away. But Avery and Simpson admitted they didn't give GM quite all the cards.

They had a couple as souvenirs.

[From the Detroit Free Press, Apr. 28, 1971]

MICROFILMS BRING $20,000—GM BUYS BACK MISSING FILES

(By Tom Nugent and Larry Adcock)

General Motors Corp. paid $20,000—sight unseen—for more than 100,000 microfilmed copies of the automaker's customer complaints that two downriver salvage dealers found in their Wyandotte warehouse.

The complaints, about Chevrolet products including the highly controversial Corvair, covered the years 1964 and 1965.

The microfilm mysteriously disappeared from the Chevrolet Division Customer Relations Department sometime after 1965, a GM spokesman said Tuesday.

The records were found by scrap dealers Floyd E. Avery and Kenneth A. Simpson March 1, after they moved a shipment of industrial surplus goods purchased from Sam's Radio Electronics Surplus, 11762 Cloverdale, Detroit, to their Downriver Industrial Surplus warehouse in Wyandotte.

The microfilm was contained in 19 cardboard boxes marked "GM."

Complaints were about various Chevrolet products, including the controversial Corvair, the subject of numerous safety investigations and lawsuits during the '60s.

Avery and Simpson said that Ralph Nader's Center for Auto Safety in Washington learned of the microfilm discovery shortly before GM's offer. GM was aware of Nader's interest before the April 20 purchase, Avery said.

High-echelon Chevrolet executives instructed W. E. Ludwick, assistant manager of Chevrolet Customer Relations, to pay the asking price of 20 cents per microfilm card—or $20,000—sight unseen, according to John Cutter, chief of Chevrolet public relations.

"He (Ludwick) told us that if 'Nader ever got these, we'd be hurting.'" Avery said Tuesday. "He was really in a panic."

Ludwick could not be reached Tuesday, but Cutter explained:

"These microfilms of obsolete files had been retired under normal business procedures and were processed for destruction several years ago. When GM learned that they were still in existence, it reacquired them from the salvage operator."

Cutter would not confirm the purchase price, and said: "I don't know whether anybody's evaluated the contents. We simply wanted to see what was inside."

GM officials could not explain the disappearance of the files and insisted that curiosity was their only motive for re-claiming them.

Avery and Simpson didn't know how Sam's Radio Electronics Surplus got the microfilm. The owner of Sam's Surplus could not be reached for comment Tuesday night.

Avery said that he and Simpson discovered the files after they purchased all of Sam's Surplus stock in a $7,500 transaction.

"We didn't know what we had," Avery said, "until a guy offered us 6 cents a card. Then we said 'Whoa, wait a minute. This stuff must be pretty important to somebody.'"

Soon thereafter, Avery said, Nader's office offered to pay for shipping the files to Washington.

Avery declined, and called GM.

He said Ludwick arrived the next morning a full half-hour before Downriver Industrial's 9 o'clock opening. Avery said Ludwick readily agreed to the $20,000 purchase price and delivered a cashier's check (acct. No. 1382898–0720–0032–000–81, the National Bank of Detroit) the same afternoon.

"Ludwick said his records department at Chevy had 45 people waiting to go through the files when they got back to headquarters," Avery said. "He said they wanted to make sure that everything was there.

"You should have seen the panic when he thought one case was missing. He searched everywhere for it. We found it later, and returned it to him."

Cutter responded: "When it was identified as owner relations files, it was determined that we should obtain them and see if it was necessary to retain them for any further purpose."

The complaints documented in the missing microfilm came coincidentaly at the height of Nader's crusade against safety defects in the Chevrolet Corvair.

His book, "Unsafe at Any Speed," rocked the auto industry and produced numerous congressional hearings aimed at the question of auto safety.

Nader and others—including Carl F. Thelin, a former GM engineer—charged that GM had suppressed test reports and other documents during the controversy. GM officially denied the charges at the time.

Cutter responded to the possibility of a connection between the charges and the disappearance of the microfilm by snapping:

"If you think GM went out and hid those files in a warehouse, you're barking up the wrong tree."

Nader's office said Tuesday that it would pursue the question of such a connection.

[From the Detroit News, May 1, 1971]

FILES REVEAL CORVAIR

(By Robert W. Irvin)

An analysis of scores of microfilms of Chevrolet owner complaints shows that many of the customers were dissatisfied with dealer service and an even larger number complained specifically of problems with the Corvair.

These documents, some of them dating back nearly 10 years, are from the batch of more than 100,000 General Motors scheduled for disposal but which instead fell into the hands of two Wyandotte scrap dealers.

The dealers in turn sold the film back to GM for $20,000. The film is now considered valuable because of the safety controversy surrounding the Corvair and lawsuits which have been filed because of accidents involving it and other GM cars.

However, not all the missing film has been returned to GM. The Detroit News and WWJ–TV yesterday acquired about 250 holders containing microfilm records.

An analysis of more than 100 complaints showed that nearly one in four dealt with early models of the Corvair, the trouble-plagued rear-engine car which Ralph Nader charged was unsafe because of a faulty suspension design.

The complaints in the random sampling by The News and WWJ–TV, however, did not uncover any specific mention by a customer of a Corvair handling problem.

Rather, the Corvair owners complained of a variety of other problems, including engine fumes entering the passenger compartment through the heater, in one instance. This is a problem which last year prompted federal safety officials to issue a public warning to Corvair owners.

Sales of the Corvair fell after Nader's charges in the mid-1960's and the car was taken out of production in 1969.

About one in five of the complaints sampled indicated dissatisfaction with the way dealers handled servicing of the cars.

However, it is not unusual to find such complaints about service in a batch of letters to a car division. The customers likely would not be happy with the service or they would not write in the first place.

But when it comes to trouble with dealers, it would be hard to top the problems of a Kenosha, Wis., man who wrote Chevy about the problems in his 1960 Corvair.

"I can't get any warranty work done," he said, "and the dealer threatened to call the police if I didn't get my car out of there. I will never buy or encourage anyone to buy a Chevrolet product again."

A Corvair owner who complained about gas odors was Mary Healy, of Washington. Asked last night about the matter, Miss Healy said she sent several letters to GM about the fume problem but "they just kept referring me back to the dealer."

She said the dealer eventually solved that problem but never did solve another complaint of poor gas mileage.

She said she was "very dissatisfied with the Corvair" but still bought another when she traded in her 1961 model in 1965.

"I like its body and I like the way it handles. It's the perfect car for me," she said.

"But even with the '65, I sometimes smell gas fumes and have to keep a tight grip on the wheel because it vibrates when I drive fast. So I drive slow most of the time."

MORE GM FILES DISCOVERED

(By Tom Nugent and Larry Adcock)

Missing pieces of General Motors Corp. microfilm continued to surface in Detroit Friday, as downriver salvage dealers Kenneth Simpson and Floyd Avery presented the company with 1,200 additional customer files and a Rockwood auto worker announced that he had 750 of them.

Avery and Simpson discovered more than 100,000 microfilmed GM customer complaints at their Downriver Industrial Surplus warehouse in Wyandotte March 1. They sold them to General Motors for $20,000 on April 20.

"Mr. Floyd Avery has turned over to the Chevrolet Motor Division without charge an additional box of microfilm files which he found in the process of moving and unpacking material purchased recently from another salvage operator," GM spokesman John Cutter said Friday.

"A preliminary sampling indicates the box contains about 1,200 files of customer correspondence covering a period in the early part of 1962," he said.

Avery said late Friday that he and Simpson had agreed to turn over any additional files which they uncovered as part of the initial $20,000 purchase price.

Meanwhile, Ford auto worker Emil Sieniarecki of 11246 Loranger, Rockwood, said GM Friday offered him 20 cents per customer file for approximately 750 files which he discovered in his home Wednesday.

Sieniarecki said he refused to accept GM's offer, and would press for all he could get before selling the files.

Both the U.S. Department of Transportation and Ralph Nader's Center for Auto Safety in Washington have asked to see the files, which GM says were processed for destruction in the late 60s before disappearing.

Nader Thursday called for a Congressional investigation of the files—which include both customer complaints and GM responses to them during the early 60s. Nader said the files may relate to three separate legal actions now pending against GM.

[From the Detroit Free Press, Apr. 29, 1971]

COMPLAINTS TO BE EXAMINED, U.S. EYES FILES GM BOUGHT

(By Larry Adcock and Tom Nugent)

The U.S. Department of Transportation announced Wednesday it will inspect the microfilm files of customer complaints that General Motors Corp. quietly purchased recently for $20,000 from two Wyandotte salvage dealers.

Lawrence Schneider, chief counsel for the department's Auto Safety Bureau, said in Washington that he will come to Detroit possibly next week, to examine the 106,000 microfilmed Chevrolet owner complaints because some of the correspondence could apply to two current federal legal actions against GM:

A lawsuit filed last November by the Transportation Department against GM, alleging that the auto maker used defective wheels on Chevrolet and GMC pick-up trucks.

A continuing investigation into allegations that nearly a million Corvairs have heaters that spew deadly carbon monoxide fumes.

Schneider said he asked GM officials not to destroy the files they recovered last week. "I've been assured that the files will not be destroyed, and that we can view them," Schneider said.

Schneider said the corrospondence also could apply to a class action lawsuit filed by Detroit attorney Richard Goodman last fall on behalf of 700,000 Corvair owners.

Goodman says his suit against GM, filed before Wayne County Circuit Court Judge Theodore Bohn, asks the corporation to recall the Corvairs and replace allegedly defective heaters.

Goodman says he has a court order requiring GM to turn over such documents as customer complaints and he intends to use the court order.

John Cutter, public relations official for Chevrolet Division, refused a Free Press request Wednesday to examine the $20,000 files.

"We've got a right to look at them ourselves!" he snapped.

Cutter said that from preliminary samplings "we believe that they (the microfilm files) are not covered by any order requiring the production of copies of customer complaints in any litigation pending before Judge Bohn. At any rate, these microfilms will be held and reviewed against any outstanding court orders to which they may be pertinent."

Cutter maintained Wednesday that GM is still unaware how the microfilm files left the Chevrolet Division.

The Free Press learned through its own investigation, however, that on Aug. 18, 1966, GM sent 29 cases of microfilmed Chevrolet customer complaints to its own warehouse.

The cases were stored next to signs and props that were used in previous auto shows. A few months later, GM called Morris Levine, the owner of the Levine Metal Scrap Material Co., 1527 Gillett, to remove the show items.

Apparently, Levine inadvertently took the 29 cardboard boxes containing the microfilm as well. Some time later, Levine sold 19 of the 29 cases of microfilm for $10 or $15 to Harold Keshner, who was a partner of Samuel L. Schwartz in Sam's Radio Electronics Surplus, 11762 Cloverdale, Detroit. The whereabouts of the other 10 cases are unknown.

A clerk at Levine's scrapyard said Wednesday he remembers storing the boxes of GM microfilm.

Schwartz said it was quite possible his company received the microfilm from Levine, who could not be reached Wednesday, but he could not recall specifically. Neither company maintains elaborate records.

"I tried to sell it (the microfilm) to a Mineola (N.Y.) film-processing company when I got it—for a penny apiece. They turned it down. The stuff just laid in our warehouse for years. A couple times, I almost tossed it in the garbage. Then those guys from Wyandotte took it away," Schwartz said.

Last week, W. E. Ludwick, assistant manager of Chevrolet Customer Relations Department, paid Wyandotte scrap dealers Floyd E. Avery and Kenneth A. Simpson $20,000 for the microfilm records.

Cutter said payment was not made with a corporation check because Avery and Simpson demanded a cashier's check. (A cashier's check cannot easily be traced to the payer.)

But Avery told the Free Press that Ludwick said: "What do you want, cash or a cashier's check?" Avery said he asked for the cashier's check when given that choice.

Ludwick's secretary said Wednesday he was "tied up in a meeting all day" and could not be reached for comment.

Meanwhile, Chevrolet's Customer Relations Department employes continued to examine the recovered microfilm, according to Cutter, which was contained in only 16 cases.

That left 13 cases unaccounted for Wednesday, the difference between the original 29 and the 16 that Cutter says were recovered from the salvage dealers.

Cutter said that GM had not recovered the other 13 cases.

In Washington Wednesday, the office of Ralph Nader, GM's archcritic, remained fascinated with GM's unusual purchase.

A spokesman for Nader said: "There's not much we can do now. GM has the records. We can just wait and see. We sure are interested, though."

[From the Detroit News, Apr. 30, 1971]

NADER DEMANDS QUIZ ON GM'S $20,000 FILES

(By Robert W. Irwin)

Ralph Nader has demanded a congressional investigation on grounds that General Motors Corp. suppressed records of owner complaints which should have been made public in court suits involving GM cars.

The existence of the records—reduced to tiny squares of microfilm—came to light this week when it was revealed that two salvage dealers had sold the material back to GM for $20,000.

The U.S. Transportation Department's National Highway Traffic Safety Administration (NHTSA) has promised to send an investigator to Detroit to examine the microfilm.

But the Nader camp said that is not good enough and charged there are court cases, including one still pending in Detroit, where GM claimed it did not have the information which may be contained on the microfilm.

Gary B. Sellers, attorney for Nader, said, "Certainly we want a congressional investigation. On the face of it, these microfilm records are inconsistent with the sworn statements by GM in court.

"We have some of the microfilm and will get more. Since we can't reconcile these files with the court records, there should be a public hearing with people testifying under oath.

"It is not enough to have a check behind closed doors by an NHTSA investigator. That is not going to solve the problem."

Sellers also called on the Michigan Bar Association to investigate the matter.

"It has a responsibility here," Sellers said. "They should certainly look at these discrepancies. If the association does not convene a panel and investigate they are remiss in their duty. They've got a scandal on their hands.

"It's not a moral duty—it's a legal duty. There is a clear appearance of a violation of law."

The Nader group has made no normal request for the bar association to investigate.

Sellers listed some cases where lawyers for plantiffs suing GM because of accidents involving GM cars asked for information about any complaints that may have been received about similar cars.

Sellers said that all of the court case transcripts that I have "contain the assertion by GM that they don't keep complaints and that if they do, they are organized and collated in the way the 100,000 records on microfilm were in fact kept.

"GM has been claiming ignorance when it has not been ignorant. This is vital information for a widow or a parapalegic victim of an accident in a GM car. It can be important for them to show that GM was on notice but didn't do anything.

"With the information such as is in these files, a plaintiff has a much better chance of justice. For GM to tell him he has to pay for such information is what you would expect from the 17th century.

"Congress owes it to the public and at least to all the people in the last five years who have gone to court, spent thousands of dollars and got nothing or one-tenth of what they were entitled to, to investigate.

"This would not be special treatment, just a fair shake."

Sellers said GM "has a conscious policy to collect this information and somebody made a decision to lie about it under oath. These microfilms expose a great, big hoax that has gone on for years."

Sellers said he believes GM would never have allowed the microfilm to be discarded in the first place if it had not already reduced the records to computer tape. "It may be that they can push a computer button and it would all be available," he said.

Sellers and Nader will be in Detroit next week to lecture at a lawyers' forum. Sellers said. "We are going to ask GM for a look at the microfilm. It would be nice if they let us. I'd like to think they have nothing to hide."

Meanwhile, GM said it is willing to let the government look at the files but has not actually had a request to do so.

GM got the films April 20 after paying two salvage dealers $20,000 for them.

The GM spokesman said:

"At 10 a.m. the following morning, GM telephoned the NHTSA in Washington and advised them that we had learned about the files on Tuesday, that we had acquired them the night before and that they were in our possession.

"On Friday, April 23, in answer to a phone inquiry from the NHTSA, the government was advised that we had purchased the microfilm files from F. Avery Industrial Surplus in Wyandotte, Mich., that they appeared to be outdated Chevrolet owner relation files that had been discarded several years ago, that there were approximately 100,000 such files and that a sampling indicated that they included customer correspondence during 1961–62–63.

"During a telephone conversation on Tuesday, April 27, General Motors suggested that in order to fully understand what the files contained, a representative of the NHTSA might come to Detroit to inspect them."

Lawrence Schneider, chief acting NHTSA counsel, said yesterday a team of investigators from his office planned to visit Detroit "soon" to examine the records but no date has been set for the visit.

[From the Detroit Free Press, May 2, 1971]

GM LETTERS TELL OF CAR FAILURES

(By Tom Nugent and Larry Adcock)

The letter was addressed to General Motors, from a sporting goods salesman in Cleveland, and it was frightening to read.

"Through sheer luck," wrote E. V. Bracher in April of 1962, "Mrs. Bracher and I escaped serious injury in a 1961 Chevrolet station wagon recently when a rubber hose on the right-front wheel ruptured releasing the oil pressure to all four wheel brake drums.

"I applied the brakes and to my utter surprise and horror the foot pedal went clear to the floor. It happened so quickly that my reaction was not fast enough to keep me from rolling through the red light, though I did stop the car on the shoulder using the parking brake.

"Had the timing been two or three seconds different, we would have tied into a heavily loaded 18-tire high-bed steel truck which rolled into the intersection just as we rolled through . . .

"As this happened with our field personnel before, I am inclined to believe this is an inherent weakness of Chevrolet cars."

Though it is more frightening than most, Mr. Bracher's letter may be one of the reasons General Motors last week paid—no questions asked—$20,000 to two downriver salvage dealers for missing microfilms of more than 100,000 customer complaints, compliments and inquiries.

Enclosed in three-by-five plastic cards, the microfilm contained more than 100,000 customer communications addressed to Chevrolet during the years 1961, 1962 and 1963.

GM at first refused to let newsmen look at the recovered files.

But the Free Press last week obtained more than 1,000 of them. A careful review of the files shows:

More than 80 percent of the correspondence consists of complaints. Perhaps half of these refer to dealer service problems, rather than inherent defects in Chevrolet products. The majority of inherent defects described are minor—squeaky windows, dashboard rattles, missing parts.

Approximately 25 percent of the complaints refer to the controversial Corvair, the subject of numerous lawsuits and government investigations during the last six years. Government officials and Ralph Nader have charged that nearly a million Corvairs built in the early 60s have both dangerous handling and carbon monoxide leakage problems.

Oil leaks, poor gas mileage, transmission trouble, wheel alignment problems, erratic

carburetors and bad paint jobs—in that approximate order—make up most of the complaints.

There are funny letters, like the one from the man who attached a picture of a covered-wagon drawn by a horse and a note saying that things were a lot better in the good old days. "When you did not have to worry about a dealer giving you a runaround."

And then there are the frightening letters, the ones from people who said they had experienced the Corvair fumes and the bad handling that made Nader's name and campaign household terms in the mid-60s.

"Fumes are so bad in the cab that it burns your eyes," wrote John Hatton from Paris Crossing, Ind., in February, 1961. "Every once in a while when the motor starts after running awhile it will belch a cloud of fumes and smoke up into the cab."

Responding to Hatton, GM agreed to replace the (Corvair) truck's valve cover kit in order to stop the engine leak.

"My son was driving on Route five out of Harborcreek," wrote James Eisut of Harborcreek, Pa., about his 1960 Corvair, "when the car stopped fast and went into a spin. A car just behind them almost hit them as they went into a spin. I can only thank God that my son was not killed . . . I have heard there were four or five Corvairs that have done this, and I am wondering what General Motors are doing to make their cars safer on the road."

In this case, GM ruled that the "failure was due to factors beyond control of the dealer and/or manufacturer," and refused to pay for repairs.

"The straw that broke the camel's back was two weeks ago," wrote Virginia Happer of Kansas City in 1962. "We were driving between Lexington and Carrolton when our right front wheel broke and by some miracle we avoided having a bad accident."

GM repaired Miss Happer's car, but refused to pay for parts, saying that the wheel was not inherently defective.

Most of the correspondence is routine—dull stories of broken seat springs, stuck windows, funny noises—and you might at first be tempted to think the whole pile of plastic film worthless.

But GM didn't. GM paid $20,000 for it.

[From the Detroit Free Press, May 2, 1971]

GM Defends Buying Back Film

(By Larry Adcock and Tom Nugent)

In an unusual two-hour meeting with reporters Saturday, General Motors Corp. executives insisted that the major reason they paid $20,000 for 106,000 outdated microfilmed customer complaint files was to help the federal government in legal actions against the company.

The officials said that they did not want the files to fall into the hands of GM critic Ralph Nader only because they did not feel Nader had the manpower or the money to properly evaluate the 19 cardboard boxes of microfilm.

At the same time, the executives revealed that GM will begin a massive, month-long evaluation involving 38 technicians and a battery of clerks who will comb through the files, which are from the early 1960s.

GM quietly purchased the files April 20 from two Wyandotte scrap dealers, Floyd Avery and Kenneth Simpson. The dealers told GM at the time that Nader also had offered $20,000 for the files, which was not true, and GM arrived hours later with a cashier's check.

GM said it had thought the files had been routinely shredded and burned in August, 1966, until Avery found them. Apparently, the files were carried out of a GM warehouse by mistake by another scrap dealer.

The GM executives, Louis A. Bauer, Chevrolet Division comptroller; Frazer F. Hilder, an assistant general counsel for GM; and Walter E. Ludwick, Chevrolet Division assistant manager for customer relations, invited reporters Saturday morning to scan the mounds of three-by-five microfilm cards in GM's warehouse at 6001 Cass.

However, a request by the Free Press to participate in GM's planned month-long evaluation effort was refused. The GM officials also said Nader will not be permitted to view the files, although he said several days ago in Washington he plans to make that request this week.

"Anyone can understand (Nader) wanting to get more detail into his running vendetta (against GM)," said Hilder.

Bauer said he personally made the decision to pay $20,000 for the files. He said the company was "curious" about the contents of the files and Hilder added that, as a member of the bar, he felt an "ethical obligation" to obtain them for use by the government or in civil suits involving the company. Among a number of customers' suits filed against GM have been several involving the Corvair.

About 25 percent of the microfilmed complaints, which were discarded by the company at the height of the Corvair controversy, relate to the Corvair, a sampling of 1,000 of the files indicated.

Specifically, there are three pending legal actions against the giant auto maker that interest Lawrence Schneider, chief acting counsel for the U.S. Transportation Department's auto safety bureau:

A lawsuit filed last November by the Transportation Department, alleging that GM used defective wheels on Chevrolet and GMC pick-up trucks.

A continuing investigation into allegations that nearly a million Corvairs have heaters that spew deadly carbon monoxide fumes.

A class action suit filed last fall by Detroit attorney Richard Goodman on behalf of 700,000 Corvair owners, demanding that GM recall the subcompacts and replace allegedly defective heaters.

The Saturday morning meeting with reporters and the invitation for them to look through the files came three days after the Free Press was refused an opportunity to examine them.

One executive explained the company changed its mind because: "We didn't think this story was going to go on day after day like a Dick Tracy comic strip."

Saturday's press meeting, the executives explained, was in the interest of "clarity" and "accurate reporting." They said they had found no substantial inaccuracies in reportage so far, but Hilder complained.

"The public reaction is that this entire transaction is meant to get these (microfilm files) back and burn them."

But, to a man, the executives did not acknowledge the significance of two coincidences of timing in the microfilm story:

Ludwick scheduled the complaint correspondence for destruction on Aug. 18, 1966, according to a Free Press investigation.

On that same date, the U.S. House of Representatives confirmed a bill already approved by the Senate to give the Transportation Department authority to examine customer complaint files of the auto companies. The law went into effect on Sept. 9, 1966.

The destruction date of the microfilm records came at the peak of Corvair criticism. Nader's book, "Unsafe at Any Speed," was published in the fall of 1965, and there were already several lawsuits filed against GM involving Corvairs.

But Ludwick dismissed the coincidences by saying the destruction was "routine procedure," then shrugged: "Why save them if there was no reason?"

[From the Detroit News, May 2, 1971]

GM Gets Thousands of Complaint Letters a Month

(By Robert W. Irvin)

The uncovering last week of 100,000 complaints from Chevrolet owners has provided a revealing look at the way the auto companies have handled gripes from their customers.

One competitor of GM joked:

"We don't give our files to junk dealers and then buy them back for $20,000." The reference was to Chevrolet's plight of having to buy back files it had once marked for discard.

The companies get thousands of complaint letters a month. How they process the complaints and how they keep the files varies from company to company. But the Big Three firms have all conceded in recent months that the past systems have not always worked well.

So they now all have new programs for receiving complaints. Ford has a "We Listen Better" program, inviting people to write and offering a speedy response.

Then there is the "Chrysler cares" program with "Your man in Detroit," Byron J. Nichols, a company-created ombudsman who receives complaints about the No. 3 auto firm. Nichols' staff has been getting about 400 letters and 100 telephone calls a day.

General Motors has an "open line" program under test. With this setup, a person in the Chicago area can call Detroit toll-free to register a complaint with GM headquarters.

GM has expected 300 calls a day, but has been getting only 100.

Since the program started May 5 about 2,600 calls have been received. An analysis of the first 1,752 showed that all but 97 were related to cars.

Of those, about one-fourth dealt with new models still under warranty, about half concerned older models and the other one-fourth involved miscellaneous comments about service, styling and the like.

Naturally, all this material isn't going to be saved for 21st-century historians.

Methods of disposing of records vary. Chrysler keeps all correspondence about warranty claims on computer tapes. Correspondence dealing with service or other matters is kept in file folders for six years. Then it is destroyed by burning under supervised control.

American Motors keeps all such material in folders for five years, then destroys them by burning or shredding.

The Lincoln-Mercury Division of Ford Motor Co. keeps the material for one year at its Dearborn headquarters, then stores the material elsewhere for two more years. After three years, the L–M records are burned at the Rouge Plant powerhouse where, presumably, they help produce heat and electricity.

Ford Division used to keep customer complaints five years before destruction but now keeps them indefinitely on microfilm.

GM's policy used to be to keep the material for two years, but this is being redefined in view of the microfilm fiasco.

The films containing the 100,000 complaints from the early 1960's, which Chevrolet had targeted for disposal several years ago, have now surfaced and have aroused the interest of officials in Washington.

Consumer crusader Ralph Nader and his aides also want to look at them, charging they may contain information that should have been made public in court cases in recent years. They want Congress to convene a hearing to look into this.

The federal safety agency, meanwhile, wants to look at them to see if the files have any bearing on three cases in dispute between the government and GM involving truck wheels, Corvair exhaust fumes and the stability of the Corvair.

But if Nader and government investigators do indeed attempt to survey some of these 100,000 complaints from the early 1960's it is questionable what would be proved.

An inspection Friday by two newsmen of over 250 complaints showed no cases of accidents or fires.

The more than 250 microfilm records ob-

tained independently by The Detroit News and WWJ–TV showed only two things clearly.

Many customers were dissatisfied with dealer service. This helps explain why in recent years the auto companies have been called to task by officials in Washington for alleged shoddy repair practices.

Investigators who look at these files could conclude that GM was on notice 10 years ago that there was a fume problem with the Corvair but failed to correct it.

For example, a Wayne, Neb., man with a Corvair Greenbriar wagon wrote that the "warm hot air heater is causing the car body to be filled with fumes to the point where it is dangerous to our passengers. We asked the dealer to work on this several times but have no results."

A Livermore, Calif., man complained of a faulty heater in a 1961 Corvair Monza, saying the heater could not be turned off even after five trips to a dealer.

"One experience remains very vivid in our minds," he said, recalling a "summer vacation crossing the desert—over 100 degrees outside and the heater going full blast."

A Tams, W. Va., man with another early Corvair, said "fumes from the motor through the manifold heating system causes great discomfort even in summer when the heater is not turned on."

A Cos Cob, Conn., man complained of odors in his Corvair Lakewood station wagon, saying that despite three trips to the dealer in four months they "still do persist, persist, persist."

"The odor is so strong that it is possible to distinguish a change in odor with changes in the brands of gasoline," he wrote. "But the odor is not a laughing matter, although friends often remark that they notice I have changed brands of gasoline."

A man from Zwingle, Iowa, complained the fumes were so bad in his son's Corvair Monza that he had to leave the windows open when he was driving.

Actually, Corvair owners found more than just the heater to gripe about. Their complaints ranged all over the car (although none in the batch surveyed complained about handling).

A Kewanee, Wis., writer concluded a lengthy letter about his Corvair van by saying, "The oil leaks faster than I can put it in. I need another valve job because I can lay a better smoke screen than a Navy destroyer."

He followed that up with a telegram a few days later saying that since he had mailed the letter the engine threw a connecting rod.

The files do contain many complaints about the Corvair. Particularly damaging to GM and Chevrolet is the considerable number of those complaints which dealt with exhaust fumes.

Federal safety officials have warned that the problem of the exhaust fumes was never solved by GM despite the fact that the car continued in production until 1969.

[From the Detroit News, May 2, 1971]

GM Aides Deny Buying Films To Balk Nader

(By Robert W. Irwin)

General Motors officials denied Saturday they were trying to keep records of consumer complaints out of the hands of Ralph Nader when they paid $20,000 for microfilm found by two junk dealers.

Frazier F. Hilder, an assistant general counsel of GM, said the firm bought the microfilm from some junk dealers because some of the documents might figure in federal inquiries or law suits.

GM officials thought they had scrapped the microfilm five years ago. When it reappeared last week in the hands of some Wyandotte salvage operators, GM repurchased it.

The officials conceded the salvage operators mentioned that Nader, GM's arch-critic, supposedly was willing to pay 20 cents each for the records, but they said that wasn't why they bought them back.

Hilder denied that "the purpose of the entire transaction was to burn them up."

"It was not our purpose to conceal these records," he said. "We thought we had an obligation under changed circumstances to acquire them and make them available to the courts and the government, under ethics of the bar association."

Louis A. Bauer, comptroller of the Chevrolet Motor Division, who authorized the payment, said "as the former owners we felt we had an obligation to get them back when they reappeared even though we were held up in the process."

This was a reference to the amount of money Walter E. Ludwick, assistant manager of Chevrolet owner relations, had to turn over to the scrap men, Kenneth A. Simpson and Floyd Avery, to get the records.

The three company executives, along with two public relations men, showed the documents to newsmen Saturday and sought to explain the circumstances of the case.

The film is now stacked in boxes in a sixth-floor room of the old Cadillac office building at 6001 Cass in Detroit. Chevrolet uses the quarters for its service offices and will begin examining the microfilm Monday.

The officials said the job of examining the records under microfilm readers would take 28 people about a month. The officials said the federal government was free to send an investigator, but that nothing probably could be learned unil the study of the 100,000 records was completed.

* * * * *

Hilder said he doubted if the records would be of much use to plaintiffs, as has been suggested by the Nader camp.

Nader has called for a Congressional investigation on grounds GM did not reveal the existence of such records and that they could have been used in litigation to show a pattern of certain types of problems.

"I don't believe the information that will be divulged will be of any great benefit because more current information has not particularly helped. These cases are won or lost on engineering tests," Hilder said.

Bauer said GM was continuing the investigation of how the records, which were supposed to have been scrapped Aug. 30, 1966, instead were stored away for five years.

"We are not going to give up until we solve this," he said. "We are trying to avoid the kind of exposure we find ourselves in presently."

He agreed with present news reports that Avery and Simpson bought the records from Sam Schwartz, an electronics shop owner in Detroit, and that a partner of Schwartz, Harold Keshner, acquired them earlier.

Bauer said Keshner apparently got them from Morris Levine, a Detroit scrap dealer who has been picking up discards from Chevrolet for years.

Bauer said Levine is now in London but that he talked with him by telephone Friday and that they arranged to meet Wednesday after he returns to Detroit.

"We're looking forward to our date with him to see if he can shed any light on it," Bauer said. "He said he had no recollection of the matter but was not responsive to our questions on the phone."

The GM officials said they now have a new method for recording the complaints on computer cards, but that after two or three years the material usually is destroyed as over age, with files figuring in pending cases withheld.

Ludwick said Chevrolet gets an average of 50,000 complaints a year and it would not be practical to keep the records indefinitely—"it would be a monstrous job to keep them for 10 years." The present files only go back to March, 1969.

[From the Detroit News, May 3, 1971]

Nader Asks GM To Buy Back All Corvairs Still on the Road

(By Robert W. Irvin)

Ralph Nader claimed today that information contained in General Motors customer complaint records on microfilm shows why GM should buy back all Corvair cars still in use.

He said last week's microfilm episode also makes it imperative that the federal government ask Congress to require the auto companies to keep customer complaint records for the average lifetime of a car. This would require an amendment to the traffic safety act.

He also said the auto companies should send computer print-outs of complaint records to federal safety officials every two months.

He urged that this be done immediately on a voluntary basis.

Nader made the requests following disclosure that General Motors paid $20,000 to buy back 100,000 Chevrolet complaint records from the early 1960's. GM thought the records had been destroyed but instead they fell into the hands of scrap dealers from whom they were repurchased.

GM held a press conference Saturday to deny the records were bought back to keep them out of Nader's hands. GM said they were procured because they now might affect law-suits as well as a federal investigation of the Corvair.

Newsmen, who examined a sampling of the records, concluded that one-fourth of them dealt with the Corvair, the rear engined car Nader attacked as being unsafe and which was finally dropped from production in 1969. It is estimated that more than 300,000 are still on the road.

Nader said that the recently uncovered films "make it all the more evident that GM has got to buy back all the Corvairs still on the road."

"The records show more conclusively than ever before that GM has been continually lying about engine fumes and other Corvair defects and has surpressed a large number of owner complaints," Nader said.

"GM had incredible reports on carbon monoxide in the Corvair, but still denied it."

The government has warned Corvair owners that there is a danger of engine fumes entering the passenger compartment through the heater system. GM claims there is no problem if the engine is well-tuned. Newsmen who examined the old files found letters from many Corvair owners complaining of exhaust fumes.

Nader said the case "shows the government is going to have to seek an amendment to the traffic safety act to require records be kept for the lifetime of a car—about 11 years."

"This is something we considered when the act was being written in 1966 but we considered it just a technicality."

However, he said it is now clear the safety administration should have "routine access to these records. They can't rely on the companies and this case proves it."

"Until the law is changed, it is important that the government be given voluntary access to the records across the board."

Nader laughed at assertions by GM officials that it would be a "monstrous job" to store the records for 10 years. Right now, he said, "it is ridiculous for them to put the records on microfilm and then burn them after a year or two."

Chevrolet says that it keeps the complaints for only two years because it gets 50,000 a year. Ford division also puts complaints on microfilm, but said that it keeps its records indefinitely.

GM, Nader quipped, "has had flammable fabrics in its cars, but now it has flammable records too."

Nader said the case "is also another argu-

ment for the need of a consumer representative on the GM board of directors.

"There should be a high-level investigation within GM on whether this sloppy handling of records has allowed trade secrets to slip to competitors through junk dealers. They let microfilm get through, who knows what else."

Nader lightly suggested that GM ought to retain Vincent Gillen to study the security system. He is the New York detective GM hired to investigate Nader in 1966. As a result of it, Nader won a large court settlement from GM for invasion of privacy and Congress passed the safety law.

Meanwhile Chevrolet today began the job of examining the old records one-by-one and preparing a report for the government on what they contain—a job that the company expects to take a month or more.

[From the Detroit News, May 4, 1971]

IN CORVAIR CASE—GM CALLED EVASIVE

(By John Gill)

A Detroit attorney representing Corvair car owners today charged General Motors Corp. with being "deliberately evasive" in failing to produce customer complaints against the car when formally asked to do so.

Attorney Richard Goodman, who has filed two suits against GM in Wayne Circuit Court, said he had asked the corporations to produce complaints it received regarding fumes in Corvair models 1960 through 1963.

"In response, they listed only a handful, maybe five or six," said Goodman.

Yet, he said, GM had perhaps 100,000 complaints regarding their cars on microfilm although they did not produce them.

Goodman noted that two downriver scrap dealers recently discovered more than 100,000 microfilms of Chevrolet customer complaints for the early 1960's in their warehouse.

GM last week paid the scrap dealers $20,000 to recover the microfilms.

"According to what I read, about 25 percent of these complaints related to the Corvair and a very substantial number relate to fumes," said Goodman. "None of those did he get. This is evasion or worse."

In a statement released yesterday, GM said:

"As you know, we believed that these obsolete files were discarded and processed for destruction in August, 1966.

"They did not come to light until Mr. Floyd Avery (one of the scrap dealers) phoned Chevrolet on April 19, 1971.

"General Motors is confident that its responses in lawsuits made in the past were accurate at the time they were made.

"Until Chevrolet completes its review of the microfilms of these owner correspondence files, we will not know if the information they contain is relevant with respect to any particular lawsuit.

"As we pointed out on Saturday, we estimated that due to the magnitude of the job, it will take approximately a month for Chevrolet to complete that project.

[From the Detroit News, May 14, 1971]

GM TAKES ANOTHER PRATFALL

The bigger they are, the harder they fall. And, as General Motors picks itself up from its latest pratfall, the shock waves reach back in time to the Corvair of the early 1960's and forward to another GM-Nader-government free-for-all.

General Motors' clumsy move to buy back microfilmed Corvair-owner complaint records proves the company spends $20,000 without a first thought, let alone a second. Upon discovering the microfilm had not been burned as part of normal record disposal, GM paid two scrap dealers "twenty big ones." That was enough to attract attention from anyone except the GM people who should have known better.

Once the glare of publicity hit this "business transaction," Ralph Nader surfaced for another round of GM-baiting. This time, as in his previous battle over the company's private eyes, Nader had GM tripping over its own feet.

For one thing, it is difficult to make anyone believe GM didn't think the microfilm might be incriminating. Twenty big ones say the opposite. Nader now charges the mircofilm verifies almost every accusation ever made against the Corvair even though neither he nor anyone else know what the 100,000 or so records actually list as statistically reliable complaints.

Nader's charges are ready-made for headlines while GM just shuffles its feet because it isn't prepared with an adequate defense. By the time the company can say anything, the public will be too Naderized to bother listening.

Moreover, GM will have suffered all the notoriety of a $20,000 payout for nothing. Once the "word" on the microfilms was out, GM should have realized the records could be subpoenaed by almost anyone with a legal ax to grind.

All in all, l'affaire microfilm is a very messy business. General Motors takes another fall on its corporate rearend, commonly known as the Corvair. Ralph Nader wins another round against GM without ever landing a blow based on fact. Two scrap dealers jump with joy over $20,000 and perhaps wonder how much they would have made if they had sold their silence, too.

[From the Detroit News, May 4, 1971]

GM CHARGED WITH EVASIVE TACTICS IN CORVAIR SUITS

(By John Gill)

A Detroit attorney representing Corvair car owners today charged General Motors Corp. with being "deliberately evasive" in failing to produce customer complaints against the car when formally asked to do so.

Attorney Richard Goodman, who has filed two suits against GM in Wayne Circuit Court, said he had asked the corporation to produce complaints it received regarding fumes in Corvair models 1960 through 1963.

"In response, they listed only a handful, maybe five or six," said Goodman.

Yet, he said, GM had perhaps 100,000 complaints regarding their cars on microfilm although they did not produce them.

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"General Motors is confident that its responses in lawsuits made in the past were accurate at the time they were made.

"Until Chevrolet completes its review of the microfilms of these owner correspondence files, we will not know if the information they contain is relevant with respect to any particular lawsuit.

"As we pointed out on Saturday, we estimated that due to the magnitude of the job, it will take approximately a month for Chevrolet to complete that project.

"Thereafter, it will take some time to match up the Chevrolet data with the contents of the files of individual court cases and only when that process is completed can GM make a determination if any answers previously given should be supplemented."

Goodman charged that GM knew "all about these complaints."

"They know nobody can chase each one of these down because there are limits to our resources and GM knowingly takes advantages of that," he said.

"GM also knew all about these fumes, their own engineers knew, but they were so anxious to get this car out on the road that somebody high up in the company said the public be damned."

Goodman has filed two suits in Wayne Circuit Court involving the Corvair.

One demands that GM recall 700,000 Corvairs and equip them with different heaters.

The other involves Richard Stetter, a Detroit schoolteacher, who claims he was overcome by fumes in his 1963 Corvair in December, 1963. His Corvair, he claims, rammed an abutment when he lost consciousness, paralyzing him from the waist down.

Goodman said he is forbidden to discuss any documents he sees that GM produces in the Stetter case.

"Three weeks ago GM secured an order from Judge Theodore Bohn under which I am forbidden to talk with the press about documents that come to my attention in the case under pain of contempt of court," said Goodman.

"This puts me in a funny position. I've seen lots of explosive documents concerning what GM knew about fumes but I'm not allowed to talk about what I've learned or I'll go to jail."

NADER AIDE SEES PART OF GM FILE

(By Larry Adcock and Tom Nugent)

An aide to Ralph Nader said Wednesday he has already seen one customer complaint from the General Motors microfilm files discovered last week that would have helped a Corvair owner in a suit against the auto maker.

According to Gary B. Sellers, the suit by a Pennsylvania Corvair owner came prior to August, 1966, when GM processed the files for destruction.

The 106,000 files—except for a few hundred obtained by reporters—were sold to GM for $20,000 by two Wyandotte scrap dealers who found them in their warehouse.

Sellers saw 250 of the files which had been purchased by the Detroit News.

Sellers said the file he saw—correspondence from a man in Wayne, Neb.—complained of fumes entering a 1961 Corvair Greenbriar station wagon through the heater. He said GM had reported receiving only one other complaint of fumes when answering plaintiff's questions in the Pennsylvania case.

Sellers' remarks came on the opening day of a conference sponsored by the Michigan Bar Review Center for lawyers across the country involved in lawsuits against auto companies.

An example of GM's lack of candor, Sellers said, is the January, 1966, testimony by Aloysis F. Power, then GM's general counsel, before the Michigan Senate Interim Committee of the Highway Safety Committee. Power said:

". . . We can advise you regarding litigation already terminated. In the only two cases in which this claim that the Corvair is defectively designed has been tried and decided, the juries in both instances returned verdicts in favor of General Motors."

Power's testimony, Sellers maintained, failed to include mention of out-of-court settlements on design cases in which GM paid more than $150,000.

Power's testimony was repeated in March, 1966, by James Roche, GM chairman of the board, as part of his testimony before a U.S. Senate subcommittee hearing on traffic safety.

A GM spokesman acknowledged Wednes-

day there were 10 cases settled out of court by GM.

The spokesman noted another statement by Roche in his Senate testimony: "A settlement does not constitute any admission on the part of either party to the settlement."

Nader will address the lawyers' conference Thursday.

[From the Detroit News, May 5, 1971]

NADER AIDE TELLS LAWYERS TO HARRY GM

(By Robert W. Irvin)

Ralph Nader's attorney looked over some copies of General Motors' complaint records and spotted one from a Corvair owner.

The Corvair was a 1961 greenbriar wagon and the owner was a man from Wayne, Neb. He was writing GM to complain that, because of a defect, engine fumes were entering the passenger compartment through the heater.

Nader's attorney, Gary B. Sellers, described the complaint as important in a Pennsylvania suit filed by another Corvair owner, because GM said it had received only one complaint of fumes in 1961 Greenbriars.

Sellers said the Nebraska man was one of several owners of various types of Corvair sedans and wagons who complained of exhaust fumes in cars, while GM tried to minimize this.

Sellers found some of the complaints yesterday while going through microfilm records acquired by newsmen.

Sellers outlined some of his findings in a lecture to a law-engineering seminar sponsored by the Michigan Bar Review Center.

The talk was to instruct lawyers how to go about prosecuting cases against the auto companies.

Sellers said the GM microfilms—part of a collection of more than 100,000 complaints—could prove valuable to lawyers in suits.

The files came to light last week when it was revealed that GM had purchased them from two scrap dealers for $20,000. They cover complaints of Chevrolet owners in the early 1960's.

Sellers said the attorneys should press for action against the GM attorneys involved in recent accident litigation cases on grounds that they suppressed evidence.

He also wants a formal grievance filed against the GM attorneys with the State Bar of Michigan.

But, he declared, he doubts either action will be taken.

"It is ironic and tragic," he said of attorneys. "They are so jaded and used to being lied to that they almost accept it. They do not see it as productive to purchase the remedies they have."

Sellers said that some "won't even try to reopen the cases when you show their clients have been defrauded."

"Their performance is incredibly disappointing," he declared. "They have tolerated incredible abuses of the judicial system then folded their tents and gone on to the next case. The public is the loser."

Sellers, who now rivals Nader in criticizing GM, is a native Detroiter, the son of a local surgeon.

He graduated from the University of Michigan Law School in 1963. After a year with a large corporate law firm in Washington, he went to work for the government as a legislative attorney in the Office of Management and the Budget.

That is when he got to know Nader.

"Ralph called me while I was working on the coal mine safety bill," Sellers said.

Sellers, 35, quit the government in 1969 after President Nixon came to office.

He had taken a job with another large law firm "but then Ralph called me and asked if I would work for him," he said. "I gave it some thought and took a pay cut and have worked for him for two years," he said.

Asked why, Sellers declared:

"I didn't want the biggest decision in my life to be something I didn't do."

Explaining his motive, Sellers said:

"Very few people have seen the inside of the federal government and the constipation it suffers from and left and tried to something about it.

"I felt I could help Ralph in a way that others who work for him couldn't."

"What he is doing is the kind of good citizenship that others should be doing. He is a visionary and a remarkable man.

"In terms of productivity and efficiency, in terms of an individual, he does more than 10 to 20 times more than anyone else in Washington."

Sellers said Nader's "solutions are structural, modest, temperate solutions."

[From the Grand Rapids Press, May 7, 1971]

NADER SEEKS MICHIGAN BAR SIFT OF GM CORVAIR DEFENSE

DETROIT.—Consumer advocate Ralph Nader said Thursday that a formal request will be made to the Michigan Bar Association to investigate the conduct of General Motors and its attorneys in their defense against charges that the Corvair is unsafe.

"There's a very serious issue here as to whether the integrity of the courts and the rights of claimants and their next to kin were not seriously violated by GM's supression, distortion and prevarication in replying to interrogatories," Nader declared at a news conference.

Nader was referring to the discovery last week of some 106,000 microfilm files of old GM customer complaints which turned up in the possession of two scrap dealers in Wyandotte, Mich.

The files reportedly deal in part with complaints about the Corvair which GM stopped producing in 1969.

Nader said the complaints dealt with handling hazards and the leakage of carbon monoxide fumes into the passenger compartments of the Corvairs.

DISCLOSURE DENIED

Nader said GM attorneys had refused to disclose what was asked of them during legal proceedings and such action, in effect, constituted a fraud in the litigation of the cases in which Corvair owners had sued the company for damages.

He said similar action was taken by the attorneys during the 1966 Senate hearings into the safety of the Corvair.

Nader said that all the auto companies should be required to provide a computer printout of consumer complaints every two months to the federal Department of Transportation to alert the government for enforcement of the auto safety standards.

Nader said a million Americans are still riding in Corvairs. He contended that early models are unstable and most models have carbon monoxide leakage far above what is considered a safe level.

"Most people obviously don't know that, because carbon monoxide is colorless, odorless and tasteless," he said.

He said similar patterns have been seen in the drug industry and all consumer industries where products are sold in ways that could be harmful to the consumers.

PUBLIC SERVICE

Nader said that the salvage dealers who disclosed their discovery of the microfilm—and through their cooperation with the news media—had performed a public service.

Earlier, Gary Sellers of Detroit, an attorney colleague of Nader, said a cursory examination of microfilm of 250 GM customer complaints showed one which would have been of help to him in a recent court case against GM.

The scrap dealers sold most of the microfilm back to GM for $20,000 but several hundred additional film prints were obtained by news media. Sellers said it was during an examination of some of these that he spotted the complaint file that would have helped him.

[From the Detroit News, May 7, 1971]

NADER ASKS PROBE OF GM LAWYERS

(By Robert W. Irvin)

Ralph Nader said he is going to request formally that the Michigan Bar Grievance Board investigate the conduct of General Motors attorneys in defending accident cases brought against the corporation.

Nader told a news conference yesterday that the case of the missing General Motors microfilmed complaints raises "a very serious issue—if the integrity of the courts and the rights of plaintiffs have not been seriously violated."

It is Nader's contention that material which turned up in recently uncovered complaint records should have been made available to attorneys for people suing GM. Nader said the conduct of GM's attorneys should be investigated.

Richard Senter, administrator of the Michigan Bar Grievance Board, said he had had no contact with Nader, but that if a request were filed it would be handled as any other.

He said the office, which operates under the Michigan Supreme Court, would investigate to determine whether there was a possible violation of the standards of conduct. If so, a hearing could be ordered.

Senter said there were 2,010 complaints fully investigated in the last bar year ending in September and "only 109 resulted in discipline in any degree."

Nader spoke to reporters after a speech to the Michigan Law Review Center. He said executives in a corporation ought to be more accountable for their conduct.

He said judges ought to be able to give stiffer penalties to executives found guilty of wrongdoing and even suggested it might be possible to order a company executive to work on the assembly line for a few weeks as the result of a product liability case.

Nader said the complaint records included those from Corvair owners and "this opens up a new chapter in the Corvair matter. It raises very serious questions of corruption of the judicial process by attorneys in the Corvair cases by refusing to disclose what was asked."

"Beyond the hazards of the Corvair is the whole issue of corporate responsibility," Nader said. "It is a matter of why executives won't tell the truth under court order—and this is not limited to GM.

"The Corvair case matured faster, but we have seen similar cases in the drug and other industries.

"The real significance of the Corvair situation is that it is going to open up the need for fundamental corporate reform—making the engineers responsible for what they do."

Nader was asked if he would have gone about things any differently if he had received the complaint records uncovered by two scrap dealers who turned around and sold the goods to GM for $20,000.

Nader said that by telling about the records to newsmen "in many ways, the scrap dealers have performed a public service. It's interesting how the profit motive colliding with another profit motive has helped the public."

Asked what he thought about GM's ethics, Nader said, "GM operates in a buyer-seller regionship where anything goes that is permitted. There is very little restraint by this corporation where the law is not just around the corner or the policeman is at the door."

He said GM "is not unique" in this respect "just bigger."

He also said "the real cost of a car is in the styling changes." He said the auto companies "always say safety and pollution changes are responsible for price increases."

"They ought to make styling optional and safety standard," he said, adding that "it

actually costs less now to produce a safer instrument panel; the collapsible steering column cost only a very few pennies more, and safety door latches are made of the same materials but have a different design."

THE CONTRIBUTIONS OF AGRICULTURE TO MANKIND

Mr. MILLER. Mr. President, it is ironic that agriculture, our most basic industry, is also the least recognized for its contributions to our Nation and the world.

I have been saying for a long time that it is essential that ways be devised to increase the nonagricultural segment's awareness and understanding of the significance of agriculture and the close interdependence of rural and urban America.

Movement in this direction of improving the farmer's image is now taking place on two fronts: John Megown, chairman of the Iowa Agriculture Promotion Board, has called for a "summit conference" of concerned individuals involved in public relations activities of various industries whose economic well-being is tied to the well-being of agriculture. Such a summit conference has been endorsed by Iowa Governor Robert Ray and there are indications that the proposal is gaining momentum.

The distinguished Senator from Nebraska (Mr. CURTIS) has embarked upon a campaign to inform presidents of major industries of agriculture's importance to them and has suggested that more of their public relations dollar be channeled into stressing agriculture's contributions and achievements.

So that the readers of the CONGRESSIONAL RECORD may be informed of the scope of this movement, I ask unanimous consent that the following items be printed in the RECORD:

First. The text of Senator CURTIS' letter.

Second. A report on responses to his suggestion that a portion of the advertising budget be devoted to telling the story of agriculture.

Third. A speech by John Megown to the Nebraska Agricultural Communications Seminar, University of Nebraska, on June 28, 1971.

Fourth. An editorial entitled "Agriculture's Story," published in the Lincoln, Nebr., Journal of July 5, 1971.

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

SENATOR CURTIS' LETTER

DEAR SIR: I am writing to you in behalf of a very important group of your customers—the farmers of America.

I am sure that you are interested in the economic well-being of rural America. I am sure that you will agree that unless the income of farmers is improved, their ability to purchase your products and the other products of American industry will be greatly curtailed.

The American farmer is greatly misunderstood by the urban and suburban consumers of America. For instance, these consumers tend to relate the price of steak or hamburger in a grocery market or a restaurant with farm income. Nothing could be more erroneous.

Farmers do not sell steak or hamburger. They raise and sell cattle. Farmers do not sell bread or cereal. They raise and sell wheat, corn and oats. It is a hard, cold fact that the sellers of cattle, wheat, corn, oats and the other basic agricultural products have scarcely had a raise in the last twenty years. I am sure that you are aware of the many substantial increases in income that have come to most other Americans in the same period of time.

American agriculture is the most efficient in the world. Because of this, the average worker in our country can buy the best food in the world for his family for approximately 16 per cent of his income. We have an affluent society because the average worker has 84 per cent of his income left to buy other products after he purchases his food. And yet the farmer—the producer of that food—receives only two-fiifths or less than half of the 16 per cent spent for food.

This brings me to the main purpose of my letter to you.

I am wondering whether you now direct, or have ever considered directing, a portion of your company's advertising and promotion budget toward fostering a better public understanding of the farm income problem and other problems of agriculture. I believe this could be a means of helping your best customer get his story told to the public at large. I am not referring to the advertising which you do in farm publications and markets, but rather to the advertising and promotional efforts beamed to the big metropolitan centers where the food-consuming public resides and the role of the farmer is so grossly misunderstood.

If you do not already set aside a certain portion of your advertising and promotion budget for this purpose, I strongly urge you to consider doing so. I would hope that it can be a significant portion. I say this not only for the benefit of the farmer but also for the benefit of your company and your industry as well as the American economy as a whole.

American agriculture is made up of millions of individual farmers. They are at a great disadvantage in the matter of public relations. They are not getting a fair shake in the Nation's economy now and have not for years.

The people of rural America—your best and biggest customers—deserve much better. They deserve and need your help, toward the end that better public understanding and appreciation for the role of agriculture is cultivated, and toward the further and more important end that the public will support those sound measures required to permit American farmers to share in the prosperity a majority of other Americans enjoy. If those ends are not achieved, I am genuinely concerned as to what end ultimately is in store for business and industry in this country and for the economy of the Nation as a whole.

Sincerely,

CARL T. CURTIS,
U.S. Senate.

REPORT BY SENATOR CARL CURTIS ON RESPONSES HE RECEIVED TO LETTERS ASKING LARGE CORPORATIONS TO DEVOTE A PORTION OF THEIR ADVERTISING BUDGETS TO TELLING THE STORY OF AGRICULTURE

I have received about 40 replies to more than 100 letters which I sent to the presidents of major corporations. The information is not really conclusive, but it does indicate the following:

(1) A few companies as part of their advertising campaigns devote a small portion of their efforts to creating a better public understanding of farmers' problems.

(2) None of these companies has really undertaken a mass circulation or mass media approach, mainly because the expense of such an approach would cut sharply into the budget for advertising the firm's own products.

(3) There is a general desire to do something to help tell the story of agriculture to the public at large, but a general frustration over how to do it effectively on a company-by-company basis.

(4) One large company with a great deal of experience in mass media advertising estimates it would cost $10,000,000 "just to make a dent" toward improving the image of agriculture in the public mind in the Nation at large.

(5) The desire to help brought forth these pertinent suggestions:

(a) That one organization such as the United States Chamber of Commerce or the National Association of Manufacturers or the National Advertising Council undertake to co-ordinate and conduct a mass media effort.

(b) That it might be best if agricultural organizations formed their own American Agricultural Advertising Council for this purpose, to solicit funds from participating industries or firms and to direct the preparation and placement of the advertising. This Council could work with the National Advertising Council in securing free "institutional advertising" in newspapers, for example.

(c) That even the smallest companies, which can't possibly conduct an effective advertising campaign in behalf of the farmer while at the same time advertising their own products, could and probably would contribute to a larger, general effort. Some of these companies contribute to 4–H activities now.

(d) That a co-ordinated, general effort should include not only newspaper, radio and television advertising, but also should provide films for meetings and a speakers' bureau on agricultural subjects (it would be most effective to have farmers actually doing the speaking wherever possible).

(e) That some companies and manufacturing industries already have films which they circulate on agricultural subjects, although these are primarily on rural economic development showing the dependence not only of industry on agriculture but also of agriculture on the specific products or manufacturing group being advertised.

STAND UP FOR AGRICULTURE

(By John Megown)

Today I'm supposed to be speaking on the subject of agricultural communications in America. This topic usually engenders harangues against such targets as the Department of Agriculture. I could suggest here, for instance, that the Congress fund *two* Departments of Agriculture. The one for consumers, which exists now. And a brand new one for, believe it or not, the farmers.

The topic of agri-business likewise usually compels the speaker to criticize the President of the United States, whomever he might be at the moment. A speaker like myself might say to President Nixon, for example, that that recent county fair on the White House lawn looked just like any other circus.

Those are the kinds of comments most agri-business speakers feel obliged to make. And they do have a serious purpose; to make the agri-business and farmer audiences, audiences painfully aware of the farmer's second-class citizenship in this country; audiences painfully aware of low farm prices; to make these audiences feel better. It's like giving a man a bullet to bite on while his leg is being amputated.

But today I'm going to dispense with those kinds of gratuitous remarks because, even if they do make us feel momentarily better, they achieve no results . . . and they don't really address themselves to the group who's most heavily to blame for agriculture's current state. And I'm not talking about the people in the Department of Agriculture;

or about any past, present or future President.

I'm talking about the people who are truly to blame . . . those of us in the business of agriculture.

Let me give you a hypothetical example, from another field, of what I believe is wrong with our own business and some of the people in it.

In a recent Eastern-state election there was a fine, moderate man running for the United States Congress. His credentials were impeccable. He was well-educated, but not an egg-head; he was a successful businessman, but a socially-conscious one. His two sons had served with honor in Viet Nam; his daughter planned to enter the Peace Corps on graduating from college. To a man, whether right or left wing, black or white, everyone with whom this man came in personal contact liked and respected him. I repeat: everybody with whom he came in *personal* contact liked and respected him.

The man had one problem, the way he looked and sounded on radio and television. Before a microphone or camera he appeared dull to the point of blandness. His advisors were worried that this deficiency, if such it was, could cost him the election. The candidate disagreed and was even contemptuous of their advice. His candidacy, he insisted, would rise or fall on his integrity and his personal magnetism . . . whether or not that magnetism showed to best advantage over the electronic media.

His staff persisted; wouldn't he please consent to a professional makeup man; to some pointers from a media expert; to certain little tricks which would make him look more natural and interesting. They showed him his slipping polls, they forced him to watch his lackluster performances. But the man was adamant. He would not be seduced by the cynical magics of Madison Avenue.

The man of principle lost the election to a lesser man, a bona fide carpetbagger whose only interest was his own career.

Now some of you are thinking of the "good" candidate, he's a man to be admired, even if he was defeated. But I question that. If, as he claimed, he was really the best man, and had our country's best interests at heart, then he would not have been so stubborn, so resistant to modern techniques and the tools at hand. Think of it this way. Because of his reluctance, whether it was the reluctance of principle or petulance, he allowed an obviously inferior, self-serving opponent to be seated in our Congress. If practicality had been his first principle, then he could have had his ultimate principle, too: the betterment of the United States.

In traveling around the country, I meet a lot of agri-business people and farmers who are like that other fine-principled man. Certainly, they are correct in feeling bitter and righteous about the lot of the farmer in America today. Certainly, they stand on the finest principle when they insist that without the past contributions of agriculture, this country would not be half what it is today.

But what are they willing to do about these feelings? They speak of elections, and while there are many fine legislators sympathetic to the farmers' plight, it's obvious by now that there aren't, and never will be, enough of them to affect the necessary changes. They speak of impending shifts in the Department of Agriculture. But, since 1948, many observers have noted that under three Democratic and two Republican Presidents, the Department of Agriculture has become bureaucratically mired down.

So what are these agri-business people and farmers left with, now that they understand that these past approaches have failed miserably? They're left with something like our man of principle's final emotion: a bittersweet satisfaction derived from knowing he was right.

But I say to you that the fruits of that kind of defeated satisfaction are sour indeed when compared to the fruits of getting what is rightfully ours. And those sweet fruits are today ripe and ready to fall into our hands.

And how to do this? I propose we in agriculture hold a "rap session" or summit conference for agriculture's key public affairs leaders and experts; and let them determine how our story can best be told.

The story begins roughly 10,000 years ago, or did you think that agriculture was as old as man himself? It isn't; where man is between 1 and 2 million years old, agriculture, the deliberate planting of seeds and other material, is a mere 10,000 years old.

10,000 years. A long time, yes, unless you set it against the eons of darkness man had to endure before.

A long time, yes, unless you consider that for murderous milleniums man literally had to risk his life for the little food he got.

And what has happened in this mere, paltry, speck of 10,000 years? Nothing less than the founding of civilization . . . the same civilization man instinctively sought when he left the boiling waters of prehistory for the cold rock of this planet.

And how was this civilizing process accomplished? I quote the historian Gordon W. Hewes: "Agriculture does not by itself create civilization, but without agriculture civilization cannot develop."

Who fed the Pharoahs? Farmers.

Who fed Michelangelo? Farmers.

Who fed Henry VIII? Many farmers.

Which brings our historical evaluation of agriculture to the young, yearning land of America.

After the initial discovery of agriculture, and the inimitable discoveries of animal husbandry and the plow, farming remained pretty much unchanged for thousands of years. Countries which could otherwise have become lastingly important, faded or failed because they lacked a strong agriculture to depend on.

For instance, had some of those Spanish galleons been carrying manure instead of gold, we'd all be eating a lot more tacos today.

America was the stalwart exception to this historical foible. From our country's inception, our farmers were pioneers not merely in the sense of being land-settlers and forest-clearers; they were also pioneers in terms of innovative agricultural techniques. There was a unique, new land of hungry dreamers to be fed and our farmers took on this responsibility eagerly.

So successful was our agriculture that, shortly, less than one fourth of the population was feeding the other three fourths of the population, giving to the majority the time and way to realize the dream of America . . . in business, science, medicine, architecture, the arts. And thanks to our phenomenally strong agriculture, those dreams were realized.

Looking back, today we can say honestly that as surely as Abraham Lincoln emancipated the slaves, the American farmer emancipated all of us.

And concurrent with this miracle of abundance was another miracle . . . that of food quality. If any of you have spent any time in foreign lands, you know what I'm talking about. Have you ever seen, let alone eaten, beef in Spain? Or tomatoes in Britain? Or eggs in France? Not only are the products inferior to begin with, they are dispersed so haphazardly by the farmers and distributed so indifferently by the wholesalers and stored so carelessly by the retailers that they are, by our standards, nearly inedible. You find in no other land . . . as you have found in American agriculture since its beginning . . . the careful pride which characterizes the growing and dissemination and storing of food.

And I emphasize: these standards were not established after the discovery of electricity or the refrigerated box car; they were established long before . . . at the time the first seeds were cast into the passionate womb of the new American democracy.

And what of American agriculture today? It's the envy of the globe.

Today 5% of the people in the United States produce enough food and fiber for the other 95%. Let me give you an example of what this means.

This man here (indicating a man in the front row) can single-handeled supply 42 of you people . . . by himself . . . with all you food and fiber needs. No wonder he looks so damned tired.

If other countries were willing, if they were truly concerned for their people . . . especially those countries in Latin America where the dictators swear their inaugural oaths on their Swiss bank books . . . if the world would let us, we could feed every man, woman and child on this earth. No other industry even approximates this kind of efficiency.

Moreover, agriculture is an unequaled boon to our own economy. To most Americans, that's a surprising statement. They still think that the farmers' major contribution to our society is his daughters . . .which he's always naively putting at the disposal of traveling salesmen. That's a round-about way of blaming the farmer for yet another crime: the population explosion.

The farmers' real contribution to our economy is almost unimaginably large. Three out of every ten jobs in our country today are related to agriculture. Agriculture's assets total $307 billion, equal to roughly two-thirds of the value of all corporations in the United States; or about one-half of the market value of all corporation stocks on the New York Stock Exchange. Those are figures which would please the most discerning traveling salesman or politician.

These are just a few of the seeds the farmer has planted in our history and in our country; and now, as I suggested earlier, he must pick their ripe fruits before they spoil.

He must, as I also suggested earlier, forego the easy pleasure of standing on easy principle and pursue the more tiring and frustrating course of dealing diectly with the misunderstanding and indifference which demeans not only his economic status, but his status as a human being as well.

Farmers daughters jokes aside, the farmer has been traditionally disparaged in our society. When Napoleon said that "An army travels on its stomach" he was absolutely correct. All armies, any army. Whether it was the army of men who built our transcontinental railroad; or the army which rended a scaborous desert into a shining black ocean of oil; or the army which battled so selflessly the horrors of Hitler . . . all these armies had to be fed, and were fed, by the equally admirable efforts of our farmers.

Still, the farmer; that man whose efforts fed and clothed those who would build the empire; that man whose efforts made our children stronger than the children of any land had ever been before; that man whose efforts gave the hungry of other countries a chance for peaceful sleep in a hopeless night; this same man, in his own land, has always been treated as if he were not quite the equal of those whom he fed.

Oddly, this treatment has rendered him both advantages and disadvantages.

I live in a town of wide, clean streets and green, full-blooming trees. On good summer days the clear sky is as blue as it was in schooner days. My son is safe here; on Saturday afternoons he can go alone and unthreatened to the movies, if the movies showing are themselves not a threat; nights, alone and unthreatened, he can go alone to ball games. At dusk, with good and lasting friends, my wife and I can sit on the patio enjoying a drink and food . . . we try to have

beef and pork and lamb and poultry and grain and dairy products every single day . . . did I leave anybody out? . . . and we can both feel secure . . . like knowing, as a child, that your father's at home.

But, the way I read a hot wind gone suddenly cold and carrying on it the germs of an impending storm, I sense coming to my town the same problems that have blighted our large cities, that make them look today as ruined and long-dead as an Aztec temple.

Thankfully, a farmer doesn't have to face these dreads and that's one of the advantages I spoke of. For if the empire has snubbed him, it has inadvertently spared him its worst. Excepting relatively rare cases, the farmer, unlike his urban counterpart, does not have to fear street-danger or smog or see sinking before him, as certainly as Edgar Allan Poe's House of Usher sank, the beauty and values which once permeated all of America.

My company last year printed and passed out several thousand "I'm proud to be a farmer" bumper sticks. And, in the sense of being one of the world's most efficient and productive workers; and, in the sense of being one of the few Americans not threatened by urban erosion, the farmer has a lot, I think, to be proud and happy about.

The only kind of race-riot his children are ever going to see will be between two drunken stock-car drivers.

But, conversely, the empire's snubs have also worked to the farmers' distinct disadvantage. Hence, low farm prices. Hence, a myriad of unfilled promises by all administrations for the past three decades. Hence, a little-noticed but somewhat arrogant move on the part of CBS television. They recently cancelled several of their programs which had decent ratings . . . in an avowed attempt to "de-ruralize" their image.

Now, I'm hardly suggesting that CBS' action comprises a major assault on American farms and farming, but I do think it's typical that they used the phrase "de-ruralize" in such a negative manner. And their attitude is shared by a great number of urban Americans.

All they want, farmers of America, is your food and your daughters.

So if we cannot depend on our politicians; if we cannot depend on the goodwill of those we feed and help employ; if we cannot depend on any of the past methods we've used to better our lot . . . I suggest we try new ways. I suggest that, unlike our fine-principled congressional candidate, we use the methods and tools of today to tell all Americans our story.

And the object of telling our story? Not anything as grandiose or dreamy as making fast friends with the American consumer. He has his problems, too. He can match us gripe-for-gripe.

No, the object of telling our story is to make the communications aspect of our business as effective as the food-producing aspect.

So, in the closing minutes, I'd like to review certain things that have already been done by some agriculturally-oriented people. I hope you will be inspired to think of ways to adapt their programs to your own uses, and to evolve new programs of your own.

(Item) I've already mentioned my company's. "I'm proud to be a farmer" bumper stickers. We went further. To endorse each aspect of farming, we printed hundreds of thousands of stickers saying "Beef is good food," "Pork is good food," "Milk is good food," "Lamb is good food," and "Eggs are good food." They were plastered everywhere; on meat counters, dairy cases, doorways, trucks and cars. Their purpose? To remind Americans of how various and plentiful good food is in this country.

(Item) A farm family near Marion, Iowa, regularly conducts farm tours for grade school children, and conducted one special tour for city businessmen. They put price tags on all the farm equipment. The purpose of this tour? To prove to city people that running a farm is a costly operation and a grave risk for the farmer.

(Item) The advertising agency of the Iowa Development Commission has been asked to develop several public service commercials and advertisements for agriculture. They would resemble those you see for the Peace Corps and Savings Bonds. The purpose of these commercials and advertisements? To hammer home the importance of agriculture to everybody.

(Item) Farmland Industries recently produced two series of four-color Sunday supplement advertisements which told the urban audience the real facts about food prices and rural ecology. They also ran an ad telling the importance of agriculture in the Rotary magazine. The purpose of the advertisements? To prove that farms have nothing to do with food prices as such, and to show that a lot of "farm pollution" talk is impetuous.

(Item) Senator Carl Curtis of Nebraska has launched a one-man campaign to inform presidents of rubber companies, petroleum companies, steel companies, farm machinery companies and truck companies about the interdependence of their own businesses and agriculture. He has suggested that they put aside a certain portion of their advertising and sales promotion budget for the purpose of fostering a better public understanding of American agriculture. The purpose of Senator Curtis's campaign? To enlist the aid of those who should be our friends, those whom our efforts help support.

(Item) In Oregon a group of farm wives formed "Women for agriculture," an issues-oriented public relations and educational group. Touring their state, they give speeches, lobby in the state legislature, conducted tours, set up displays and show films. The purpose of their group? To show city people, particularly city housewives, that farming is not the easy or profitable life so many uninformed citizens presume it to be.

As you can see, some of these programs were expensive and demanded professional talent; but a great number of them were grass-roots programs, done by the farmers and their families very inexpensively. And each in its way, whether it was the quiet way of the farm tour for grade school children, or the bugle-blasting way of the four-color Sunday supplement advertisement; each in its way contributed to a common objective . . . familiarizing urban America with farm products and farm problems.

I mentioned earlier the possibility of a summit conference or rap session involving key public affairs people from various agricultural groups. I think such a conference would benefit everybody in agriculture.

For if 50 or more people representing such diverse groups as state agricultural public relations and promotional groups, such as yours here in Nebraska and ours in Iowa; and from private groups such as "Women for Agriculture" in Oregon and the "Agri-Leaders" from Ohio; if all of us could sit down in one place and discuss all the ways we could improve the image of agriculture in America, we would start reaping the sweetest fruits of our labor.

I've already spoken to Governor Ray of Iowa about the basic idea of a summit conference and he's enthusiastic . . . so enthusiastic that he's recommended that if such a revolutionary conference were to be held . . . Des Moines would be a logical site.

I hope all of us here at this conference will discuss among ourselves, and our friends and neighbors at home, how such a conference might best be achieved.

As we've already determined, there's no reason that we in agriculture should feel inferior to any other segment of the country. To argue our case, we have Gordon W. Hewes' statement that civilization could not have developed without agriculture. To argue our case we can remind our urban neighbors, and all our politicians, that 3 out of every 10 jobs in our country today are related to agriculture. And that agriculture's assets total $307 billion. And to argue our case we can prove that American agriculture is producing food cheaper—in terms of an hour's labor by the consumer—than ever before.

The problem now is to get that story out and impressed on the consciences and minds of politicians and consumers. We've discussed the ways in which that has and can be done . . . from the farm tours for urban businessmen to the agricultural rap session.

I believe in the end that all these efforts will be worth it.

I believe in the end that Americans everywhere will understand that in saying "Stand up for agriculture" a person is really saying "Stand up for America." For our whole economy is based on a strong agriculture.

I believe in the end that the lot of all of us will improve. And I don't mean just more traveling salesmen coming around to bother our daughters. I mean the American farmer getting and keeping the respect and consideration his efforts long ago earned him. Thank you.

AGRICULTURE'S STORY

An impressive array of farmers, their leaders and their friends gathered in Lincoln last week to take up a time worn task—finding a way to make big city America aware of the contributions and the problems of agriculture.

The seminar sponsored by the Nebraska Committee on Public Relations for Agriculture was longer on enthusiasm and good intentions than on a specific action program that might be undertaken.

But it did turn up at least one constructive idea: the call by John Megown, chairman of the Iowa Agriculture Promotion Board, for a "summit conference" of agricultural leaders from over the nation who are in tune with the public relations sides of their industry.

There is nothing terribly imaginative about the idea, but it undoubtedly is the thing that must be done before any sort of nation program can be put together. The assignment of carrying agriculture's story to urban dwellers simply is too formidable for anything less than a comprehensive, well-financed, nationwide effort.

Should the opportunity be presented to tell this story, there is plenty to say. Sen. Carl Curtis, in a statement relayed to the seminar by his administrative assistant, Don Shasteen, put the pitch in its best perspective.

An impressive case was made by Curtis that the fabulous productivity of American agriculture, as much as any other single factor, is responsible for the unexcelled standard of living in this country.

Because consumers need spend a much smaller portion of their paychecks for food than is true in virtually any other country in the world, they have enough money left over to buy the conveniences and luxuries, to take the vacations, and engage in all sorts of leisure and recreation, that characterize American affluence.

It wouldn't be stretching anything for agriculture to content that—to use a term some big city consumers and editors like to turn on farmers—the farmers of America are "subsidizing" the rest of the country by making food available at such a small portion of their incomes—though farmers themselves, ironically, are not able to share to the same degree in the abundance of the economic system.

This is the story agriculture has to tell. In some way, we should get on with the telling.

MIRIAM OTTENBERG'S INTERPRETATIVE REPORT ON THE OUTLOOK FOR NO-FAULT AUTO INSURANCE

Mr. HART. Mr. President, recently the Washington Evening Star published a three-part series by Miriam Ottenberg on the outlook for no-fault auto insurance. Her comprehensive report provides an incisive analysis of the progress of no-fault auto insurance reform in the States. After reading her series, perhaps Senators will agree with me that progress has been at a snail's pace, and that the reform plans enacted will benefit mainly the pocketbooks of insurance companies, their agents, and lawyers.

In August 1970, Massachusetts enacted an auto insurance law permitting an accident victim to collect up to $2,000 in benefits from the insurer of the car in which he was riding without having to show that someone else was "at fault." The law provides that the accident victim can't sue for his compensated loss up to $2,000, and for "pain and suffering" damages, unless he had medical expenses of $500 or more.

During the last few months, Delaware, Florida, Illinois, and Oregon have enacted auto insurance reform plans. Florida's is the only law that can be labeled even a limited or partial "no-fault." It is similar to Massachusetts' except that benefits are $5,000, and an accident victim needs $1,000 in medical expenses to sue for "pain and suffering" damages.

Delaware, Illinois, and Oregon compel—as do Florida and Massachusetts—the motorist to buy medical and wage loss benefits to protect his passengers and himself. But, unlike the Massachusetts and Florida plans, these States place no limitation on the victim's right to sue for compensation already received from his own insurance company. The tort-liability suit with all its inefficiences and waste is not eliminated.

In Delaware and Oregon, the tort suit remains without any limitation for "pain and suffering" damages. In Illinois, the right to sue for "pain and suffering" is limited to 50 percent of the first $500 of medical costs and to 100 percent where such costs are over $500.

Basically, the Delaware, Oregon, and Illinois plans provide some compulsory medical and lost wage benefits on top of tort-liability insurance. Since every motorist still can be sued, he will be forced to buy liability insurance to protect himself.

Delaware's law is based on the Insurance Company of North America's—INA—proposal, and was supported by insurance agent associations and other insurance trade groups. Illinois' plan parallels the "dual protection" plan proposed by the National Association of Independent Insurers whose member companies write over 50 percent of the private passenger cars in this country. The Oregon law was pushed by agent associations.

The point is, Mr. President, that these bogus reform plans will continue to enrich their sponsoring groups at the expense of policyholders and accident victims. Under these State plans, insurance companies will make greater underwriting profits and receive the same high level of premium dollars for investment.

Insurance agents will continue to prosper through their commission arrangements and because these plans tend to discourage development of lower cost group insurance programs. Lawyers will continue to be kept busy in the auto accident field. Auto liability lawsuits are not being eliminated—instead, they are being subsidized by the first-party benefits received.

In short, Mr. President, vested interests will continue to devour the lion's share of the liability insurance premium dollar, as shown by the table which I ask unanimous consent to have printed in the RECORD at this point. Insurance agents and lawyers—the system's middlemen—as the table shows, took $2.6 billion or 60 percent of what was paid in benefits.

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

AUTO LIABILITY INSURANCE—1970

[In billions of dollars]

	Personal injury	Property damage	Total
Premiums	6.6	2.9	9.5
Less, insurance costs:			
Overhead and adjusting	1.4	.8	
Sales commissions	1.0	.3	
Subtotal	2.4	1.1	3.5
Total	4.2	1.8	6.0
Less, legal costs:			
Fees:			
Trial lawyers	1.0		
Insurance lawyers	.3		
Litigation	.1		
Subtotal	1.4	.1	1.5
Net compensation	2.8	[1] 1.7	4.5
Compensable economic loss [2]	6.8	6.3	13.1

[1] Auto collision insurance provided another $2,100,000,000 of compensation for property loss.

[2] Wage and medical loss, future earnings of fatality victims with dependent survivors and property damage.

Source: U.S. Senate Antitrust and Monopoly Subcommittee. Derived from: Motor vehicle crash losses and their compensation in the United States, Department of Transportation (1971), table 2 at p. 6—adjusted by Bureau of Labor Statistics' price and wage indexes to 1970; "Best's aggregates and averages" 31st annual ed. (1970); Automobile personal injury claims, Department of Transportation, pp. 73, 80 (1970); Automobile accident litigation, Department of Transportation, p. 7 (1970); and, "Best's Review" (Prop. Liab.), July 1971.

Mr. HART. Mr. President, we in government are ill-serving the people if we perpetuate this kind of inefficiency and waste while permitting seriously injured victims to go without compensation and rehabilitation.

During the hearings on the national no-fault auto insurance bills—S. 945 and H.R. 7514—evidence submitted showed that the Illinois plan, for example, was promoted and editorialized in that State as a "no-fault" system even though it does not eliminate the tort lawsuit. The average auto insurance buyer doesn't understand the present auto insurance fault-liability system, let alone a no-fault, no-lawsuit system. A Gallup poll last April showed that 81 percent were uninformed and undecided about no-fault auto insurance. Yet those who did understand, 4 to 1 favored "no-fault" over the present system.

The Delaware, Illinois, and Oregon plans, according to Secretary Volpe and the administration, do not comply at all with the administration's basic goal for meaningful reform.

The Department of Transportation's final report says—at page 136:

> The goal of the system should be that no recovery for any loss of a type covered by the applicable required coverage would be permitted in any private action for damages.

The administration's concurrent resolution before Congress "with respect to motor vehicle insurance and an accident compensation system" state that "new and updated approaches to insurance and accident compensation" should "be built upon the following principles"—one of which is:

> 3. such benefits ["basic benefits payable to all accident victims without regard to fault"] should provide compensation for all economic loss, subject to reasonable deductibles and limits, and the tort lawsuit should be eliminated, at least pro tanto, avoiding the adversary process for the mass of accidents.

The Delaware, Illinois, and Oregon plans do not in any way "eliminate" and "avoid" the "adversary process for the mass of accidents." For that matter, neither do the Massachusetts and Florida limited no-fault plans.

In fact, we have been told that the Legislatures of Delaware, Illinois, Oregon, and Florida were aware of the concurrent resolutions, and some legislators in these States even thought that the resolutions had been passed by Congress.

Yet, the administration continues to press for "no-fault" reform on a State-by-State basis without any meaningful legislative recommendations for enforceable standards with "teeth" in them.

Thus, the administration is acquiescing and allowing the public to be hookwinked into believing that they are getting meaningful no-fault auto insurance reform. As the Christian Science Monitor aptly said in an editorial last May, "the Administration is throwing the issue of reform to the State legislative courtyards where the foxes have a free run." If the States continue to "go it alone," "the foxes" are really going to fatten themselves at the expense of policyholders and accident victims. And, tragically, the more serious an accident victim's injuries are, the less is his chance of being sufficiently compensated and rehabilitated under the counterfeit plans being enacted in the States.

Congress, by failing to enact a meaningful national no-fault auto insurance plan, is ignoring the needs of 108 million motorists for lower cost auto insurance, and the need of accident victims and their dependents for sufficient and humane treatment.

By ignoring this national problem, it would not be surprising if Congress itself would be accused of complicity in the calculated deceit of consumers, as is now being practiced in those States that are bothering to do anything at all.

I urge Senators to read Miss Ottenberg's excellent report.

Mr. President, I ask unanimous consent that the Washington Evening Star series on no-fault auto insurance; the Christian Science Monitor editorial of

May 17, 1971; and a New York Times report of the Gallup poll on no-fault auto insurance be printed in the RECORD.

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

[From the Washington Star, July 6, 1971]

LAWYERS LOBBYING AGAINST NO-FAULT INSURANCE

(By Miriam Ottenberg)

A concerted drive by trial lawyers to block any major change in the way auto accident damages are handled is frustrating the Nixon administration's hope of getting major insurance reform on a state-by-state basis.

The reform effort centers on "no-fault" legislation, a system by which a motorist's insurance company pays his hospital bills and other expenses, without regard to who caused the accident.

Congressional investigations and the Department of Transportation's two-year study have concluded that the "no-fault" plan for compensating auto accident victims is the way to lower rates and provide prompter, more certain benefits. Proposed legislation is running into roadblocks in state legislatures.

The lagging pace of state-by-state action, the active campaigning to kill "no-fault" plans even before they get a hearing, is sure to bring national repercussions. The Nixon administration made it clear months ago that if the states don't adopt "no-fault" individually, the Federal government will move.

Hearings have been held in the Senate and House on a "purer no-fault" than any legislation passed by a state. It is purer in the sense that lawsuits would be permitted only where the victim has suffered "catastrophic harm".

Payments up to $36,000 for lost wages and all medical and rehabilitation expenses could be paid by the victim's own insurance company without going to court.

The limits on lawsuits are aimed at removing one of the big reasons why insurance rates stay high and benefits are spread so unevenly under the present system.

Government studies show that approximately 25 percent of the motorist's premium goes for attorneys' fees and claims adjustment expenses. By the time insurance overhead is figured, 58 percent of the premium is consumed.

Like the legislation now in Congress, most of the pending state "no-fault" bills also restrict auto damages suits. The trial lawyers who specialize in that practice are leading the battle against those state bills.

Most of the state legislatures meeting this year have already gone home or are near the end of their sessions. Here's the "no-fault" box score:

Bills introduced in 33 legislatures, including measures simply to study "no-fault".

Seven measures to study "no-fault" passed, two more await the governor's signature, most are regarded as a stall to prevent legislation.

The study measures are law in Hawaii, Idaho, Montana, New Jersey, New Mexico North Dakota and Tennessee. Study bills have passed the legislature in Maine and Texas but have not yet been signed.

Four insurance reform measures passed by state legislatures at this session. Two of them (in Delaware and Oregon) are regarded here as costly shams because they simply lay compulsory "no-fault" coverages atop the present expensive system; the third, in Florida, is a bill closer to "no-fault" principles and became law without the governor's signature.

The fourth measure was passed in Illinois June 30, the last day of the session. It has been described by a state legislator who futilely sought genuine "no-fault" legislation as "one of the most spurious 'no-fault' bills introduced anywhere" because it limits benefits without passing the savings on to the motorists and without limiting the right to sue.

The new "no-fault" states join Massachusetts, whose law became effective Jan. 1. It has just been upheld as constitutional by the Massachusetts Supreme Court. The pioneer was Puerto Rico, whose government-run system has been in operation for 18 months.

Some hope is held for action in Michigan, but the rest are dead or unlikely to pass this session.

The bills that passed and the ones that died reflect the lobbying activity of both the insurance industry and the trial lawyers. But lawyers and insurance men are split on "no-fault."

A third of the insurance industry—the companies forming the American Insurance Association—is working hard for the "pure no-fault" bill it has succeeded in getting introduced in a number of state legislatures.

A second group, the National Association of Independent Insurers whose 350 companies write about 55 percent of all auto insurance, favors a limited reform which would allow injured motorists to sue for more than their no-fault benefits and allow insurance companies to sue each other to recover the money paid to injured policyholders.

The third big group, the American Mutual Insurance Alliance, writes about 10 percent of the business and also favors only limited reform.

The limited plans proposed by two of the three associations would require the whole panoply of doctors, lawyers and adjusters as the insurance companies sue each other or go to arbitration. Proponents of more complete "no-fault" say the cost savings to policy holders would be minimal under these plans and smaller premiums unlikely.

The trial lawyers do not like even these partial "no-fault" plans and lobby against them wherever they are proposed. They contend the halfway measures are the first step toward total destruction of the "fault" system.

ABA TAKES ANOTHER LOOK

Although some trial lawyers privately protest that the bills would take away their livelihood—and the fees which total one-third to nearly one-half of what the victim collects—their public attitude is that the "no-fault" system won't accomplish what its proponents claim for it.

Most outspoken of the legal opponents is the American Trial Lawyers Association with a membership of about 25,000. The American Bar Association, with 150,000 members went on record in 1969 to retain the present system but has named a special committee to take another look and present the ABA position to legislatures.

Not all ABA members oppose "no-fault" in auto accident cases. The "no-fault" bills in state legislatures were written by lawyers but more of them were law professors than trial lawyers.

Lawyers with poor clients who have to pay higher premiums than their more affluent neighbors and corporation lawyers who frown on ambulance chasers are numbered among those favoring "no-fault."

WORKING FOR CANDIDATES

It is the trial lawyers group that shows up most often in the state-by-state fight to stop "no-fault" legislation.

In some states, they've got the votes to kill "no-fault." They're raising money to elect candidates they know will oppose "no-fault."

A group of Ohio attorneys, mostly members of the Ohio Academy of Trial lawyers, has started a fund called ADOPT (Attorneys Dedicated to Ohio People Totally) to aid candidates who push legislation the attorneys say is in the best interests of the public. Their first target: "No-fault." The one no-fault bill introduced in Ohio got nowhere.

SELF-INTEREST SEEN

A brochure issued by the Texas Trial Lawyers Association asks members to contribute to LIFT (Lawyers Involved for Texas), a fund to elect legislators who will oppose no-fault plans among other issues. The brochure quotes a Texas newspaper as reporting that six of the eight candidates backed by LIFT won the Democratic nomination in this year's primaries.

Frankly recognizing self-interest, the Connecticut Trial Lawyers reportedly raised funds from the sheriffs and constables, who were apparently fearful that "no-fault" legislation would mean fewer legal papers to serve and thus lower incomes for them.

Rep. William R. Cotter, D-Conn, ran afoul of the lawyers when he was insurance commissioner of Connecticut and tried to get a modified no-fault plan through the legislature.

COMMITTEE DIDN'T ACT

His bill, which an actuary later testified would save about 15 percent in the cost of insurance, was referred to the Judiciary Committee of the General Assembly where 32 of the 34 members were lawyers. They were not made any happier by the bill's provision to reduce contingency fees of the lawyers to 25 percent of the settlement.

Despite the editorial support of every major newspaper in the state, the committee refused to report it out.

Since then, Cotter has been elected to Congress but "no-fault" legislation was introduced again in Connecticut this year. Again, the committee refused to act. Public opinion forced it out of committee but members compromised on a study of "no-fault" which Cotter says is a stall. Even that did not pass.

In Maryland, too, the Judiciary Committee was the wrong committee to get "no-fault" legislation. The bill was introduced by a first-term member of the House of Delegates, Charles S. Blumenthal, who says "no-fault" is "probably the most important piece of consumer legislation in this country today."

NO MORE APPEASEMENT

Speaker of the House Thomas Hunter Lowe, a lawyer, referred the "no-fault" bill to the Judiciary Committee although every other insurance bill during the session went to the Economic Matters Committee which has an insurance subcommittee.

Of the 23 members of the Judiciary Committee, 21 were lawyers and most cross-examined Blumenthal, who is an engineer. One of the members asked Blumenthal how he would feel if his livelihood as an engineer were threatened. The committee voted almost unanimous to give the bill an unfavorable report.

Next time, Blumenthal vowed, he is going to introduce a "pure no-fault" bill with none of the compromises he had thought would appease the lawyers. He said he also will propose that insurance companies be unable to cancel auto polices except for nonpayment of premiums or a suspended driver's license and would have to write insurance for anybody with a driver's license.

COMMERCIAL REFUSED

He is aware this might alienate even the insurance companies that went along on this year's bill, but he is finished with compromises.

Across the country, lawyers are pouring money into newspaper ads and television commercials aimed at convincing people that "no-fault" is unconstitutional, un-American, undemocratic and immoral.

In New York, they have used the underground press along with full-page ads in the big papers. In Philadelphia, they went so far in their attack that some radio stations refused to use the commercials.

In New York, they brought out all their negative techniques. The major target was Gov. Nelson Rockefeller's bill, a "pure no-fault" measure written by his former insurance commissioner and pushed by the governor in a special message.

The Senate committee considering "no-fault" legislation hired as "special counsel" a respected trial lawyer, who claimed he was neutral but asked such loaded questions that even the committee chairman finally called it quits.

LAWYER LOBBY BLAMED

Then the lawyers used a technique employed in other states where substantial "no-fault" bills appear to be gaining ground. So many partial "no-fault" or study bills were introduced that everyone became confused.

As the New York session neared an end, proponents decided not to rally behind a weak compromise, preferring to try again next year. The session ended without "no-fault" legislation. Headlines blamed the "lawyer lobby."

Even the White House fails to score against the lawyer lobby. The White House insurance expert, George Crawford, went to Denver to explain the administration's state-by-state approach. The bill moving through the legislature was not all the administration wanted, but it was moving.

It stopped moving, though, when Richard Marcus, president of the American Trial Lawyers Association, wrote to his friends in Colorado that the bill was not as favorable as they thought. He suggested that they reconsider.

PAMPHLET OFFENDED LAWYERS

Despite White House interest, when the Colorado legislators went home, the bill that had sailed through the Colorado House before Marcus sent his letter, remained bottled up in the Senate Judiciary Committee.

Although some of the battling lawyers blame the agitation for "no-fault" on insurance interests, sometimes there's an alliance between an insurance faction and the lawyers to kill "no-fault."

In Hawaii, the governor and leaders of key committees had reportedly agreed on "no-fault" and hopes were high for the bill's passage. But when the vote came, the coalition collapsed. Insurance agents were credited along with lawyers for that defeat.

In Minnesota, lawyers put out a pamphlet so misrepresenting both "no-fault" and how the present system works in practice that even some of their colleagues took offense.

STUCK IN COMMITTEE

The author of the maligned bill is Jack Davies, a law professor and veteran of 13 years in the Minnesota legislature, who's convinced his measure will be passed if he can get it to the floor. But he can't get it out of the House insurance committee, with its insurance agent members, or the Senate Commerce Committee which has 9 lawyers.

Even a compromise couldn't budge them. Nevertheless, he predicts, "one way or another, we'll get it to the floor in the next legislative session and it will pass." The Davies measure has now been introduced in other legislatures.

In Pennsylvania, the outspoken insurance commissioners, Dr. Herbert S. Denenberg said the trial lawyers are unintentionally aiding the cause of "no-fault" insurance because their public statements are so extreme.

"There's tremendous pressure of public opinion for a change," he reported. "The legislators say they're getting more complaints about insurance than about welfare. People here know that the auto compensation system isn't run for them but for the trial bar."

BUDGET OVER $200,000

Study bills have been introduced in Pennsylvania as they've been in 17 states. Like Cotter, Denenberg flatly calls them a stall.

"You can study it to death and that's what they're trying to do," he said. "We've got a system so bad now that it would be hard to come up with a worse one. People have been studying this for forty years. We can come up with legislative solution without more study. I'm a professor and I'm all for study but not on this."

In Michigan, it is rumored that the trial lawyers' budget for opposing "no-fault" runs from $200,000 to $250,000. There have been some emotional debates with the trial lawyers on television and they imported a law professor from Massachusetts who has been traveling around the country for the trial lawyers, opposing "no-fault."

All the techniques tried elsewhere are now on display in Michigan—the multiplicity of bills, the efforts to get the bills assigned to the Judiciary Committees, the public relations campaign.

Proponents, however, are still fairly confident they can get meaningful "no-fault" legislation in Michigan this year.

If Michigan bill fails as the other strong "no-fault" bills have failed indications are that some of the organizations still pushing the state-by-state approach will switch to Federal legislation.

[From the Washington Star, July 7, 1971]

MORE FOR LESS WITH NO-FAULT

(By Miriam Ottenberg)

Today, an auto accident victim is more likely to get all his medical bills taken care of in Puerto Rico than in the District.

He is likely to be compensated for lost wages and other economic losses much more promptly in Boston than in New York City.

And beginning in January, he is more likely to have his auto insurance premiums reduced by 15 percent in Miami than in Cleveland.

After January, he is more certain of getting $10,000 to cover the expenses of his injuries in Dover, Del., than in Denver.

Also next year an accident victim in Oregon will be able to collect up to $3,000 for medical expenses and $6,000 for lost wages without going to court. And if he lives in Illinois, his auto insurance company will have to pay him triple damages if the medical bills for his accident aren't paid within a month after they're presented.

The certainty and promptness of payment and, at least in Puerto Rico, Massachusetts and Florida, the likelihood of future decreases in premiums or increases in benefits are all hallmarks of the "no fault" plans which now have cleared the legislatures of five states and Puerto Rico.

Under these plans, the insured motorist looks first to his own insurance company to pay for his auto accident injuries, without regard to who caused the accident.

For one reason or another, usually a lobby in the state legislature, few of the plants emerged as the sponsors originally intended and none meets the ideals spelled out by the Department of Transportation after its two-year 23-volume study of crash losses and compensation.

As Gov. Francis E. Sargent of Massachusetts testified before the House Commerce subcommittee studying "no fault" legislation: "The bill finally passed in Massachusetts was a mixed bag, the concept there but the details distorted and real reform doubtful as the result of efforts by those who decided to cripple the bill when they saw it could no longer be defeated."

In Florida, the lawyers put up a mighty battle, but public demand for the legislation was so great that a bill stronger than the Massachusetts measure was passed. Although the governor pronounced himself pleased with the measure, he allowed it to become law without his signature.

In Delaware, proponents of a more complete "no fault" plan warn that when the people of Delaware find their insurance rates going up, they'll react by saying somebody sold them a bill of goods.

The Delaware plan—and the similar Oregon measure just signed by the governor—so far are the farthest from the ideal because they put no limitation of any kind on court suits.

One of the big arguments for "no fault" plans of the type visualized by the Department of Transportation and proposed in the Hart-Magnuson and Moss bills in Congress are that they limit the right to sue for damages to only the most serious cases.

That is why trial lawyers are so opposed. They claim it is unconstitutional to restrict the right to sue but the Massachusetts Supreme Court has just upheld the constitutionality of that state's "no fault" law.

To proponents of "no fault," the more limited the right to sue the more effective the operation of the law, for two reasons:

First, with fewer contested cases, fewer legal fees, fewer insurance adjuster expenses and court costs, the expenses of insurance go down and insurance companies can lower their premiums. That is what the legislatures of Massachusetts and Florida figured when a rate cut of 15 percent was written into the law. Now the Massachusetts insurance commissioner is predicting that rates next year will be reduced by 25 percent or more and could drop even farther if the legislature extends "no fault" to cover property damage.

SECOND REASON CITED

The second reason for limiting suits is that the individual motorist would not have to pay so much for liability insurance.

If only the injured who suffer "catastrophic damage" could sue—as under the Hart-Magnuson and Moss proposals—fewer than 5 percent of the accident victims would fall into this category. Since liability insurance would be needed only to cover the comparatively rare "catastrophic damage," the premium rate would be low.

But where suits are unlimited, motorists must carry their current high-cost liability insurance or face bankruptcy in case an injured motorist sues them.

In Delaware, not only is there no limit on suits but the jury cannot be told how much the claimant has already recovered through his own insurance company.

AWARDS LIMITED

While Illinois puts no limit on suits, it does set up a formula to limit what the victim can receive for "pain and suffering." Under this formula, the award can be no more than 50 percent of the first $500 medical expense and 100 percent of medical expenses over $500.

Thus, if medical expenses totaled $1,000, the victim could go to court and collect $750 from the other driver's insurance company to add to the $1,000 he got from his own insurance company.

When Illinois' insurance commissioner was explaining his plan to the House Commerce subcommittee exploring "no fault." Rep. Bob Eckhardt, D-Tex., commented caustically that while "pain and suffering awards" were being limited under the plan, this savings was not being passed along to the consumer in the form of lower premiums.

Nor have premiums been lowered in Delaware or Oregon, where all the costs of litigation remain. In these states, the "no fault" plans have just been laid atop the old "fault" system. The motorist has to carry both liability and "no fault" coverage to protect himself from the other motorists suit as well as to be compensated for his own injuries.

CUTOFFS ARE SET

In Massachusetts one of the reasons premiums were lowered is that suits are not permitted until the injured has received at least $500 in payment of medical costs.

The Florida cutoff of $1,000 is expected to take care of the vast majority of claims. Massachusetts with its $500 cutoff has already experienced a 60 percent decrease in claims.

That's why Sargent expects to cut premium costs further in the coming year.

There is little uniform about the state "no-fault" laws passed so far. Even what the injured will receive from his insurance company varies widely—up to $5,000 in Florida, $2,000 in Massachsuetts and $10,000 in Delaware.

State legislatures, taking a "wait-and-see" attitude, want to test the Massachusetts experience further before they start moving. A longer and more indicative experience, however, already is available in Puerto Rico.

FOES PROVED WRONG

The government operated system in Puerto Rico has been operating now some 18 months. It was the first no-fault plan to function in this country and all the arguments against it have been proved wrong.

Critics said the expense of it would break the island. Actually, it has piled up such a surplus that the island will be able to increase the benefits or lower the premium, which now costs each Puerto Rican car owner $35 a year.

The prophets of doom had predicted that claims could not be handled promptly under the "no fault" system. In practice, death claims for funerals expenses are paid within 48 hours and disability payments are paid within two weeks.

Under Puerto Rico's compulsory insurance plan—where policies can't be canceled as they are in the states—90 cents of every premium dollar is available for benefits. That compares with as little as 45 cents on the dollar in the states with "fault" plans.

In Puerto Rico's first year of "no fault" operations, the administrators collected $17.5 million in premiums. They paid out or set aside for payments $6 million in benefits to 28,000 accident victims of survivors.

Puerto Rico's plan pays all medical and hospitals expenses for an accident victim, as well as up to $5,000 for loss of limbs or sight and up to $15,000 in survivor's benefits.

Also paid are 50 percent of lost income, though the benefits only go to $50 a week the first year and $25 the second. The low figures reflect the low earning rate, but plan officials are going to ask the island legislature to raise the loss-of-income compensation to 75 percent of regular pay up to $100 a week.

The injured person can still sue for damages but only if his "pain and suffering" exceeds $1,000 in value or his economic loss exceeds $2,000. But those people who are now getting medical benefits for the first time are showing no rush to sue and the system seems to be succeeding beyond the hopes of its most ardent supporters.

Puerto Rico comes the closest and Delaware and Oregon the farthest away from the proposed legislation now pending on Capitol Hill. Hearings have been completed on the Hart-Magnuson bill before the Senate Commerce Committee and on a similar Moss bill before the House Commerce subcommittee on commerce and finance. Neither bill has yet been reported out of committee.

The congressional measures illustrate where the state "no-fault" measures fall short, where the determined watering-down by special interest groups has limited their effectiveness.

PLANS COMPARED

Here are some of the ways in which the Hart-Magnuson and Moss bills do more for the insured than the state plans:

1. They would wipe out some of the biggest complaints against insurance companies today—unavailability of insurance, canceled policies and failure to renew policies.

An insurance company could not reject an applicant for "no-fault" insurance unless the driver had no license or didn't pay at least a part of his first premium. Once issued, a policy could not be canceled or renewal refused unless the driver had his license suspended or revoked or failed to pay his premium.

The only out for the insurer would be a finding by its home state insurance regulator that writing more policies would endanger the solvency of the insurance company.

REHABILITATION STRESSED

2. Rehabilitation—stressed in the administration's proposed concurrent resolution on "no fault" now before Congress as "a primary function and objective of the compensation system"—is fully covered in the pending congressional bills but virtually ignored in the state measures.

The congressional bills refer to payment of "all appropriate and reasonable expenses necessarily incurred for physical and occupational therapy and rehabilitation."

The stress on getting the injured back on the job is absent from the state bills. The most they mention is payment for prosthetic appliances—artificial limbs and the like.

3. Since prompt payment of claims is one of the goals of "no fault" legislation, the Hart-Magnuson and Moss bills seek to speed payment by providing that if the insurance company does not pay the claim within 30 days of receiving proper proof of losses, interest on the claim will mount at the rate of 2 percent a month for a total of 24 percent a year.

Some state plans provide for interest on unpaid claims at the rate of 6 percent a year. Illinois carries the threat of triple damages if bills are not paid. Delaware, with legislation promoted by insurance interests, carries no interest requirements. Massachusetts also carries no interest provision, but does provide that where a claim remains unpaid more than 30 days, the injured party can sue—which means going through the whole court logjam that "no fault" legislation is supposed to avoid.

PROBLEMS ATTACKED

4. The ever-rising rates, the myriad of rating classifications which separate a man by hundreds of dollars from the rate paid by his neighbor, the rating territories which lead to "red lining" (where insurance is not sold) all would be attacked in the congressional measures.

Without going to federal regulation, the Hart-Magnuson and Moss bills would set up a system by which the insurance companies would report their claims and loss experience to the Department of Transportation.

The number of risk classifications and rating territories would be reduced. Statistical agents would analyze each company's claims and loss experience. Finally, DOT would provide the state insurance supervisory authorities and the general public a comparison of rates and claims-payment practices.

This setup is aimed at two goals. One is to alter the present classification pattern under which companies compete for the best driving risks while other drivers (who may never have had an accident but fall in the "wrong" age classification) are forced into assigned risk pools.

GOALS CONFLICT

The second goal is to increase the information available on the operations of various insurance companies and ease the task for motorists shopping for a company.

Of course, the two goals are inseparable. There's no point in shopping if you can't afford to buy. But the theory is that between "no fault" insurance with its implied savings and lesser competition for preferred risks, motorists will be able to afford insurance they can't buy now.

The administration has said it wants the states to experiment with different "no-fault" plans until the most effective emerges.

So far, however, no experimentation has gone nearly as far as the proposals before Congress, not as far as the DOT proposals, not even as far as the cautious authors of state legislation wanted to go.

CAUTIONS ON LIMITS

None of the state plans, in the view of DOT planners, is very adventurous in pushing up the limits of what a victim can get from his own insurance company.

Although it is cheap to provide high limits of coverage to insure against real catastrophe, the states are hanging back. They cover payment of only the lesser claims by a victim's own insurance company and leave the rest to the overcrowded courts.

"The whole idea of 'no fault,'" commented a DOT planner, "is to get more dollars into the hands of the people who really need them, and that can't be done with limits of $2,000 or even $10,000."

He contrasted that element of the state plans with the Hart-Magnuson and Moss proposals for payment of all medical, rehabilitation and incidental expenses not covered by some other source and a monthly payment to the wage earner of 85 percent of his lost income or $1,000—whichever is lower—for up to 36 months.

And he cited the DOT proposals of unlimited medical and rehabilitation benefits and payment of wage losses for up to three years.

In the view of those who see genuine "no fault" plans as the surest way to get a much higher proportion of the premium dollar to victims in compensation for their losses, three of the five state measures are not really "no fault" plans at all.

Only Massachusetts and Florida—aside from Puerto Rico—are rated as good intermediate steps on the road to "no fault."

[From the Washington Star, July 8, 1971]

LAWYER-CRITICS STATE CASE AGAINST NO-FAULT

(By Miriam Ottenberg)

A trial lawyer says he and his group oppose any law that would reduce the rights of innocent auto accident victims to get full payment for their injuries.

An administration spokesman says that is fine in theory but the victims are not getting full payment now. For example, the average economic loss of a permanently, totally disabled accident victim amounts to $78,000 but his liability insurance payments average $12,556.

The issue in this debate is a change in the method of compensating auto accident victims that could ultimately affect the nation's 108 million motorists—depending on whether it is done state-by-state or federally.

In Washington and in state-houses across the country the debate centers on "no-fault" insurance, through which a motorist's own insurance pays his hospital bills, lost wages and other economic losses regardless of who caused the accident.

POSITIVE ADVANTAGES

The certainty of getting claims paid, the possibility of lowered premium costs and elimination of long delays while claims await their turns on crowded court calendars are among the positive advantages of "no-fault" cited by its advocates.

Ranged against "no-fault" legislation are the American Bar Association, the American College of Trial Lawyers and the American Trial Lawyers Association. Some of them however, oppose provisions in state proposals that do not appear in other state measures or in the measures now pending in Congress. And on occasion, they attack a provision that is already being amended.

Richard Marcus, American Trial Lawyers Association president, complained bitterly in an interview that a 9-year-old boy could lose his leg but would not be allowed to sue under bills pending in Congress because his permanent partial disability would be less than 70 percent.

SECTION RECONSIDERED

The section of the Hart-Magnuson bill in the Senate and the Moss bill in the House which set the 70 percent disability measure is being reconsidered.

Commerce Committee staffs in the House and the Senate are redrafting that section of the bill.

Marcus also complained that "no fault" insurance would not extend to what he called the preponderance of auto insurance coverage—vehicle damage. Therefore, he argued, the public is being misled into supporting incomplete "no fault."

Vehicle damage insurance was not covered in the Congressional "no fault" proposals, but there is a growing feeling that inclusion of vehicle damage in "no fault" coverage could become a powerful lever on auto makers to provide safer and less fragile cars.

That measure is being pushed by Rep. Bob Eckhardt, D-Tex., who said he would try to amend the bill on the House floor to include property damage if the amendment is not passed in committee where it is under study.

An outspoken critic of "no fault," Edward W. Kuhn, chairman of the ABA's Special Committee to Achieve Justice Through the Adversary System, said he objected to "no fault" plans because they ask the injured person to give up his claims for pain and suffering and "loss of life's pleasures, inconvenience, future impairment of earning capacity, disfigurement, loss of limbs" and other losses in return for certainty of payment of his medical and hospital bills and some loss of earnings.

Dean Sharp, assistant counsel for the Senate Anti-Trust Subcommittee, has been investigating auto insurance practices for eight years, and contends that even the innocent victim is being short-changed today.

Interpreting a Department of Transportation study, Sharp said that out of a half a million accident victims, more than 50 percent were disqualified under the present system from receiving any compensation. Many were in accidents involving only one car, or were merely occupants, or were judged at fault or to have contributed to the accident even in a minor degree.

DOT STUDY INTERPRETED

The remaining 214,000 were paid some compensation and thus could be considered innocent victims. Yet said Sharp, half of these 214,000 victims received nothing for their pain and suffering although many were very seriously injured.

In fact, Sharp added, 52,000 of these innocent victims received less than half of their out-of-pocket medical and wage loss.

Sharp also took issue with a Kuhn warning that "no fault" insurance would injure the deterrence factor of the present liability system and increase careless driving.

INSURANCE FIRM PAYS

Because of auto liability insurance, Sharp contended, there is no individuaal financial accountability under the present system. The insurance company, not the individual driver, pays for the injuries he caused. Sharp cited a Michigan study showing that one out of three guilty drivers does not even know whether the person they injured was compensated.

"How much deterrence is there in that?" Sharp asked.

Kuhn also told the Senate Commerce Committee that his committee did not accept the contention that automobile cases are clogging the courts. In answer, Sharp cited a DOT study showing that the average time lapse in the courts to final settlement of a seriously injured victim's claim is 19 months. In metropolitan areas where the majority of the population lives, the time lag to settlement goes up to five years.

One of the most frequently aired arguments by lawyers against "no fault" is that it pays the medical expenses of the person who caused the accident and got injured along with the innocent victim.

Answering that argument in a speech to the Virginia State Bar, Richard F. Walsh, DOT's deputy director of policy and plans, said "no fault" insurance is "morally neutral" about accident causation in the same way hospitalization insurance is about the culpability of the patient in causing his own ill health.

By contract, he went on, the present system of auto liability insurance is consciously designed to protect the wrongdoer, not the innocent victim. Liability insurance, he said, frees the wrongdoer from the financial consequence of his negligent driving and shifts the cost to the entire insuring population—wrongdoer and non-wrongdoer alike.

CONTENTION DISPUTED

Walsh disputed the contention frequently aired by lawyer-opponents that there is no widespread public clamor for changing the present reparations systems. He cited DOT studies showing that when initially asked, the majority of motorists will express general satisfaction with the system. But when they're given a choice, they tend to express a preference for a "no fault" system over the present one.

He cited a class of drivers—unhappy claimants, canceled or rejected insurance applicants and clean risks forced into assigned risk pools—all greatly dissatisfied with the present system and quite vocal about it.

Finally, he pointed to the "significant general resentment" over the cost of auto insurance which has created the present favorable climate for change.

The question of whether "no fault" insurance would cost less than the present insurance is being raised by a number of attorneys.

ILLINOIS JUDGE'S VIEWS

One of them, Illinois Circuit Judge John T. Reardon, chairman of ABA's Special Committee on Automobile Insurance Legislation, said he was convinced that it is foolish to believe greater benefits can be provided at lesser cost. He thought it more likely that "no fault" would provide lesser benefits at lesser cost.

On that score, Walsh told his Virginia bar audience that "most advocates of 'no fault' plans believe they can produce significant reductions in premium cost. What seems irrefutable is that they will get a much higher proportion of the premium dollar to victims in compensation for their losses."

He said that had already been proved convincingly in Puerto Rico and predicted it will also be proved in the states which have adopted "no fault" laws.

Second only to the debate over "no fault" is the argument over whether the federal government should take the lead in reforming the auto reparations system or leave it to the states.

What proponents of "no fault" fear is that some states, to avert even federal guidelines, will adopt meaningless and costly plans.

George Bernstein, federal insurance administrator, takes the view that the states should be given a chance—"whether it is a chance to act or a chance to fail—before we change the current insurance system."

"I don't think," he said, "that this question should be answered on a federal level until and unless we really have to."

DOT PREFERENCE

DOT at this point favors the state-by-state approach, arguing that moving in stages toward nationwide no-fault, would provide an opportunity to test its virtues and discover its flaws.

The National Association of Insurance Commissioners—the insurance regulators in the states—went on record in 1969 against federally ordered changes but for experimentation with different "no fault" alternatives on a state-by-state basis.

At its recent meeting in New York, the NAIC specifically recommended to state legislatures that at a minimum, they should enact modified "no fault" coverage that would provide prompt payment for economic loss, distribution of auto insurance claim dollars comparable to his actual economic loss and distribution of a larger percentage of the premium dollar to the victims suffering economic loss.

NAIC'S TARGET

The NAIC's target was such practices as the award of four or five times the actual loss for nuisance claims while the seriously injured get only 10 to 15 percent of their loss. The NAIC also wanted the victims getting a larger slice of the insurance pie, rather than having such a large chunk going for legal fees, adjusters' expenses and insurance overhead.

Proponents of meaningful "no fault" plans, seeing how few states have acted so far, question how many will come up with any plan that really saves money for the customer and gives him a larger return for his insurance dollar.

Herbert S. Denenberg, Pennsylvania insurance commissioner, who likens the present automobile insurance and reparations system to "a legalized racket of colossal and cruel proportions," clearly sees the need for federal pressure, federal monitoring and some minimal federal guidelines with which the states must comply.

COTTER PREDICTION

A former insurance commissioner, Rep. William R. Cotter, D-Conn., who tried and failed to get a modified "no fault" plan through the Connecticut legislature before he was elected to Congress, predicted that most of the states will not move toward insurance reform because of powerful legal lobbies.

"I think it's about time the federal government enacted some legislation which would supersede state action in this area," said Cotter. "If the states don't act, the federal government must intervene."

He would like to see federal legislation passed now to become effective only where states have not acted within a reasonable time. He thinks with this hanging over their heads, state legislatures might move.

CHANCE FOR STATES

The White House insurance expert, George Crawford, who saw in Colorado how "no fault" legislation—even a measure that failed to meet DOT's standards—was lobbied to death, said:

"We've come out for reform of a system we think needs reform. We think the states ought to be given a chance to reform themselves. If they don't do it within a reasonable time, we would want to rethink our position about leaving it up to state discretion."

Will the states do it? And what kind of laws will they pass?

By year's end, a committee named by the National Conference of Commissioners on Uniform State Laws will have a workable draft of a "uniform automobile accident claims act" to be put before state legislatures at their next session. The final version will come later.

OTHERS INVOLVED

Working with the law drafters will be a committee of 25 representing industry, the bar, consumers and others intimately concerned about the insurance crisis.

The forthcoming uniform proposal would take care of the interstate problems that are bound to develop as a motorist from a "no fault" state collides with a motorist from a "fault" state.

In addition to standardizing the law, the legislation that emerges will show the states what kind of "no fault" law can do motorists some real good—not only by providing more

and prompter benefits but also by lowering premiums.

How close states come to that ideal depends on the power of lawyers or insurance men or both in state legislatures and how incensed the public is about increasing rates and dwindling benefits.

SPECIAL SITUATION

Those following state-by-state developments most closely see in every state that has acted so far a special situation within the state.

In Massachusetts, for instance, high rates were only part of the story. The system of paying accident claims had so broken down that four out of five personal injury claims involved a lawyer—in contrast with Georgia where less than one out of five claims brought a lawyer into the picture.

Massachusetts Gov. Francis E. Sargent used prime-time television to talk about insurance and drew the biggest listening audience that night. The public was ready, was demanding a change—and got it.

In Illinois, where the country's largest auto insurance companies have their headquarters, people couldn't get insurance in Chicago's central city or they couldn't afford it. Twenty-two auto insurers went broke in the last decade which has made the people both aware and wary of auto insurance.

COOK COUNTY LOGJAM

And the circuit court of Cook County (Chicago) was so clogged that it took accident victims nearly five years to go to trial in an attempt to recover losses. It was in that atmosphere that Gov. Richard B. Ogilvie pushed legislation through the General Assembly.

Delaware had a problem repeated in every state in the corridor from Boston to the District.

The increased number of cars on the road have bred accidents which in their turn produced more insurance cancellations and higher rates.

Only two states in the corridor have produced legislation so far—Massachusetts and Delaware. Pennsylvania may act yet despite a powerful lawyer lobby. New York tried hard and failed. Lobbyists outdistanced "no fault" sponsors in Connecticut and Maryland. New Jersey is going to "study" and the District of Columbia has not moved yet.

Administration spokesmen wedded to the state-by-state approach believe that other sections of the country have equally severe problems, which will prompt them to try "no fault"—particularly if federal action seems pending.

At the same time, however, they acknowledge that most of the "no fault" laws got through legislatures because they did not rock the boat too much. These laws enabled insurance companies to sell more insurance and didn't pain the lawyers too much because the law suits are permitted much of the time.

There's one hopeful note for more effective "no fault" laws either at the state or federal level. The motoring public, the consumers, are beginning to show up at hearings on "no fault" legislation.

The Consumers Union, with 2 million subscribers to its monthly Consumer Reports, is pushing for a thorough-going federal "no-fault" system through the Hart-Magnuson and Moss bills.

Opponents of "no-fault" have said all along that the public liked the present system of paying auto-insurance claims. Now the public is beginning to say, "No, we don't". And the politicians might listen.

[From the Christian Science Monitor, May 17, 1971]

COUNTERFEIT REFORMS?

In a recent Gallup poll, 15 percent of those interviewed backed "no-fault" auto insurance reform, and 4 percent opposed it. That left a whopping 81 percent either uninformed or undecided.

It's because of that four-fifths of the public at loose ends about no-fault reforms that a good deal of mischief may be brewing.

It was charged this week, by a young Boston lawyer, that American trial lawyers—who often make careers in settling claims under the present "fault" system—have begun a stealthy campaign to ruin the insurance reform's chances, or, probably more accurately, to see that reform bills that emerge in state legislatures obfuscate the real issues involved.

There is, really, nothing surprising in the trial lawyers' (as well as insurance groups') seeking to influence the writing of such legislation. This is commonplace in a free political system. One would expect lawyers to be adept at it. The writing of legislation, with maneuverings via amendments and committee votes is a bargaining and at times adversary process.

It is not accurate therefore simply to accuse lawyers' groups with dastardliness in arguing their case. After all, the legislative process also gives their opponents opportunity to counter them.

This said, and keeping in mind how many Americans haven't a firm notion of what "no-fault" reforms are all about, the public should be warned that propagandizing by special interest groups may camouflage some sell-out or watered-down state insurance reform legislation. This is especially so because state legislatures are often communities of lawyers not likely to vote against their brethren.

The Nixon administration in March announced the results of a massive auto-insurance study. It came out in favor of the no-fault principle. However, it skirted the issue of moving toward such reform. Through Transportation Secretary John Volpe, it said the states should work out their own programs. It passed up the option given to the federal government two decades ago by the Supreme Court, which said the federal government had the right to govern auto insurance as interstate commerce. By so doing, unfortunately, the administration is throwing the issue of reform to the state legislative courtyards where the foxes have a free run.

Actually, Congress may ignore the administration's tactic and press for no-fault reforms on its own. It is considering the so-called Hart-Magnuson proposal for federal standards, leaving it to the states to carry them out. Given the general confusion over no-fault insurance, the bill's prospects are uncertain.

It is beyond the scope of this editorial to sketch in the full range of variations on the no-fault principle which are being considered. Basically, in a no-fault system the auto owner's own insurance company pays his costs for car repairs, injury expenses, or time lost from work; it does so directly, without going through the often costly legal process of proving one driver or another at fault, and then making the at-fault party's insurer pay.

Various proposals would make all forms of coverage (collision, property damage, and so forth) compulsory. Others would make only some compulsory. Further, the dollar threshold for where the "no-fault" principle would end and where legal action to pin costs on the at-fault driver would begin also varies.

The no-fault system's money-saving gains would likely derive largely from the injury side of claims settlements, which amount to only about a third of all claims. This fact should help moderate expectations for windfall savings for policyholders.

In our view, however, enlightened no-fault reforms seem in order. And we would favor a consistent system throughout the states. Massachusetts' no-fault system—although a watered-down one—appears to be reducing the kind of unprincipled injury claims that have so annoyed policyholders faced with annually mounting premiums.

According to the Department of Transportation study, Americans spend $15 billion a year on auto accident costs. To be sure, more than just insurance reform is needed. Drunken drivers must be gotten off the road. Legislation to compel automakers to make cheaper-to-repair as well as safer vehicles should be followed up. Also, the year-to-year trend toward more accidents per car must be reversed.

But a no-fault system would help, and so the public should be on guard against any attempts to divert their attention from the need for reforms, whose options are complicated enough as it is.

[From the New York Times, Apr. 22, 1971]

POLL FINDS NO-FAULT INSURANCE BACKED WHEN IT IS UNDERSTOOD

WASHINGTON, April 21—The Gallup Poll reported today that "most Americans who presently understand" the no-fault automobile insurance concept are in favor of it.

However, a national survey April 3 and 4 showed that only 42 per cent of those interviewed had heard or read about such insurance and only "about half this number" could give a correct description of its main features, according to Dr. George Gallup's American Institute of Public Opinion.

Among the "relatively small group" of persons able to give correct descriptions, opinion was 4 to 1 on the favorable side, the institute reported. It said the knowledgeable group represented about one-fifth of the country's adult population.

Under the no-fault concept, insurance claims would be paid without regard to which driver caused the accident. Medical costs, lost wages and other tangible losses of the policy holder would be covered by his own insurance company rather than by the liability insurance of the driver at fault.

A House Commerce subcommittee opened hearings yesterday on bills to mandate a national system of compulsory no-fault automobile insurance.

The Nixon Administration favors the no-fault principle but wants the states rather than Congress to enact the necessary legislation.

Massachusetts now has the only no-fault law. It has been in effect since Jan. 1 and provides coverage for bodily injury up to $2,000 while retaining the liability concept for higher losses. No-fault bills are pending in 27 state legislatures.

Results of the Gallup Poll, based on interviews with 1,519 adults questioned on no-fault insurance, were:

	Percent
Approve	15
Disapprove	4
Uninformed or undecided	81
Total	100

STRIKES ARE DESTROYING OREGON'S ECONOMY

Mr. PACKWOOD. Mr. President, our depressed national economy has had a more disastrous impact on Oregon than on almost any other State in the Nation. Now to add to our difficulties, the people of Oregon are faced with not one, but two, transportation strikes, which individually would wreak havoc, but which together are virtually strangling our economy.

Negotiations between the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association were broken off on June 30, when their contract expired. A longshore work stoppage began immediately up and

down the west coast, and negotiations have still not resumed. As of the last count, over 150 ships were idled at 24 ports from Seattle to San Diego, including many in my own State of Oregon.

To further compound the already critical transportation problems facing Oregon's shippers as a result of the dock strike, the United Transportation Union called "selective" strikes against the Union Pacific on July 16 and the Southern Pacific on July 24. Untold damage is being suffered by Oregon's shippers, by thousands of employees not involved in the labor dispute, but nevertheless laid off because of the resulting business slowdown, and as always, by the general public. Oregon cannot endure for many more days—even hours—the death grip which is very rapidly suffocating our economy.

I ask unanimous consent to have printed in the RECORD a sampling of the letters I have received from concerned citizens and businesses who are personally and directly feeling the calamitous effects of these two strikes.

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

CAL-WOOD DOOR,
Santa Rosa, Calif., July 22, 1971.

Hon. BOB PACKWOOD,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR PACKWOOD: We are manufacturers of Hardwood flush doors serving the Western home building market, employing 130. In approximately one week, we will be forced to *shut our doors* due to the present West Coast Long Shoremans strike.

As only one of 17 like manufacturers that depend on West Coast importation of raw materials, more than 2,000 employees will be effected. This does not take into consideration the many more thousands that will be effected in the building trades because of our lack of ability to supply a very necessary component to the home building industry.

We need some immediate governmental intervention to end this disastrous strike.

Very truly yours,

IAN MACDONALD,
President.

SUNSET VOLKSWAGEN,
Beaverton, Oreg., July 6, 1971.

ROBERT PACKWOOD,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR PACKWOOD: A prolonged dock strike will put us out of business. Needed inventory is due in (city) July 12th and monthly thereafter. Many families count on it.

Sincerely,

L. W. KINCAID,
General Manager.

MILWAUKIE, OREG.,
July 8, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: The strength of our economy and its recovery is contingent upon continued production. Prolonged strikes and inordinate wage settlements are deterrents to a healthy economy as you well know.

In our case, our inventory supply is threatened by the West Coast dock strike. Current shipments are due. They are critical to the well-being of our 55 employees. The financial loss to dealers cannot be sustained without stark jeopardy.

Your expression of concern and your influence is vital—and most appreciated.

Very truly yours,

PAUL KOCH.

JULY 12, 1971.

Senator PACKWOOD:

The West Coast Longshoreman's strike with all the earmarks of a long work stoppage is going to be disastrous to sawmills like ours which depend 100 pct. on cargo shipments of their products to the U.S. Atlantic coast. It is impossible for us to ship rail and with the administration's wanting to hold prices down this strike is driving them up. We cannot stand such a strike as is indicated and if we are forced to close which is a possibility another 380 people will be added to the unemployment rolls, therefore we ask that the "Taft-Hartley law" be activated and a commission appointed to settle this longshore situation.

One big danger is that a 90 day West Coast longshore strike will lead right up to a scheduled East Coast longshore strike September 30th.

STANLEY BISHOPRICK.

GATEWAY VOLKSWAGEN, INC.,
Portland, Oreg., July 6, 1971.

Senator BOB PACKWOOD,
Portland, Oreg.

DEAR SENATOR PACKWOOD: The West Coast now being involved in a dock strike affects not only our business but many. Our requirement of inventory is due and badly needed. Between our firms, Gateway Porsche Audi and Gateway Volkswagen, Inc., we have some eighty-five employees. I personally have worked diligently at building up a successful business and I do not hesitate to tell you that a continuation of this strike would be disastrous to my firms, as well as to the above mentioned personnel.

Your personal assistance in bringing about an early conclusion to the West Coast Dock Strike will be appreciated by myself and hundreds of others dependent on shipping services.

Very truly yours,

BEN MORDEN,
President.

BERGER & PLATE CO.,
San Francisco, Calif., July 13, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate Office Building,
Washington, D.C.

MY DEAR SENATOR PACKWOOD: As one of the major export-import firms on the West Coast, we urge you to do everything possible to expedite the settlement of the present strike that is preventing shipments from the West Coast of the United States.

This strike is causing millions of dollars of losses and untold damage and suffering in missed and lost opportunities. I don't need to point out to you that business lost of this nature is not the type that will be regained in the future. Any effort expended on our behalf will be most welcome. Thank you very much for your cooperation.

Very sincerely yours,

W. R. SMITH.

MERLE TAYLOR VOLKSWAGEN, INC.,
Albany, Oreg., July 9, 1971.

Senator ROBERT PACKWOOD,
New Senate Office Building,
Washington, D.C.

SENATOR PACKWOOD: I am writing to express my concern over the dock strike currently in progress along the Columbia River docks in Portland, Oregon. Being a foreign car dealer, I receive my shipments through these very docks. A prolonged dock strike will put us out of business. Needed inventory is due in Albany immediately, and at this time there is no hope of receiving a shipment of cars.

Anything you can do to help end this strike would be deeply appreciated by myself and other Volkswagen dealers in the Northwest.

Thank you for your help in this matter.

Respectfully,

MERLE F. TAYLOR,
President.

BILL JOHNSON VOLKSWAGEN,
Corvallis, Oreg., July 9, 1971.

ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SIR: I urge you to do everything in your power to prevent a prolonged dock strike.

Needed inventory is due in Corvallis July 12th and monthly thereafter in order for us to stay in business.

Anything that you can do to help would be appreciated.

Yours truly,

WILLIAM H. JOHNSON.

PORTLAND, OREG.,
July 28, 1971.

Senator ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

With regard to the strike of the International Longshoremen and Warehousemen's Union of the Pacific Coast, including the Columbia River District and Puget Sound area, we, the Portland Wheat Club of Japan, as representative of the Grain Importers Association in Japan, would like to bring your attention to the following important points:

(1) The Japanese monthly requirement for wheat is approximately 400,000 to 450,000 metric tons, out of which about 60 percent is U.S. wheat exported from the West coast. There are now ten vessels waiting in the Columbia River District and Puget Sound to ship 150,000 tons of wheat to Japan and more vessels are coming to take "July" and also "August" wheat.

(2) The wheat stock situation in Japan, which is normally maintained at a relatively low level (1.2-1.3 months supply) and is heavily dependent on very regular imports, will be at a dangerously low level unless the strike is ended soon.

(3) The Japanese Food Agency has already been forced to change its supply source to some extent from the United States to other countries such as Canada and Australia. Each week the Food Agency is turning more and more to these sources outside the United States in order to meet the monthly demands. This is bringing a real and irreplaceable loss in terms of export volume from Pacific Northwest coast ports. Even more serious is the possibility that it might create a realignment of supply sources which could result in some permanent loss of market for this area.

(4) In addition, our member Japanese trading firms are incurring serious direct and indirect financial losses due to this inability to load wheat already purchased from the U.S. for which vessels are chartered, etc.

We, hereby, request that you act with maximum effort to have the PMA and ILWU back to work on grain ships at the earliest possible date.

JUNICHI TAKATA,
Chairman of the Portland Wheat Club.

SALEM, OREG.,
July 28, 1971.

Senator BOB PACKWOOD,
New Senate Office Building,
Washington, D.C.:

Longshore, rail strike causing severe problems to farmers imminent economic loss to

producers and consumers. Hay and grain is perishable need solution now

DAVID F. NELSON,
Executive Vice President, Farm Bureau Federation.

TACOMA, WASH.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.:

The strike of ILWU which began July 1 and which is expected to extend at least through August, when coupled with UTU strike against Union Pacific and Southern Pacific Railroads have devastating impact.

To Weyerhaeuser alone there is the effect of sales lost or postponed at high cost as follows:

ILWU work stoppage—500,000 export tons July and August.

UTU work stoppage—15,000 domestic tons per week.

The result is:

1. Artificial domestic price increases.
2. Costly congestion.
3. Potential loss of export dollars and adverse balance of payments.
4. Unemployment on west coast, greatest in Oregon and California.
5. Loss of profits.

Respectfully suggest you may take following action:

1. Request administration introduce continuous bargaining sessions for both rail and longshoremen's strikes.
2. Implement passing legislation enacting to law presidential emergency board recommendation No. 178.
3. Begin hearing on and work to enact to law S. 2060 amending Railway Labor Act and providing procedures for settlement of railway strikes.

JOHN L. ARM,
Vice President.

MASH SALES CORP.,
Portland, Oreg., July 26, 1971.

Senator ROBERT PACKWOOD,
U.S. Senate, Washington, D.C.

DEAR SENATOR PACKWOOD: I am not normally one to complain, but the economic repercussions of the two strikes presently facing us in the Northwest can, if continued, become catastrophic.

We are in the distribution business and due to the Union Pacific and Southern Pacific strike are unable to replenish our inventories from the east and because of the longshore strike, are unable to receive our import supplies from Japan or ship to one of our major markets, Hawaii. Our normal level of inventory allows us about a three week cushion, which is rapidly approaching.

These strikes, to my way of thinking, are indefensible because wages are not the issue. The longshoremen are complaining because they want the opportunity to treble our costs of shipping containers and object to the fact that shippers went to containers to prevent damage and *pilfering.*

The railroad work rules are so archaic they have put the unnecessary burden on the railroads and consumers in the terms of higher freight rates.

I am writing to ask that you do something in Congress before the economy of our country and the health of my company are affected.

Yours truly,

HALL M. SIMONS.

WESTERN TRANSPORTATION CO.,
Portland, Oreg., July 27, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate, Washington, D.C.

DEAR SENATOR PACKWOOD: This company is an inland water carrier which is vitally involved in the movement of commodities serving the forest products industry and other waterfront oriented industries on the Columbia river system. We interchange a great volume of freight with the railroads at the terminals and distribution centers here in Portland.

We have followed closely the developments in the railway labor contract negotiations and cannot agree with the efforts of the UTU in its attempt to thwart the work rule modifications as worked out by the Presidential fact finding board. We believe the UTU's case lacks merit.

The strike by the UTU against the Union Pacific and Southern Pacific railroads is having a widespread effect on manufacturing plants, shippers and the public generally, and is causing plants to curtail or shutdown, and unemployment and economic hardship on a widespread and growing segment of the economic life of this area to result.

This cannot be permitted to continue.

We urge immediate enactment of legislation which will require the UTU to accept the work rule modifications as set forth in the Presidential Emergency Board Recommendation No. 178.

We also urge the prompt enactment of legislation along the line of Senate Bill No. 2060 to set up means by which damaging strikes in the transportation industry generally would be prevented.

We earnestly urge your immediate and vigorous effort in behalf of these measures.

Very truly yours,

G. H. JACKSON,
President.

WESTERN WOOD PRODUCTS ASSOCIATION,
Portland, Oreg., July 23, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate, Washington, D.C.

DEAR SENATOR PACKWOOD: Citizens in Western states and members of this Association are vitally concerned with the current labor strike situation which is affecting the Western and hence, the national economy, due to the tie-up of railroad and cargo shipping services. There are several other disputes which, like these, are in reality strikes against the public. The effect of these strikes, particularly those relating to shipping services, is as follows:

1. Inflation is increased through artificial increases in domestic prices.
2. There is a loss of profits, income and earnings which reduces funds available to benefit individuals, businesses, state and local governments and the Federal government.
3. Unemployment is increased particularly in Western States as lumber mills, plywood mills, and other industries are forced to postpone shipments or close. Home building and other essential industrial activities will be affected seriously.
4. There is a potential loss of export dollars and the adverse balance of payments position is increased to the detriment of the entire economy.
5. There is a costly congestion of traffic in rail and shipping centers, and the essential shipment of supplies to provide material and security for national defense as well as for essential domestic purposes, is interfered with or halted.

It is respectfully requested that you and other members of Congress take the following action:

1. Request the Secretary of Transportation and the Secretary of Labor to insist that parties to the strikes affecting public interest to engage in continuous bargaining sessions of 15 hours a day until there is a settlement.
2. Introduce or indicate your support and vote for legislation enacting into law the provisions of Presidential Emergency Board Recommendation No. 178 relating to railway labor disputes.
3. Request and use proper legislative techniques to assure that the leadership and appropriate committees in Congress provide hearings and emergency procedures to enact measures such as S. 2060 by Dominick providing procedures for settlement of railway strikes and broadening or amending it to include appropriate amendments of maritime laws to make the same procedures applicable to all other forms of public transportation as well.

Respectfully yours,

WENDELL B. BARNES,
Executive Vice President.

FIBREBOARD,
Springfield, Oreg., July 26, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate, Washington, D.C.

DEAR BOB: The current labor strikes by longshoremen and railroad workers are bringing the economy in Oregon to an abrupt halt. You already know the effect of such strike against the public.

We respectfully request that you do all you can to urge the Secretary of Transportation and the Secretary of Labor to insist that all parties to strikes affecting public interest engage in continuous bargaining sessions until there is a settlement. If the railroad strike is not settled soon, then please do what is necessary to help the President take emergency action.

Respectfully yours,

RALPH G. DE MOISY.

CURRENT STRIKE OF UNITED TRANSPORTATION UNION

CASCADE WOOD PRODUCTS, INC.,
White City, Oreg., July 27, 1971.

ROBERT PACKWOOD:

1. We are forced to lay off 375 employees in an existing high unemployment area. Other companies in this area are in a similar situation.
2. Our customers were already running with minimum inventories, and our inability to deliver millwork items will have an impact on housing in most areas of the eastern United States.
3. We feel it is most unfair, or even criminal, for a small segment of the society to further their own goals at the expense of the whole nation, particularly since it is essentially a government-regulated public utility.
4. We would like a personal answer as to your immediate actions and long-range plans to take this unreasonable power out of the hands of a few apparently selfish, irresponsible people.

DEAN COLLINS,
General Manager.

PORTLAND, OREG.,
July 29, 1971.

Senator BOB PACKWOOD,
Senate Office Building,
Washington, D.C.:

We believe it is time that we submit to you an urgent appeal to issue an immediate injunction against the United Transportation Union actions of using piece-meal walkout against the American Assn. of Railroads in order to obtain and strengthen their archaic work rules and further jeopardize the future of our great transportation system. Our firm represents several hundred shippers and receivers of various commodities throughout the Pacific Northwest and this strike as it continues is producing vast hardships on our clientele and if allowed to continue will force many into bankruptcy. Our firm on behalf of the people we serve has been asked to request immediate congressional action to halt this strike and appoint a Presidential emergency board to study these issues and reach equitable settlement.

Sincerely,

ASSOCIATED TRAFFIC CORP. OF OREGON OFFICES AND ASSOCIATED TRAFFIC CORP. OF WASHINGTON.

CHICAGO, ILL.,
July 28, 1971.

Hon. BOB PACKWOOD,
U.S. Senate, Washington, D.C.:

Selective strike against four railroads has closed Quaker Oats food manufacturing plants and distribution centers at Los Angeles, Denver, Portland, Oreg., Chattanooga, Tenn., Danville, Ill., and Doraville, Ga. Strike scheduled for Friday will close Kansas City and deliveries to all grocery distributors in the major markets of Houston, St. Louis, and Chicago will be disrupted. Altogether, delivery of essential food products to at least 50 percent of United States impaired. The struck railroads are partially protected by strike insurance and the striking employees receive unemployment compensation plus union benefits, employees of companies like ours and the general public are the innocent victims. This is not an unusual circumstance, but simply the latest in a long series of transportation disruptions which clearly demonstrates the inadequacy of present machinery, including single-shot congressional action, to cope with the transport labor situation. It is essential that legislation providing for finality of negotiations without a strike similar to that proposed by the administration step and H.R. 3596 be enacted before summer recess. Your leadership in coping with this national emergency is urgently requested.

ROBERT D. STUART, Jr.,
President.

PORTLAND, OREG.,
July 29, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.:

Please use whatever influence you can to help settle the railroad strike. We desperately need to start shipping into our major market areas in southern California or soon will have to consider shutdown.

CARL A. PEARSON,
General Manager.

SIMPSON TIMBER CO.,
Seattle, Wash., July 27, 1971.

BOB PACKWOOD,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR: A prolonged railroad strike on top of our present West Coast Longshoremen's strike will destroy present healthy markets for West Coast forest products.

Momentum in housing, only recently established, will take months to recover.

Western rail lines now struck are among the nation's key carriers of forest products. Whatever you can do to persuade effective negotiations and a quick settlement will be appreciated.

DAVE JAMES,
Vice President, Public Affairs.

ROSEBURG, OREG.,
July 28, 1971.

Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: I wish to recommend you endeavor to have the Senate intervene in the railroad strike because my position, along with thousands of others, is in jeopardy if this work stoppage is allowed to continue more than a few days.

It is also my recommendation you get behind S-2060 for immediate passage, so we will not have recurrence of this strike in the near future.

Respectfully yours,

ROBT. G. HARPER.

MEDFORD, OREG.,
July 20, 1971.

Hon. ROBERT W. PACKWOOD,
Senate Office Building,
Washington, D.C.:

As a result of UTU strike action against SP, Medical Corp. will commence shutdown procedures affecting plywood and lumber production and 635 employees. Similar action will start at Southern Oregon Plywood affecting over 200 employees.

You should insist immediate and continuous bargaining session and request legislative enactment to carry out Presidential Emergency Board recommendation number 178 by hearing and vote on S. 2060.

R. F. HIGGINS,
Vice President and Manager.

DILLARD, OREG.,
July 29, 1971.

Senator BOB PACKWOOD,
Washington, D.C.:

The strike by the UTU is resulting in production restriction and will force employee curtailment. Need immediately relief by Government legislation. Number of employees directly affected in my operation is approximately 150.

HENRY LONGTON,
Assistant Group Vice President.

PORTLAND, OREG.,
July 26, 1971.

Senator ROBERT PACKWOOD,
U.S. Senate,
Washington,. D.C

DEAR SENATOR PACKWOOD: I am deeply concerned, both as a businessman and as a citizen with the UTU's strike against the railroads which is so seriously threatening our economy. While I cannot argue the fact that higher wages are necessary in order to keep up with the rising cost of living. I wholeheartedly agree with managements position regarding outmoded and costly work rules.

I have watched our lumber freight rates increase time after time during the last few years and know that this will continue as long as the railroads are not allowed to streamline their operations and eliminate those jobs which no longer serve a purpose. The unions position that workers should be paid for work that they do not perform is simply untenable and contrary to our nations well being and way of life. If this trend continues it could lead to nationalization of our railroads which would be a tragedy.

I trust that you and your colleagues realize that most of your constituents feel as I do and will use the power of your offices to enforce the recommendations of the Presidents Committee.

Very truly yours,

HARVEY KNAPP.

BOTSFORD & GOODFELLOW, INC.,
Portland, Oreg., July 21, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senator from Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: This is to inform you of a dire situation that faces the Hermiston, Oregon potato growers. These growers represent approximately five to six thousand acres of potatoes, with an investment of some $5,000,000.00. They are faced with a complete disaster unless you, as the representative of these people, will pass some sort of legislation to halt the strike against the Union Pacific Railroad and other railroads by the United Transportation Union.

The potato crop, in addition to various other crops, is definitely going to be a disaster unless the railroad can get back into operation. The principal market for the potatoes is the east and middle west and there is no other facility available to the growers of this area for rail shipment.

We urgently request you to do everything possible on our behalf to bring this strike to a quick end, as the harvest is in progress now and even four or five days will bring extreme losses to this area and other Northwest regions.

We certainly appreciate anything you can do to bring the Union Pacific Railroad, along with all railroads, back into operation for the benefit of the economy of the State.

Yours very truly,

JOHN S. BOTSFORD.

FIRST NATIONAL BANK OF OREGON,
Heppner, Oreg., July 21, 1971.

Hon. ROBERT PACKWOOD,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR: This letter is written requesting your immediate action in doing what you can to get the Railroad Strike settled as soon as possible. It appears at this point it is going to take congressional action to settle the issues at stake and I feel the earlier Congress gets involved the better it will be for everyone concerned.

The Strike against Union Pacific is already being felt greatly here in Eastern Oregon, as farm products are starting to be harvested. Without Railroad service to carry the specific products to their respective markets the impact on our agricultural economy will be terrific. The impact the strike will have on our lumber industry here in Oregon if it continues could be enormous, as inventories continue to build with no means of transportation to their markets. Employment at many mills and other marketing outlets are being curtailed as a direct effect of the strike.

I am confident you are well aware of the impact the strike will have on the Oregon economy and know you will do your part as a Representative of our good State in getting it settled as soon as possible.

Thank you for taking time to read this letter.

Sincerely,

H. SAGER,
Manager.

NORMARC, INC.,
Tangent, Oreg., July 20, 1971.

Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SIR: We are deeply concerned over the railroad strikes, and the effect these strikes will have on the agricultural economy of Oregon.

Our grass seed harvest in the Willamette Valley is underway, and the movement of this seed to the consumers in the South and Southwest for this shipping season starts the latter part of July, and runs to late October. As the seed is needed for Fall planting, any delay in shipment will be disastrous to the entire seed industry.

Obviously, workers have rights, as much as everyone else, but it appears to us that some better answers can be found to their problem, than injuring the economy.

Yours very truly,

JOSEPH O. JACOB.

DEAN DISTRIBUTING CO.,
Portland, Oreg., *July 26, 1971.*

Hon. ROBERT W. PACKWOOD,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR PACKWOOD: With the Union Pacific and Southern Pacific Railroads

out on strike the economy of your State is very seriously threatened.

There is no greater service you could render your constituents in the State of Oregon than devoting the efforts of your office to a speedy end to this unjustified strike.

The cost of railroad feather-bedding must be borne ultimately by the consuming public. People who must work for a living should not be forced to pay wages to people who do not want to work for the money they receive.

Because feather-bedding has been a way of life for many years for the railroad union and railroad management and the consuming public can no longer afford the expense of this luxury, I am certain this strike will continue for a long time unless our Government takes a very firm stand. Because of the extreme cost of this strike to the economy of your State, I urge you to put forth all reasonable effort in bringing this strike to a just conclusion at the earliest possible time.

Sincerely yours,

ELDON N. DEAN.

CLEAR FIR SALES CO.,
Springfield, Oreg., July 26, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: We are vitally concerned with the current labor strike situation which is affecting the West Coast economy due to the tie-up of railroad and cargo shipping services. There are several other disputes which, like these, are in reality strikes against the public.

It is respectfully requested that you and other members of Congress take the following action:

1. Request the Secretary of Transportation and the Secretary of Labor to insist that parties to the strikes affecting public interest to engage in continuous bargaining sessions of 15 hours a day until there is a settlement.

2. Introduce or indicate your support and vote for legislation enacting into law the provisions of Presidential Emergency Board Recommendation No. 178 relating to railway labor disputes.

3. Request and use proper legislative techniques to assure that the leadership and appropriate committees in Congress provide hearings and emergency procedures to enact measures such as S. 2060 by Dominick providing procedures for settlement of railway strikes and broadening it to include all other forms of public transportation as well.

Respectfully yours,

JOHN RUDDY,
General Sales Manager.

NICOLAI CO.,
Portland, Oreg., July 27, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: The Nicolai Company, producing 20% of the Fir and Hemlock doors used in the United States, will have to cease operations this weekend unless we can receive some relief from the railroad strike. Being on a Union Pacific siding, we were the first door manufacturing plant hit.

We have partially offset the effect of the stevedore strike by scheduling imported plywood and door parts to Canadian ports and trucking these raw materials to Portland. We can get some Canadian and Washington State lumber into Portland by truck and Burlington Northern Railroad. We cannot, however, get our finished products moved to our markets in the mainland United States and Alaska.

While many may erroneously think the railroad strike is affecting only a small segment of the employment in the West, the near and long-term effect on the nation, as a whole, will ultimately have to be reckoned with by Congress:

1. Homes in construction and desperately needed will not be completed.

2. Financing costs of uncompleted homes will be staggering, and those built under government programs will ultimately have to be further subsidized.

3. After over a year of operating losses, many forest products manufacturers were just beginning to make a profit. How long these can hold on is problematical.

4. Excess costs will further increase prices in home construction throughout the United States.

As a businessman, I cannot conceive how a government can establish the sales prices of a railroad's service, protect and finance bankrupt railroads, appoint fact-finding bodies regarding working rules and then be incapable of dealing with the problem. I don't know how much struck railroad capacity is enough for Congress to act; 20%, 30% or 50%. Action is desperately needed now.

Legislation on the provisions of the Presidential Emergency Board Recommendations No. 178, enactment of S. 2060 or other such legislation is needed this week, now that negotiations have failed. Your leadership and support are urgently requested.

Very truly yours,

PAUL H. KARSTEDT,
President.

AMERICAN PLYWOOD ASSOCIATION,
Tacoma, Wash., July 23, 1971.

Hon. ROBERT PACKWOOD,
U.S. Senate, Washington, D.C.

DEAR SENATOR PACKWOOD: The forest products industry, and specifically the softwood plywood producers, are deeply concerned about the series of selective railway work stoppages facing our nation at this time.

As new home construction continues to show more activity after two years of depression, and the nation's housing goals appear to be within reach after all, the major home building materials—lumber and plywood—are threatened with short supply because they can't be transported to market.

A short two and a half years ago we all saw what happens to plywood and lumber prices when demand exceeds supply at the *marketplace.*

If the Southern Pacific and the Norfolk and Western are struck by the UTU on July 24, joining the Union Pacific and the Southern railway systems, the effect on plywood production will be staggering. The production of mills affected by these lines is about 24 million sq. ft. daily, based on 1970 figures. This volume represents 44 percent of the total softwood plywood production of the United States.

Perhaps most important would be the result in terms of jobs if these mills are prevented from shipping their products. Some 15,400 mill jobs are involved directly, plus thousands of positions supporting these mills and related to the home building industry.

West Coast mills are already plagued by a prolonged dock strike which affects a limited amount of lumber and plywood going by barge and ship into Southern California. But the major impact of this strike has been to divert shipments of other goods to rail cars, which are already in short supply.

We urge the Congress to immediately take the following actions to end the rail strike and prevent its recurrence:

1. Implement the recommendations of the Presidential Emergency Board 178 revising the railroad work rules—which have been adopted by three major rail unions other than the UTU.

2. Enact legislation giving the President sufficient alternatives to deal with strikes of an emergency nature. (Senate Bill S–2060)

We appreciate your concern and hope that the Congress will take action before the summer recess in early August.

Sincerely,

BRONSON J. LEWIS,
Executive Vice President.

EDWARD HINES LUMBER CO.,
Hines, Oreg., July 20, 1971.

Hon. ROBERT PACKWOOD,
Senator From Oregon, Senate Office Building, Washington, D.C.

DEAR SENATOR PACKWOOD: We in Eastern Oregon are being seriously affected by the shut down of the Union Pacific Railroad. Our operation ships about twenty cars of forest products per day and due to our location the railroad is the only feasible method to get our products to market. We are currently working long hours to salvage the many millions of feet of timber that blew down in May of this year. If this timber is not manufactured into lumber promptly, it will stain in log form and suffer a tremendous loss in value.

We earnestly plead for your assistance in getting the Union Pacific back into operation.

Yours very truly,

FRANK BLAGEN,
General Manager.

JULY 23, 1971.

Senator ROBERT PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: I am increasingly concerned about the apparent growing inevitability of a strike by the United Transportation Union against certain selected railroads; those railroads selected would seriously impair onr nation's interdependent railway system.

I work in the wood products industry which depends heavily on rail to facilitate moving its products to market. I don't have to tell you what an impact this strike would have in our aready critically depressed area.

I would appreciate your taking any action you could to alleviate this situation.

Thank you.

RICHARD L. MADDEN.

BOISE CASCADE CORP.,
Boise, Idaho, July 23, 1971.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR SECRETARY VOLPE: We are becoming very concerned with the effects of the strike against the Union Pacific Railroad Company, Southern Railway System, and potentially the Southern Pacific Transportation Company and Norfolk & Western Railway Company.

Boise Cascade Corporation, a multi-product company, operates in most of the areas served by the affected rail lines. At the present time, we are particularly impacted by the effect of the strike against the Union Pacific at our Eastern Oregon and Southwestern Idaho lumber and plywood mills located at LaGrande, Island City, Elgin, Joseph, Oregon; Emmett, Cascade, Council, McCall, and Barber, Idaho—all on the Union Pacific. As of this writing, the mill at Baum, Oregon, which produces Particleboard, is shut down because of the lack of rail transportation. We momentarily expect to have to close the other mills affected in this region by the rail strike.

We firmly believe that the work rules problem should have been solved long ago. We strongly support the rail carriers for their efforts in this respect. We propose that the Executive Branch of the Federal Government immediately take the following steps:

(1) The parties to the strikes affecting public interest should be required to engage in continuous bargaining sessions of a

minimum of fifteen hours a day until there is a settlement.

(2) The Administration should promptly do everything possible to expedite enacting into law the provisions of the Presidential Emergency Board recommendation No. 178 as it applies to the work rules.

(3) Every step possible should be taken to insure that the leadership and appropriate committees in Congress provide hearings and emergency procedures to enact Senate Bill 2060 and its related House Bill amending the Railway Act by providing procedures for settlement of railway strikes and broadening it to include all other forms of public transportation as well.

We do not believe in Congressional intervention in this or any other strike situation—except in dire emergencies. We believe the only form of legislation acceptable to the shipping public, as well as the carriers, would be as enumerated above. We urge your every effort to expedite the above recommendation.

Very truly yours,

F. L. SIGLOH,
Director of Transportation and Distribution.

UNITED TRANSPORTATION UNION STRIKE AGAINST RAILROADS BECAUSE OF OUTDATED WORK RULES

SOUTHWEST OREGON SHIPPERS' TRAFFIC ASSOCIATION, INC.,
Roseburg, Oreg., July 23, 1971.

Senator ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: Once again our nation is facing another serious economic adversity as a result of the subject strike over a change in out-dated work rules under which no industry can be expected to operate efficiently and/or perform the services required by a highly productive country.

Surely it is not unjust or unreasonable to require a full day's work for a full day's pay in return for the generous wage and fringe benefits agreed to by railroad management and accepted by three other unions and especially since these work rule changes were recommended by the Presidential Emergency Board No. 178.

Your able assistance and experience is sincerely requested to bring about a quick settlement of this issue which will permit railroad management to update these operational work rules. Another postponement will only aggravate the situation and possibly speed the railroad industry into nationalization or at least result in additional bankruptcies.

Thanking you for your attention.

Sincerely,

O. L. STEWART.

MENASHA CORP.,
North Bend, Oreg., July 21, 1971.

BOB PACKWOOD,
U.S. Senator,
Washington, D.C.

DEAR SENATOR PACKWOOD: As General Manager of the Menasha Corporation, North Bend Paperboard Division, I respectfully request that you support Senator Dominick's bill S-2060 giving the President alternative means of dealing with railroad strikes or support implementation of the work rules recommended by the Presidential Emergency Board, adopted by three of the four unions involved.

At our Neenah and Mensha mills rail service is curtailed, due to the Northwestern railroad strike, however, at our North Bend, Oregon mill, which is serviced only by the Southern Pacific and also by the longshoremen (now on strike), will be shut down, if the Southern Pacific is allowed to strike on July 24, 1971. This area is considered a depressed area and the closing of the existing operations would work a hardship on employers and employees, and the economy as a whole.

We request your help, Senator Packwood.

Sincerely,

E. C. MANDERS,
General Manager of Menasha Paperboard Division.

ALBANY, OREG.,
July 26, 1971.

Senator ROBERT PACKWOOD,
New Senate Office Building,
Washington, D.C.

Current rail situation causing curtailment and shut down. We solicit your assistance in settlement of this strike and strongly support the recommendations of the Presidential Emergency Board No. 178 and the nation's railroads.

GEORGE E. SWINDELLS,
Vice President.

PORTLAND, OREG.,
July 26, 1971.

Hon. BOB PACKWOOD,
Senate Office Building,
Washington, D.C.

DEAR SIR: Urgently request you do all in your power to bring a speedy settlement in the current labor dispute between Union Pacific and other railroads and United Transportation Union. Business disruption caused by this and other labor disputes beyond our control have caused us to cease operations and layoff operating personnel during the week of July 19. The continuation of inability to ship our products will make mandatory further cessation of operations. We believe the basis of settlement recommended by the Presidential Emergency Board #178 in November 1970 which was subsequently worked out with other unions was reasonable for all concerned and do not understand why the UTU should be permitted to cause such far reaching hardship for so many people in so many industries. Your assistance in resolving this dispute will be greatly appreciated.

KEITH L. MILLER,
Assistant General Manager.

ROGUE FOREST PRODUCTS,
Medford, Oreg., July 21, 1971.

R. M. NIXON,
White House,
Washington, D.C.

DEAR MR. NIXON: I am writing you this letter to inform you of a very serious situation facing all lumbermen on the West Coast. If the Southern Pacific Railroad goes on strike on Friday, there will be no way to transport the lumber and many mills and industries will be paralyzed.

At this date there are three other railroads on strike and the pending strike of the Southern Pacific on Friday will completely demolish the existing economic boom now in progress in the western states.

Your cooperation in resolving these difficulties at the soonest possible date will be appreciated as it is absolutely necessary to maintain the economic stability of this somewhat forgotten region.

Thanking you in advance.

Sincerely,

PHILLIP R. FIELDS.

EDWARD HINES LUMBER CO.,
Chicago, Ill., July 21, 1971.

Hon. BOB PACKWOOD,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PACKWOOD: The Union Pacific strike will force us to close our manufacturing operations in Grant and Harney County. Inasmuch as we are the principal source of employment, this will result in large unemployment and distress. The Union Pacific strike is also causing us to close our other manufacturing operations in western United States which are dependent upon the railroads to move our products. As you know, the Southern Pacific and other railroads will be struck shortly, bringing our western manufacturing operations to a complete halt.

The time has long since passed for Congress to drastically curtail the labor monopoly which exists in this country. Unless Congress sees fit to take effective action, our nation will become a secondary power.

Yours very truly,

JOSEPH J. FITZGERALD,
Executive Vice President.

Mr. PACKWOOD. Mr. President, these comments speak for themselves. They are from people who are caught in the midst of legitimate differences between labor and union bargainers. I have long advocated permanent labor legislation to deal with such situations equitably and consistently, but without endangering the public welfare and destroying an economy. I have been sorely disappointed that permanent legislation has not progressed beyond 1 day of hearings, on June 15. As of now, no further hearings have even been scheduled.

But the situation we face today cannot wait for permanent legislation—it cannot wait even for the 3 or 4 days it would take for Congress to legislate another ad hoc solution. We must have immediate resumption of good faith bargaining between all the parties concerned. I have pleaded with them to resolve their differences without further delay, to accept their responsibilities to the public. They do not want governmental intervention any more than I do, but if it is to be avoided, they must solve their differences immediately. Every hour of delay magnifies the disaster—and points with ever-increasing certainty to Government imposition of a settlement.

AIR COLLISION AVOIDANCE SYSTEMS

Mr. MOSS. Mr. President, on July 7 of this year, I introduced S. 2264, a bill to require the installation of collision avoidance systems and pilot warning indicator systems on air carriers and general aviation aircraft in order to minimize the danger of mid-air collisions.

At 1:04 a.m. today, I am informed, a Japanese Air Force jet and an All-Nippon 727 jetliner carrying 163 persons collided at 26,000 feet over the mountains of northern Japan. There were no survivors aboard the jetliner. This tragic collision has resulted in the highest death toll ever recorded in a plane crash.

The world's shock and horror at the news of this catastrophe are heightened by the knowledge that a collision avoidance system would have prevented this loss of lives.

In the past 4 years, two-thirds of this country's jetliner deaths were caused by mid-air collisions. A National Transportation Safety Board study projects 335 collisions and 792 fatalities in the forthcoming decade. The board is at present holding hearings in Los Angeles to investigate the tragic collision on June 6 of an Air West jetliner and a Marine phantom jet that deprived my State of Utah of 13 outstanding citizens and needlessly cost 50 lives. This collision, too, would not have occurred had the

plane been equipped with collision avoidance systems.

Mr. President, it is urgent that we further investigate the technology of keeping airplanes apart in our increasingly crowded skies. I am pleased that the Senator from Nevada (Mr. CANNON) has announced that the Aviation Subcommittee will soon hold hearings on S. 2264 to protect the lives of air passengers.

An article in the July 20, 1970 issue of Aviation Week and Space Technology describes a time-frequency type collision avoidance system that has been successfully tested by several airlines. I recommend this study to Senators 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:

ANTI-COLLISION DISPLAY TESTED

New collision avoidance system cockpit display, which shows the presence of nearby aircraft that are not an immediate threat as well as indicating required escape maneuvers if a threat develops, has been praised by airline pilots in aircraft simulator tests.

The tests were conducted by Trans World, Eastern, and United airlines.

The collision avoidance display is conveniently combined with a conventional vertical speed indicator. This enables the single instrument to caution the pilot against a potentially hazardous maneuver as well as to show the required escape maneuver if needed.

The new display was developed by McDonnell Douglas Corp. for use with its Air Transport Assn.-sponsored time-frequency type collision avoidance system (CAS).

However, both Bendix Corp. and Wilcox Electric Co./Sierra Research Corp., which are developing similar systems, are expected to offer the same type display, company spokesmen indicate.

It could also find use in other types of collision avoidance systems where the relative altitudes of other aircraft are obtained and where vertical escape maneuvers are employed.

Previously, a separate CAS warning escape maneuver indicator was used. If the system called for a vertical escape maneuver, normally at a rate of 2,000 ft./min., the pilot had to refer to the separate vertical speed indicator while monitoring the CAS display.

By mounting the "climb" and "descend" escape maneuver arrows on the face of the vertical speed indicator, directly under the 2,000 ft./min. rate-of-climb/descent positions, the pilot can instinctively maneuver until the VSI pointer is directly over the illuminated arrow. Similarly, if the system calls for the aircraft to stop its climb or descent to avoid a collision, the pilot levels out until the VSI pointer is directly over the illuminated "level" bar, which corresponds to zero vertical speed.

SECTOR BARS

Additionally, the instrument face contains semi-circular sector bars along the upper and lower periphery that can be illuminated to alert the pilot to the presence of other aircraft which could become potential collision threats.

For example, if another CAS-equipped aircraft above is descending, or his own aircraft is climbing, and the two are in proximity to one another, when their vertical separation decreases to 3,300 ft., the system will illuminate the sectors around the upper periphery of the pilot's display extending from 2,000 ft./min. to 6,000 ft./min.

If his own aircraft is climbing, this cautions the pilot to limit his rate of climb to less than 2,000 ft./min., so the vertical speed indicator needle is not pointing at any of the illuminated yellow sectors. The display in the other equipped aircraft involved in this situation would have its lower peripheral sectors illuminated from 2,000–6,000 ft./min., alerting its pilot to hold or reduce his rate of descent to less than 2,000 ft./min. because of the traffic below.

ADDITIONAL WARNINGS

If the vertical separation between the two aircraft decreases further to 1,800 ft., an additional periphery sector will become illuminated, telling the pilot to limit vertical speed to less than 1,000 ft./min. If the separation further decreases to 1,300 ft., still another sector will illuminate to caution each pilot to reduce vertical speed to 500 ft./min.

The yellow peripheral lights signify traffic advisory information only and do not indicate that a collision threat yet exists. The yellow lights do not illuminate if the azimuth separation between the aircraft is sufficient not to represent a potential threat.

If there is traffic both above and below his own aircraft within 3,300 ft. or less, yellow lights will be illuminated both along the upper and lower portions of the instrument.

Located at the two lower corners of the instrument are "no turn" indicators, which may become illuminated when there is other proximity traffic at or very near to his own aircraft altitude, and the upper/lower yellow sector bars around the periphery are illuminated. If the red "no turn" indicators go on, this cautions the pilot not to turn, or to stop his turn.

To extinguish the "no turn" indications, the pilot must change altitude approximately 400 ft., in a direction opposite to the one where the presence of traffic is displayed in the form of illuminated sector bars.

If an equipped aircraft is climbing or descending and the yellow semicircular sector opposite the vertical speed indicator needle suddenly becomes illuminated, the pilot need only reduce his vertical speed until the needle no longer points to an illuminated sector.

MAYOR GIBSON OF NEWARK, N.J.

Mr. WILLIAMS. Mr. President, there has been much talk during recent years about the problems of America's cities. Some people have suggested that our largest cities are irrevocably on the road to ruin and have, in fact, become "ungovernable." Fortunately, there are other people who have faith in the potential of our cities, and are working to rehabilitate them.

In Newark, New Jersey's largest city, we are fortunate to have dedicated leadership, headed by Mayor Kenneth Gibson. Mayor Gibson knows better than anyone the severity of Newark's problems. He has often said that—

Wherever the central cities of America are going, Newark is going to get there first.

Mayor Gibson knows that solutions will not come easily, but he is at least trying.

Last Sunday the New York Times magazine published an article about Mayor Gibson, the problems he is facing in Newark, and some of the things he is doing to solve them. The article is highly instructive for all who are interested in the future of America's cities. 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:

[From the New York Times Magazine, July 25, 1971]

Newark is a study in the evils, tensions and frustrations that beset the central cities of America. It is a city of 375,000, an estimated 61 per cent Negro, 11 per cent Puerto Rican. It is a city with an over-all unemployment of 14 per cent (25 to 30 per cent among blacks and Puerto Ricans); around 25 per cent of those who are employed work only part-time, and there are virtually no summer jobs and few programs for the city's 80,000 school children, who now roam the streets. As a result, one of every three Newarkers is getting some form of public assistance. There are, by conservative estimate, 20,000 drug addicts in the city, and only 7 per cent of them are being treated. Newark has the highest crime rate of any city in the nation; the highest percentage of substandard housing; the highest rates of venereal disease, new tuberculosis cases and maternal mortality, and it is second in infant mortality. Most of these rates, like the crime rate, are still rising. In the Central Ward, perhaps the worst ghetto in the East, decent black families live as virtual prisoners in housing-authority projects, afraid to let their children outside even to play. The city's first black Mayor, Kenneth A. Gibson, often says: "Wherever the central cities of America are going, Newark is going to get there first."

There are at least two Newarks, separate and distinct, divided from each other, existing in an atmosphere of mutual suspicion and racial tension. There is the white-dominated, business-oriented Newark, and there are the densely populated sections where blacks and Puerto Ricans live. Business Newark looks almost as prosperous as ever. A new Gateway motel and business-office complex has been built opposite the old Pennsylvania Railroad Station. The gleaming white marble facade of the Prudential Insurance Company's national headquarters dominates the shining storefronts along Broad and Market. Bamberger's is still there; Ohrbach's is still there. Business Newark does $3.5-billion worth of retail trade annually. But out to the west and south, in the Central and the South Wards, it is a different story. "It is a jungle," says one cab driver, and another adds: "This city is dead."

The juxtaposition of white authority and the jungle strikes one with a forcible impact. The Essex County Courthouse and Hall of Records sit on a knoll along High Street, and chock-a-block with these symbols of governmental stability are the devastated structures of the Newark ghetto. Shattered, gaping, sightless windows stare out at the county buildings, and only a short jog away, where Springfield Avenue runs into High, one comes upon the still ghastly rubble of a war-ravaged Newark.

It was here, in the long hot summer of 1967, that mobs rioted, looted and burned in one of the nation's worst race riots; four years later, blackened ruins still stand as testament to that outburst. Wrecked and gutted buildings offend the eye; trash of all kinds befouls the gutters. One hulk stands out—a store that looks as if its entire front had been blasted away by mortar fire. One gazes into the cavernous emptiness of its interior, wondering what keeps it upright. Across the street an abandoned theater seems about to totter inward upon itself, the deep bay of its former entrance piled high with rubbish. Up and down the avenue for blocks, the same sights are repeated; the blackened, hollow shells of buildings stand, some boarded up, some closed off by iron gratings, all in ruin.

"The only new thing added on the street in three years is another bar—and, of course,

we needed that," says one Negro leader. He shakes a gray head and adds: "I was in Germany, where the cities were all destroyed in World War II. Now they have been completely rebuilt, spanking new—and here we can't rebuild the Central ward or Detroit or Watts."

Bad as the physical aspect of Newark is, the psychological and emotional factors are worse. The racial tensions inevitable in a city overwhelmingly black and Puerto Rican, but dominated for so long by a white minority, were intensified this winter by a record, 11-week teachers' strike. The strike closed about half of Newark's schools (the rest stayed open in an atmosphere of turmoil), and the black community reacted with outrage that at times exploded into fury. "The strike was eventually settled, but it is still with us," says a black leader. He explains:

"Parents whose children lost 11 weeks of school, and who perhaps couldn't graduate or who will be handicapped in the future, are frustrated and bitter. And the strike didn't settle the basic problem. Too many of Newark's teachers live in the suburbs; this is just a 9-to-3 job for them, and they are not concerned with the problems of black ghetto children. I taught in the Newark school system, and I know. Polarization? It couldn't be much worse. It was bad already, but now this is one of the worst polarized sections in the nation."

In this bleak picture there is just one ray of light and hope—the presence in City Hall of Newark's first Negro Mayor. Tour the city, talk to leaders of the black community, and you will hear the same phrases repeated over and over again. David Barrett, the bright, articulate 27-year-old president of the United Community Corporation, the community-service organization funded by the Federal Office of Economic Opportunity, perhaps expresses it best. His face lights up as he recalls the election of Mayor Gibson just one year ago.

"Expectations were very high," Barrett says. "You just expected that, overnight, things were going to be 10,000 times better. Now, of course, there is a gap between those high, perhaps quixotic, expectations and delivery. Still, the Negro and Puerto Rican communities feel that things are better, that there is a more sympathetic attitude, a better understanding at City Hall. This, as I see it, is the one great plus; Gibson's just being there is a positive plus."

Other community leaders agree. The Rev. Henry Cade, pastor of the Central Presbyterian Church, almost on the boundary line between the Central and South Wards, says: "There has been little positive movement since the riots of 1967. But there is a new kind of ethos, a new spirit in the community as the result of the last election." LeRoi Jones, who prefers to call himself Imamu Baraka—a short, bearded Negro poet who might weigh 120 pounds and who is one of the most controversial figures in Newark—concurs: "I think the biggest boost so far has been the feeling the community has that things are possible as the result of the election of Ken Gibson. People are not stifled and hopeless, as they were under the old, corrupt administration. Now there is someone in City Hall who gives them a feeling that things are possible."

But everyone recognizes that this hopeful mood cannot last unless there is positive action to change the sordid aspects of Newark. The Rev. Mr. Cade puts it this way: "What happens to a dream deferred? It can't be deferred too long, or it will turn into bitterness and rebellion."

The man on whom most of Newark pins its hopes sits in City Hall, boxed in on every side, unable to move toward the fulfillment of those hopes. Ken Gibson is not the typical politician. A short, chunky man, broad-shouldered, barrel-chested, with just the wisp of a mustache on his round face, he was trained as an engineer, and he weighs problems with an engineer's caution. He seems to lack dynamism on the public platform, abandoning the usual forms of political rhetoric to speak more drily about issues, but face-to-face he exudes a great deal of personal charm. No matter what the tensions of the day, he usually manages to seem calm, relaxed. Though slow to make up his mind, he appears confident and extremely sure of himself once he has arrived at a decision. And he is candid to a degree almost unheard of among politicians. Shortly after he took office last year, he disclosed that one man had hinted he would pay $15,000 to name the police director and that another had suggested Gibson could have "10 percent off the top of everything," all city contracts, all public works. Gibson reported the offers to prosecuting authorities and concentrated on the task of trying to solve the massive problems of Newark.

Now, after a rough first year in office, he discussed the problems, the hopes that he knows repose in him and the frustrations he faces. "How long can you sustain this kind of hope without action?" he asked. "I don't think I should be used as a narcotic. I don't think that the power structure or the establishment or whatever you want to call it should think that just my existence here will keep things from happening."

But he acknowledged that he sees little prospect of being able to move forward in a dramatic way. When he took office, he found himself saddled with a $65-million deficit, the heritage of the scandal-studded regime of Mayor Hugh J. Addonizio. Property taxes in Newark were already at a virtually confiscatory level (taxes on a small $15,000 home run to $1,000 or more a year); the city lacked other sources of revenue; Federal funds were being cut back; there was just no money.

Gibson proposed a broad tax package. The key and most controversial feature was a 2 per cent payroll tax to be paid by industry. The white business community was shocked. At one point, the Essex County Assembly delegation flatly refused to support the Mayor's proposals. But a compromise was eventually worked out: The State Legislature passed bills permitting Newark to collect a 1 per cent payroll tax and six other new levies. Then the City Council, still controlled by adherents of the white political machine that had always run Newark, balked. The Council eventually approved the payroll levy and two minor new taxes, but that was as far as it would go. Gibson suggested dismissing 400 city employes as an economy measure, but the Council would not agree. Gibson, unable to economize, was left with a tax package that, it was estimated, would raise only $20-million instead of the $35-million his fiscal experts had calculated the city would need. Part of the gap was closed when the Council decreed that an $8-million accumulated surplus in the separate Water Department account should be used for current expenses.

"The money we need is just to maintain operations," Gibson says, "to pay the police, firemen, clerks, staff. What we are talking about is just enough money to keep us afloat, enough money to let us live for another year. We aren't talking about changing things, improving things—just surviving." When the Water Department surplus was gone, the city was left with nothing to fall back on. "Now we have no surplus anywhere, absolutely nothing," Gibson says. "If anything extraordinary happens, if any crises, this city is just going to be out of liquid."

On his first anniversary in office, Gibson was able to announce three new programs funded by the Federal Government (they would supply $50-million in mortgage funds to rehabilitate 2,500 dwelling units, provide for the appointment of one of the nation's first municipal ombudsmen and establish round-the-clock storefront centers in each of the city's five wards to help citizens with personal problems). But the Mayor intends to keep pressuring for more state and Federal aid, and he confesses: "I'm afraid the amounts we manage to spring loose will be small compared to our needs. We will probably have to cut down on staff and change our way of doing things even to provide the basic services the city has now. Next year, if we are still in the same situation, we will simply have to cut back on staff, and this means we'll have to cut services—the number of times you collect the garbage and clean the streets. I think this is going to have to happen before we get more money. People, you see, just don't believe us. The mayors of our central cities have been crying about the lack of funds for so long that many people seem to think we'll find the money somewhere. They seem to take the attitude: 'Die first, and when we come to your funeral, we'll believe you.' "

One Negro, a lifelong resident of Newark, says: "Ken has been catching hell from all sides, but there is little he can do. Somebody way up above is going to have to make decisions about priorities in this country."

Most of the criticism from Gibson supporters concerns two issues: the selection of a new police director and the handling of the school strike. Both grew out of the one fact that dwarfs all else in Newark—the polarization of the races.

When Gibson was elected, there was a strong demand in the black community that he name a black police chief. Black leaders emphasize such words as "humanity" and "sympathy" and "understanding"; they do not feel that the white man, however good his intentions, can really understand the black man and his problems. They believe that only black teachers can really teach black children. They believe that a white-controlled police force will always arrest blacks for offenses whites might commit with impunity. And they believe that, since they represent 70 per cent of the population of Newark, they must have what they call "proportional representation" in all branches of municipal government—in other words, virtually complete control.

The first manifestation of this thrust for black power came in the pressure on Gibson to name a black police director. He disregarded it and appointed John L. Redden, who had joined the department in 1947 and had consistently scored highest on civil-service tests for advancement. In 1965 he was named deputy police chief, but he really came to prominence after the riots of 1967. He told the gubernatorial commission investigating the riots that gambling was rampant in Newark, and his testimony was one factor in leading the commission to conclude that there was "a pervasive feeling of corruption" at City Hall. To quiet the uproar, Redden was given command of a special gambling squad, and in a two-month crusade he cut such a swath that he was moved to a less sensitive job. He had an image of incorruptibility, but his appointment as police director satisfied no one. The blacks were displeased because Redden was white; the whites, because his record seemed to say he was the kind of man no politician could control. And so the City Council, black and white alike, voted 9–0 against Redden's confirmation.

Gibson was informed of the impasse half an hour before he was to take the oath of office on July 1, 1970, and even before he was officially Mayor he faced down the Council. He says he told the councilmen: "Listen, you are going to have a good relationship with the new Mayor or a bad one. Either Redden gets confirmed or I withdraw all my nominations here and now—and what's more I'm going to tell those people waiting outside just

what it's all about." There were some 8,000 deliriously happy Gibson supporters waiting for the inaugural ceremony on the City Hall steps, and the Council could not face the reaction that would be provoked by the kind of speech Gibson threatened to make. Redden was confirmed.

Gibson has never regretted his choice. He had complete faith in Redden's honesty; he considered Redden the most capable man in the department and he thought a black police director would be sabotaged by his white department—and the black community would have to bear the onus for the failure.

"Those guys would have crucified a black director," he says. "At least Redden has some men he can work with. Redden is probably the only man in the department I have faith in as being able to do the kind of job that needs to be done. As far as Redden is concerned, I *know* I'm right."

Despite Gibson's assurance, though, this view is not accepted by the black community, not even by some of its more intelligent leaders. The Redden appointment was the first incident in a potentially dangerous trend, the tendency of the black community to want only black, to think that only black is right.

John Redden, who stepped into the bear pit at Gibson's urging, is stocky, round-faced, with thinning strands of sandy hair. He has a slow, sometimes wry smile, and is deliberate in his speech. He can also be tough. One of his first moves as police director was to shake up the department with wholesale transfers. His aim, he says, was "to improve the credibility of the department" by restoring public faith in it.

"In the nineteen-thirties the rackets took over this town," Redden says bluntly. "Longie Zwillman and Richie (the Boot) Boiardo and their kind ran it. It seemed to me that their object was to neutralize people who could hurt them. They paid off some people and neutralized others through fear or the desire that they just didn't want to be bothered taking the risk of bucking the system. The over-all effect was that the rackets had their way."

Redden is convinced that "the vast majority" of policemen "really believed that oath when they held up their hands and took it," but the top-level political corruption was so bad that in the end many just gave up. Gibson, he believes, "is dedicated to breaking that tradition and providing an improved service. This isn't going to be accomplished overnight." The reason it isn't, he explains, is that many of the conditions that need changing have been ingrained in the department for more than a century. As long ago as 1857, a Newark Mayor called the department "defective" and "inadequate," and a Bureau of Municipal Research study in 1943 noted an "apathy on the part of successive administrations" and "an accumulation of hopelessness and indifference on the part of the community."

Between 1950 and 1960 some 100,000 of Newark's white residents moved out, and Negroes and Puerto Ricans moved in. The two-way migration continued during the sixties. "Society was changing while institutions didn't change," Redden says. Now he wants "to make the racial composition of the department closer to that of the city." Toward this end, he has launched several special campaigns to lure Negroes and Puerto Ricans into the force.

"We decided to do something that all police literature would say is unprofessional and impossible," Redden explains. "We decided to make every effort to recruit police personnel wholly within the boundaries of Newark. Now we have some straws in the wind which indicate we may be able to do this. In our present recruit class of 27 men, there are 16 black men, and they have all been recruited through the normal civil-service procedures. As a result of the recruiting drive we put on in April, we have a list of 77 potential recruits, the largest list since 1962, and about half of them are black."

The Newark force has an authorized strength of 1,225 patrolmen, and fewer than 200 of them are black now. In the past, it has often been difficult to recruit Negroes, for they have looked upon the department as a hostile white enclave. If Redden can continue 50 per cent black recruitment, he hopes in time to break down some of this prejudice while bringing the composition of the force more nearly in line with that of the city.

Despite this campaign, there are still demands that Redden be replaced by a black police director. Such demands were especially prevalent during the explosive teachers' strike. The animosities aroused by that event were fierce, and Redden and his predominantly white force were caught in the crossfire.

It seems in retrospect that the strike, called by the Newark Teachers' Union, should never have happened. Mayor Gibson called it illegal, alienating some of his labor supporters, and he makes it clear that he thinks the black-controlled Board of Education was wrong to let the strike develop over peripheral issues, an attitude with which many black leaders strongly disagree.

Money was never a major factor in the stoppage because everyone realized the city had none. The strike erupted over two provisions in the previous contract, signed when the Addonizio forces controlled the Board of Education. The old contract called for binding arbitration of grievances and teacher exemption from so-called nonprofessional chores. The new board refused to honor these provisions, though it is axiomatic that when you try to rescind benefits won in a previous contract you are going to have a strike.

Gibson had appointed four black and Puerto Rican members to the school board—including Jesse Jacob, then its president—but he still did not have a majority of the nine members, and the board, once appointed, operates independently of City Hall. The Mayor, however, can exercise influence in times of crisis, and Gibson tried. He arranged a conference between board members and union leaders on the eve of the walkout, and he still believes the disagreement should have been settled then. But the new board members, joined by some of the old, stood fast, and their position was endorsed by the black community. David Barrett states the case this way: "The community's reaction was: 'Well, we didn't want that old contract in the first place, and it existed only because the previous Board of Education didn't represent us. Now we have a Board of Education that is representing the community, that is reflecting our will, and it should have the right to negotiate an entirely new contract.' "

Behind the stated strike issues was another, more basic prize: control of the schools. The black and Puerto Rican community saw the strike as an attempt by the teachers' union to dominate the schools, independent of community control; and community people, as Barrett says, became more determined than ever "to have some genuine say about what goes on in their schools, whether at the Board of Education level or the community level."

Barrett, who is now a computer programer, taught for one year at the Clinton Plaza Junior High School, and he draws on that experience to illustrate what he means about the white-black dichotomy in the schools of Newark. "I remember once we were in the teachers' room, and one teacher said: 'So-and-so's mother came in today. Why, you know, I didn't know she wasn't married.' In the Negro community, we accept these things; we know they exist—but we don't stigmatize the child because of it. Another time, another teacher. 'So-and-so's father came in today,' she said. 'He was the dirtiest man I ever saw!' It never seemed to occur to her that he was dirty because he was working at a dirty job to make a living; that he had to take time off from that job to come to school to see about his child; that all of this showed some kind of concern on his part, for which he should have been praised. The fact that this man came to school dirty from his job never would have made any impression on me at all.

"We're talking about attitudes and characteristics—about sensibilities. There is even a difference between white teachers who have been reared in Newark and live in Newark, and those from the suburbs. Those who live here are much closer in understanding of the students—not so close as black teachers, but much, much closer than some of the suburban teachers who have a tendency to misunderstand black kids on the human level."

There are 89 schools in the Newark system, staffed by 4,405 teachers. The school population is 85 per cent black and Puerto Rican; the teaching staff is almost two-thirds white. The racial balance among teachers is reversed in one of Newark's key schools, the Robert Treat Elementary School, in the Central Ward ghetto. Out of 1,100 students there, all are black except for five whites and about 20 Puerto Ricans, but the teaching staff of 65 is three-quarters black. During the strike, only four of the staff joined the strikers, and afterward the community refused to have them back.

Eugene Campbell, a tall, slender 33-year-old Negro with a full beard and mustache, is principal at Robert Treat. Born in Newark, educated in the city's schools and at Newark College, he is alert, quick and decisive in his movements. He is sometimes called an "ultramilitant," a term at which he bridles. Campbell sees the controversial provisions of the old teachers' contract as "ludicrous, absurd, downright ridiculous." To him, there is no such thing as a "nonprofessional chore." He explains: "Children who come in here have to be taught how to use the lavatory, how to use the cafeteria. The only place they've eaten is at home; they have to be taught the routine of the cafeteria, how to eat in a mess hall of 100 or more and to get out promptly when they're finished because we are crowded here." The old contract relieving teachers of such chores provided, Campbell says, "for the training of 252 aides to fill tasks being performed by 2,000 teachers." He snorts in derision. "One emotionally and culturally adjusted teacher is worth eight aides. Only the teacher has the respect of the students. Only the teacher knows how to control situations that may develop."

One of the more turbulent scenes during the strike occurred when 70 unionists picketed Robert Treat. "That caused a lot of bad feeling as far as the community went and as far as the students were concerned," Campbell says. "The students heard people on the picket lines calling their teachers scabs, whores, cursing them in vile language. One of our striking teachers was on the line, and I just got a barrage of phone calls from parents who were angry and upset by the whole performance."

All Newark seethed as the strike dragged on. One tumultuous meeting in Symphony Hall resulted in a small riot after the Board of Education voted to turn down a proposed strike settlement. The black community, enraged at the teachers when the strike was called, now cheered, shouted and applauded the school board's action insuring a prolongation of the shutdown. The reaction can be understood only if one understands what was at stake once the strike started: control of the schools, with race a fundamental issue.

The disturbance in Symphony Hall sorely tried Redden's men. They attempted, without success, to keep the aisles cleared, and in the midst of the fracas arrested the Rev.

Dennis Westbrooks, a Negro councilman from the Central Ward, and four juveniles, accusing them of obstructing an aisle. The audience turned in fury upon the policemen, who used nightsticks to quell the uproar. The arrest of the Rev. Westbrooks provoked a furious backlash. David Barret sums up community feeling: "Would they have arrested a *white* councilman for blocking an aisle? We considered this an outrage, and the whole black community demanded Redden's resignation."

Redden, unwilling to stir up emotions over old issues, prefers not to talk much about the incident now. It is known, however, that a delegation of blacks demanded that he suspend nine white policemen for their actions at the Symphony Hall riot. Redden flatly refused. "For what?" he is said to have demanded. "For trying to do their duty and maintain order?" It is also known that Redden offered to resign and let Mayor Gibson appoint a black police director. Gibson wouldn't hear of it. As tempers mounted, LeRoi Jones called Redden "a racist turkey," and Redden, having had enough, took a weekend for cogitation and then on his own authority issued a press release so blunt that it made some of Gibson's advisers quail. He denounced the inflammatory rhetoric used during the strike and suggested that the black community examine itself. He said:

"Reference has been made to police brutality. Admittedly, there have been instances of police brutality, but let us view it in the context of the display of violence and brutality in the community. In 1950 there were 24 criminal homicides in this city; in 1970 there were 143. This year promises to outstrip last year. Let us view it also in the context of the violence displayed and advocated . . . at public meetings . . .

"The present tensions parallel the conditions that existed before the riots in 1967. At that time a public issue, not of the police department's making, was used to inflame emotions. At that time the same type of demagogic rhetoric and violent conduct at public meetings was used to inflame passions. At that time, persons loaded the guns which were used to take the lives of 23 people. The blood of those persons is on the hands of those who loaded the guns more so than those who squeezed the triggers. The guns are being loaded again by those who would plunge this city into the same type of apocalyptic convulsions it experienced in 1967."

In the aftermath of this confrontation, Mayor Gibson moved forcefully. It is no secret in Newark that he used all his influence to end the strike. Though the manner of it pleased few, he settled it on the only possible terms, ratifying the arbitration and nonprofessional-chores clauses in the old contract and promising the black community that he would appoint a task force on education and that the Board of Education would set up a curriculum committee to study school programs.

(Since then Gibson has appointed to the board Lawrence Hamm, a 17-year-old black high school senior who led the Newark Student Federation in its demands for a greater voice in school affairs during the teachers' strike. In the board reorganization, Jacob was replaced as president by Mrs. Helen Fullilove.)

The resumption of classes brought no end to the polarization in Newark, for the black community saw the strike as just one incident in its drive for power. At the heart of this thrust is the slight, challenging figure of LeRoi Jones. He heads the Committee for a Unified Newark, which solidified Gibson support in the 1970 mayoralty election. He operates out of a headquarters at 502 High Street, a barren, dilapidated storefront at the intersection with Springfield Avenue. The door of his headquarters is plastered with the kind of slogans that raise the hackles of Newark's white residents. The most prominent placard begins: "Young Brother!! It's Nation Time!! Help Build a Black Nation. Become a Simba, a Young Lion . . ." It urges "innovation for revolution." Another placard shows a muscular black man grabbing a white arm holding a revolver and shoving it aloft so that the white man cannot shoot. It describes the goals of the black man in America as "freedom and independence," and declares: "NOTHING WILL STOP US FROM BECOMING MASTERS OF OUR OWN DESTINY."

Jones, when one meets him, seems more moderate than his slogans suggest. He does not rant, but talks quietly, reasonably, as if arguing the undeniable logic of his case. Though he insists that he is not the violent racist whites have pictured, there is the quality of steel behind his deceptive mildness. And some of the things he says in his unemotional way are bound to shock white traditionalists.

"These slogans," he explains, waving to the placards on the wall, "are made to seem violent and racist recause many people benefit by our not being in control. We've worked hard with preschool programs. We try to teach our children pride in our race. That's what these slogans mean. We try to build up a sense of pride and identity. It may shock white people, but it's sometimes easier for black children to identify with Stokely Carmichael than George Washington. After all, George Washington was a slaveholder. That's not to say anything against him, for that was the custom of his time. But the fact remains.

"Then take the situation in Newark. Most of the 20,000 narcotics addicts are in the black community, and the white community hasn't done much about it. How do you expect us to respond to George Washington and 'The Star Spangled Banner' when a situation like this is permitted to exist? If there was a situation like this in the white community, we could see President Nixon threatening to bomb the Turkish heroin growers or cut off trade with France because of its heroin refineries, but with us we don't have the power to deal with it that way. We can't go to a Congressman and say, 'If you don't vote economic sanctions against France and Turkey until this stops, we will see to it that you don't get re-elected.' We don't have that kind of power today. But we must get it."

Jones declares flatly—and it is a sentiment one hears throughout the black community—"There will have to be black control of the City Council in 1974. This neo-colonial situation must end. This city does $3.5-billion worth of retail business every year, and our percentage of it is less than six-tenths of 1 per cent. That is all that remains here. There's a Gold Coast here that surrounds the worst ghetto in the East. Nobody is asking for anything but equity, the kind of equity Americans have always believed in. But this will have to come in time from our own inner creativity."

Given the quality of the Newark schools, which have for years been graduating what Eugene Campbell calls "functional illiterates," does the black community in Newark have the resources to take over completely?

"No," Jones answers. "We are not totally able to run the city at this point. But we know that we have enough black men here now who have the kind of imagination and creativity that, given the opportunity, can be trained to take over these jobs. We certainly know we couldn't do it any worse than the way things were run by the past administration, which was not only racist but corrupt."

Capturing control of the City Council in the 1974 election will take some doing. Four of the nine members are elected at large; the other five represent the city's five wards. In the "at-large" election, the vote in the outlying, almost wholly white North Ward and other white residential districts is a heavy factor. And then there is the Byzantine nature of Newark politics. The old Italian-dominated white political machine maintained power for years by running council candidates who would split the black vote, and the Rev. Mr. Cade says there are rumors that the same tactic will be tried in the next contest. There is also an effort to try to drive a wedge between Mayor Gibson and the blacks led by LeRoi Jones. David Barrett recalls that after the school strike was settled some newsmen tried to get black leaders to say they were disenchanted with the Mayor, but he argues that this isn't so. "We may disagree on an issue or two, like the appointment of Redden and the school strike," he says, "but that doesn't mean we are going to split with the Mayor."

It all requires a delicate juggling act by Mayor Gibson. A true moderate, he must neither alienate his black support nor surrender to it, for he would never have been elected without a sizable white vote. His opponents in 1970 raised the cry that in office he would be the tool of Jones. Obviously, he hasn't been. If he had Redden wouldn't be police director and the teachers' strike might have been allowed to continue to an ultimate showdown. But Gibson makes no secret of the fact that he tries to work with Jones because Jones does, in truth represent powerful segments of the black community. Jones, he stresses, "is very good with young people, with high-school and college students especially. He provides them with a strong image they look up to and respect. And he's very dedicated to the things he believes in. He'll work seven days a week, sometimes 24 hours a day, and a lot of those who oppose him want to work a seven-hour day and a five-day week. I say to them, 'You aren't going to beat a man like LeRoi Jones that way.' "

Gibson pauses, smiles his slow, soft smile, and advances another argument: "I say to them, 'If he's as radical as you think he is, isn't it better to have him working within the political structure to get it changed rather than saying, "Let's blow it up"?" When I use that argument with people, there isn't any answer. They have to agree; they say, 'You're right.' "

There is, of course, another side of Newark, the powerful and important business community. Its principal spokesman has been Donald S. McNaughton, chairman and chief executive officer of Prudential Insurance. McNaughton is one of a growing breed of executives who believe that business must concern itself not just with balance sheets, but with the welfare of communities in which it thrives. He recognizes all the massive problems of Newark, but is still optimistic about the long-range future. He points out that Newark is the hub of Northern New Jersey, "the nation's fourth-largest market"; that it is a great sea, air, rail and highway center; that it is the third-largest financial center in the nation; that it is developing "a huge complex of higher educational institutions." In a recent speech before the U.S. Chamber of Commerce, he cited Newark's problems as symbolic of those of the central cities in which "we are living in a puzzling paradox: poverty and prejudice standing side by side with prosperity and plenty." McNaughton argued that the nation cannot go on this way and survive, and he perceived as "a basic difficulty" the fact that "we have no good system, in fact little system at all, for determining national priorities." He exhorted businessmen to recognize that the Federal Government must establish a sound, long-range priority schedule and to lend their talents to devising it. On this, he said, "the survival of democracy might depend."

Under McNaughton's leadership, Prudential has tried to act on this philosophy in Newark. It helped bankroll the new Gateway motel-business complex, which was needed,

McNaugton says, because the demand for office space in Newark is steadily growing. It invested in the University Gardens housing project as a partner of the state under an arrangement to furnish low-income and middle-income housing. It invested more than $1-million in loans with low interest rates to restore three-family and four-family homes. McNaughton explains that the same could not be done for one-family homes "because they cannot afford to pay the taxes."

McNaughton hailed Gibson's election, saying, "Every indication is that he is a paragon of honesty." He assigned Prudential experts to work with the new Mayor in studying the city's finances and trying to get it on a sound operating basis. When the city could not afford the salary that would attract the best business administrator it could find, McNaughton induced the Newark Chamber of Commerce to contribute. The black community reacted with suspicion and hostility; it feared that white business was buying influence in the new regime at City Hall. McNaughton wrote a letter insisting that no one connected with the chamber should try to take advantage of the situation. Later, speaking of black resistance to the salary subsidy, he asked: "Would they rather we didn't do anything? What do they want from us? Do they want us to help the Mayor or don't they want us to help the Mayor?"

Such are the personalities and issues that dominate Newark. The men themselves, whatever their race, whatever their intentions or capabilities, are trapped in a situation that defies solution with the resources at hand.

A social worker says: "A couple of our workers got mugged in broad daylight in one of the housing projects. The women in that area of the Central Ward are scared to go out on the street, even in the daytime. I know one woman who has five children. She drives them to school in the morning, picks them up in the afternoon and takes them right into her apartment. She's afraid even to let them out to play."

A cab driver who works out of Penn Station says: "I'm lucky I don't work the streets. Some cab drivers have been mugged right on the street in broad daylight in the Negro section. They wait until the fare's been paid, then they come at you from both sides. It's like they come right out of the ground, it happens so fast. They wrench open the doors and take the money."

On April 1, Willie Gibson, the 60-year-old father of the Mayor, was on his way to a wake when he was punched, stomped and beaten by a gang of youths. He suffered serious head injuries and was taken to Beth Israel Medical Center, where he spent a week recovering.

Crime and violence hold much of Newark in thrall. Police Director Redden says: "There is a growing demand in the black and Puerto Rican community for better police services. I hear this wherever I go, whether among people who own their own homes or those who live in housing projects—wherever I go in the city there is this basic feeling that people want greater security."

Yet the police alone cannot deal with crime unless social conditions can be changed. And the changes needed are in those areas that have been stressed again and again in every central city of America: jobs, housing, health.

Housing in Newark is a special disaster. One social worker says that landlords in the Central Ward ghetto charge $150 to $160 a month for apartments in tumbledown buildings. The social worker himself had to move from an apartment in which the roof leaked so badly that the kitchen ceiling collapsed. "Every time it rained, you couldn't cook for the flood," he said, "and when you tried to get to the bathroom, you got a shower bath on the way." He searched, and the best apartment he could find—it rented for $125 a month—was in another tottering structure that had only one thing to recommend it: "It was clean."

The health problem staggers the imagination. Mayor Gibson says: "The number of people who die needlessly in heart-attack or accident cases from the lack of instant treatment must be fantastic." No doctor dares go into the Central Ward. No ambulance will go there unless the police have gone to the scene and summoned it. If the police are busy or the ambulance is tied up, the patient often dies.

"I remember a case we had last winter," Gibson says. "I was listening to the calls on the police radio. There was a bad accident near Newark Airport. The policeman on the scene kept calling and calling for the ambulance. 'Where's the bus?' he finally asked. 'It's on a heart-attack case,' he was told. 'This guy's bleeding to death. Can't you do something?' the policeman pleaded. he was told: 'The only ambulance we have is on the way to the hospital with the heart case.' The next morning, I read in the newspapers that two persons had died in that crash.

"We spend all kinds of money for space technology," he says, "but we can't put ambulances on the streets of Newark. And then there's this: Before I took office, Martland Hospital was trying to raise $5,000 for a cardiac machine to treat heart patients. They still haven't been able to raise the $5,000; they still don't have the machine. Now what is $5,000 in this country?"

Perhaps the frustrations that erode the human soul in Newark are best caught in an anecdote told by a black leader about a confrontation game developed by Federal experts and called "Urban Dynamics." Its object is to make different groups in a community aware of one another's problems. Black leaders from the ghetto are put in the position of the white power structure and confronted with its problems; the white, establishmentarian types take the roles of ghetto residents. The black leader who participated in this educational exercise says:

"You know, we reacted just the same way the white establishment does—*the very same way!* Faced with big tax increases, we took our money and moved our plants to the suburbs. Crime went up in the city—we moved out. We reacted just the way the white power structure does—*the very same way!*

"But what was amazing was to see the representatives of the white power class playing the game from the standpoint of the minorities. For the first time, they were really brought face to face with the problems of the black man in the central cities. No job. No decent place to live. Afraid of being mugged. Trapped. It was just too much. Some of them couldn't stand it. They'd just get up and walk out, saying, 'I'm not going to play *that* game any more.' And one became so frustrated and angry that he jumped up and cried out: 'Right on! Burn the city down!' "

Just so desperate is the stuation in Newark.

FIRST U.S. OFFICIAL TRADE DEFICIT IN 78 YEARS

Mr. FANNIN. Mr. President, of all the gloomy statistics published this week, the most alarming are the figures indicating the United States will have its first official trade deficit in 78 years.

Commerce Department figures show that imports exceeded exports by some $363 million in June. This was the first time in two decades that the United States recorded an official trade deficit for any one quarter—a total of $803 million for the 3-month period.

As a result, the United States ended up with a $372 million deficit for the first half of this year.

Secretary Stans says that there may be a deficit for the calendar year 1971. If so, I am told, this will be the first year since 1893 that the United States has had an official trade deficit.

Mr. President, you will note that I say "official trade deficit" in dealing with these statistics. The United States actually has been operating at a trade deficit for the past 5 years.

The system used by the Commerce Department to figure our trade standing is heavily biased in favor of showing a surplus. This is because the exports are figured on a c.i.f. basis and include products paid for by foreign governments using U.S. aid funds. Imports are figured on an f.o.b. basis which minimizes their value.

So it is obvious that when the official Commerce Department figures finally reflect a deficit—as they now do—the trade problem already has passed the serious stage and is now critical.

America, once the unchallenged champion of world trade, is sagging badly.

It is not a matter of national pride that causes my concern over the trade situation. I am not worried that the United States is losing, or has lost, its reputation as the manufacturing and technological champion of the world.

What does worry me is the fact that thousands of American jobs are drifting out to sea each month. The statistics simply go to prove what already is evident—American-made products are losing ground both in their home and foreign markets.

There are several reasons for our dilemma.

One of the main causes is the fact that our Government frittered away our trade advantages. The Kennedy-Johnson administrations allowed trade concessions, especially the unrealistic lowering of American tariffs, without demanding reciprocity by our trading partners. Today these trading partners look upon many many of their special trade privileges as sacrosanct.

Equally as important in causing our current dilemma is the fact that our unions have driven wages so high that many American-made products can no longer compete.

The Labor Department reported yesterday that first year wage increases averaging 10 percent were granted to workers as a result of labor contracts agreed upon during the first half of this year.

Wage increases are far outstripping productivity gains. When this happens, the American people pay for the excessive wage increases through inflation. American products become more expensive and less attractive both at home and abroad.

And American firms find themselves forced to relocate plants overseas or else go out of business. In either instance, jobs for Americans are lost.

Stopping this erosion of our economy is going to take strong and courageous action.

Some foreign governments are starting to realize that they have gone too far in their invasion of the American market. It has started to dawn on them that they could ruin our economy and thus kill off a good market. But their response generally has been much too little, much too late.

What we must have is a firm policy in the administration to end unfair trade practices by foreign manufacturers. Congress must act on proposed legislation to bring some equity in world trade. We must demand reciprocity.

All this will fail, however, if the labor union leaders do not face reality. The unions must stop misleading their workers into thinking that they are entitled to more and more pay for less and less work.

Here and there some unions have come to their senses and are cooperating with management in trying to keep their plants open in the face of stiff foreign competition.

Unfortunately, these instances of labor and management statesmanship are too few and far between. It seems to be more fashionable for union leaders to rush forward in a lemming-like charge to self-destruction. And when wage demands go out of sight, it is obviously easier for plant owners to simply pack up and move abroad.

Many union leaders have been calling for protection for American workers. In many cases, we have advocated the same actions by Congress and the administration.

It should be clear, however, that if unions are looking for strong protective barriers to keep out foreign goods so that they can assess the American people exorbitant charges for their services, then I believe they will have a long and unhappy wait.

I cannot believe that Congress would erect any meaningful protective barriers for American labor without some guarantee that union leaders start acting responsibly.

Needless strikes and exorbitant wage increases in certain key industries have knocked our economy out of kelter. These conditions are crippling our efforts to maintain employment in America and our place in the world markets.

Getting our economic system back into balance could be very painful, especially for those unions and workers who have managed to capture disproportionate wages.

If we do not start correcting some of the inequities at once, we may find that there is precious little left to salvage as far as trade is concerned.

TRUTH IN ADVERTISING

Mr. MOSS. Mr. President, I congratulate the U.S. Chamber of Commerce for its articulate statement of the problem confronting both the consuming public and the business community in the case of advertising, and for its concise propositions which support and affirm the basic tenets of the Truth in Advertising Act which Senator McGOVERN and I have introduced.

I wish to extend to the Chamber an invitation to testify on the Truth in Advertising Act when we hold hearings on the legislation in October. I urge all Senators to read the statement. I ask unanimous consent that the statement on advertising be printed in the RECORD.

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

STATEMENT ON ADVERTISING

Advertising is a principal medium used by businessmen to communicate information about themselves, their products and services. It also serves to communicate the appropriate desirability of products in the many instances where consumers already have sufficient information. It is a major influence in shaping the public's image of business.

Moreover, advertising is the consumer's principal source of information about products and services. The business community and consumers alike are the losers when advertisers use tactics and appeals which impeach the good standing, repute and credibility of the business world. In this sense, advertising is a critical element in assuring the consumer's right to quality and integrity in the marketplace—which is so basic to the Business-Consumer Relations Code propounded in 1970 by the Chamber of Commerce of the United States.

In furtherance of this right and the Code, we offer the following propositions concerning advertising:

1. The National Chamber believes that advertising in the spirit of the consumer's right to quality and integrity in the marketplace will possess certain fundamental characteristics: truthfulness . . . accuracy . . . informativeness . . . and relevancy to contemporary standards of good taste and proper values.

2. The National Chamber supports the principle of an effective, voluntary industry system of self-regulation of advertising to achieve the above characteristics through vigorous efforts within the full scope permitted by law.

3. The National Chamber urges all advertisers to have on hand prior to publication appropriate substantiation of factual advertising and to make such substantiation voluntarily available in response to reasonable inquiries.

4. The National Chamber encourages increased business efforts to expand consumer product information. Serious consideration should be given to systems of standardized information in appropriate product categories to facilitate consumer comparisons of important product features. In addition, trade associations should undertake information programs designed to inform consumers of the factors and considerations to be taken into account in selecting products or services.

5. The National Chamber believes added emphasis should be given to information relating to consumer health and safety. Particularly important, we believe, is the development of new concepts in advertising which draw consumers' attention to cautionary instructions on the product label.

Advertising is a tool of incalculable value to our marketing system. It has contributed enormously to the nation's economic growth and prosperity . . . to increased aspirations for all Americans . . . and to the ability of an overwhelming and growing majority of consumers to share in the fruits of economic affluence.

Advertising is also the source of information most relied on by consumers to discover the existence of new products and services, to find out about the characteristics of the various wares offered in the marketplace, and to learn how and where those wares can be obtained. Advertising thus benefits consumers as much as business.

By taking the steps proposed here, industry groups and individual advertisers will have demonstrated anew their contributions to the further assurance of quality and integrity in the marketplace.

MASSLIVING

Mr. WILLIAMS. Mr. President, there is widespread recognition among government officials and urban planners today that we must begin altering the traditional demographic patterns which are responsible for much of the decay, confusion, and urban sprawl, now existing in urban areas throughout the country. Many of the keenest minds in our society are at work on this problem, and they are exploring a number of promising paths toward solving it.

One of the leaders in this search for improved living patterns is a New Jersey man, Louis C. Ripa, chairman of the board of PAR, a planning firm located in Morristown. Mr. Ripa's plan for the future is a concept called "massliving," which is aimed at reestablishing the traditional neighborhood concept, in which people live, work, and socialize in one area, rather than traveling long distances for each activity. This concept was outlined in an article published recently in the Newark Star-Ledger. 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:

THE ACCENT'S ON NEIGHBORHOODS

There's a brand new concept in city planning that is really very old. It's called "massliving" and it means breaking down the present isolation between city and suburb and getting back to the old-fashioned neighbor hood idea in which people lived and worked and socialized all within the same area.

It has caught the fancy of many in the field of planning and one of its chief proponents is Louis C. Ripa, board chairman of a Morristown planning firm.

"We can no longer be satisfied with beautiful looking nigh rise mass housing and office buildings where people never meet their neighbors, or with costly highways and freeways that are best described as maddening parking lots," said Ripa.

"It is essential that we design future massliving facilities in such a way as to bring about a return to the old family or neighborhood concept that once existed before we got bogged down in impossibly congested center city complexes and equally ill planned suburban sprawls.

"Today's planning and design separates and isolates people, creating a great many human problems that never before existed. Tomorrow's planning and design must bring people together in human bondship."

Ripa says his goal is to restore the human element in living today. He says his concept applies not only to new towns, such as Rossmoor in Middlesex County which he planned, but to older cities such as Newark and New York.

The planner feels that government and private industry should combine constructing entire new neighborhoods which would consist of housing for persons of different income groups, light industry, shopping and recreation facilities.

These neighborhoods should be self-contained areas that would provide all the necessities and amenities of living, Ripa said.

Some commuting would be necessary and the planner called for construction of a high speed mass transit system that would connect

the new neighborhoods to employment areas outside.

Ripa conceded that even partial implementation of his plan would be expensive.

"But it can be done," he said. "It's simply a question of wanting to do it and then going ahead and doing it."

Ripa said that many planners favor the same approach and see what to them are the quite obvious benefits. The chief task is convincing the politicians and the bureaucrats to use available funds more intelligently and to make additional funds available.

Rippa's firm has been involved in a number of planning projects including urban renewal in Newark and Orange and highways in New Jersey and in many other states.

"The urban renewal work is frustrating at times," he said "You have to do things exactly the way that you're told and you're not permitted to innovate at all."

Because of the paucity of "massliving" projects, Rossmoor is the only one with which Ripa is now involved. Begun in 1965 as a senior citizens project, the community, near the New Jersey Turnpike, is now planned for persons of all ages.

There are now 1,500 families living there and there will be 25,000 eventually. The town will eventually contain all the "massliving" elements, including shops, hospitals and light industry.

RAILROAD STRIKES

Mr. TALMADGE. Mr. President, railroad strikes are rapidly leading to a critical situation in the major poultry producing areas in the United States.

Strikes have already had severe effects on the poultry industry in Georgia, North Carolina, South Carolina, Virginia, and California.

These States supply about 32 percent of the Nation's broilers and 28 percent of the commercial eggs.

Last year, the now idled Southern Railroad alone shipped 1,560,000 tons of corn and soybean meal into Georgia at the rate of 28,000 tons per week. The loss of this source of transportation is creating havoc in the Southeast.

At present, feed inventories are extremely low and are declining daily in these States. This situation is developing despite such emergency measures as leasing all available trucks, operating trucks on a 24-hour basis, rationing feed to farms to a maximum 3 days' supply and increasing to a maximum the rate at which grain is being unloaded from barges.

The situation in Georgia is viewed so seriously that Gov. Jimmy Carter has repealed the weight limits on feed trucks.

The present trickle of grain being supplied to the areas by still-operating railroads is being further threatened by the jamming of railyards by the strikes that currently exist.

If this situation continues beyond the week ending August 7, the number of live birds will have to be reduced to prevent large scale starvation. Some North Carolina broiler processors report feed inventories down 50 percent with supplies adequate to maintain their flocks through only August 4. In Virginia the slaughter of some lightweight birds has already been scheduled for August 9.

With the forthcoming strike of one key railroad into the South the resultant feed shortage would most likely force starvation even before the birds could be slaughtered due to the inability of processors to immediately increase processing capacity.

The imminent feed shortages will further cause havoc with consumer prices. The forced slaughter of lightweight broilers will initially flood the market forcing prices sharply downward. This premature slaughter of broilers will cause supply shortages in ensuing weeks thus raising retail prices.

Under normal conditions, and in the absence of a strike, the average number of birds slaughtered weekly for the next 4 weeks in the States mentioned would be:

Georgia	8,475,000
North Carolina	5,857,000
Virginia	1,256,000
South Carolina	510,000
California	1,667,000
Total	17,765,000

The slaughter to avoid starvation of layers will most likely increase egg prices by 20 percent.

The number of eggs which would normally be produced per week is estimated at:

Georgia	109,000,000
North Carolina	77,000,000
Virginia	23,000,000
South Carolina	24,000,000
California	188,000,000
	421,000,000

Because of the shut-down of the Union Pacific Railroad and the Santa Fe, California, the leading State in commercial egg production with 40 million laying hens is expected to experience a critical feed shortage, since 26,500 tons of feed are required per day for the layers. More than 1 million tons of sorghum were shipped to California by the Santa Fe during 1970.

Yesterday, the Secretary of Agriculture issued a press release indicating the severity of the situation nationwide and pointed out the possibility of "sharply rising consumer prices" caused by shortages of food commodities.

In the Washington Post, July 30, I noted that top union and management officials had been summoned to a meeting at the White House to discuss the economic impact of the 2-week-old railroad strike. Let us all hope that something good will result from this meeting.

Mr. President, I ask unanimous consent that the news release by the Secretary of Agriculture and the article prepared by Mr. Frank C. Porter be printed in the RECORD.

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

RAIL STOPPAGES CAUSING RAPID DETERIORATION IN MOVEMENT OF FOODS

WASHINGTON, July 29.—"Rail stoppages throughout the United States are causing a rapid deterioration of the orderly movement of essential food products from farm to market," Secretary of Agriculture Clifford M. Hardin announced today.

"In many areas of the United States critical problems are arising due to the inability of farmers to move their crops because of the rail strike. The Secretary pointed out that with the Santa Fe railroad scheduled to go out on July 31, nearly all rail movement of agricultural products from California will be eliminated. This comes at the time of peak harvest of fresh fruits and vegetables of all kinds, including lettuce, cantaloups, grapes, pears, peaches, plums and citrus products.

The Southeastern broiler producers, especially in Georgia and the Carolinas, have feed supplies for only a few days.

The wheat harvest in the Midwest is moving into full swing and in many areas wheat is being piled on the ground because elevators are glutted from the lack of rail movement.

The Secretary said that shortages of certain food commodities will begin to appear in some markets and that as additional railroads go on strike this could become extremely serious and result in sharply rising consumer prices.

"This tie up of rail transportation is having an adverse effect on our farm exports which are essential to our international balance of payments. This comes, unfortunately, just at the time when we have been able to get our farm exports to a record high. It will be a long-time problem if we lose important parts of those markets now", the Secretary said.

"Farmers are in a real bind," the Secretary said. "Income from their year's work depends on moving their products to market when ready."

[From the Washington Post, July 30, 1971]

WHITE HOUSE RAIL TALKS CALLED

(By Frank C. Porter)

With six more railroads due to be struck at 6 a.m. today, top union and management officials have been summoned to a morning meeting at the White House to discuss the economic impact of the two-week-old rail strike.

Meanwhile, prospects for a labor settlement in the steel industry brightened substantially. Despite a news blackout on the steel talks here in Washington, it was learned that the cost-of-living issue has been resolved.

The White House cited "the increasing economic impact arising from the continuation and expansion of the railroad strikes" in calling the 9 a.m. meeting.

Although President Nixon is not expected, attending for the administration will be George P. Shultz, director of the Office of Management and Budget, Chairman Paul W. McCracken of the Council of Economic Advisers and Secretaries James D. Hodgson of Labor and John A. Volpe of Transportation.

Also attending will be Assistant Labor Secretary W. J. Usery Jr., who has been mediating the railroad dispute, George A. Lincoln, director of the Office of Emergency preparedness, and Arnold Weber, Shultz's assistant.

The cost-of-living issue long had been viewed as the biggest single stumbling block to a steel settlement. The United Steelworkers of America had won an unlimited cost-of-living escalator in the can and aluminum industries and with some copper companies. And the union had indicated it would take no less from steel.

But there had been talk that some of the steel companies—particularly U.S. Steel Corp., the industry's largest—wanted to put a ceiling on cost-of-living pay increases.

Although details were lacking last night, presumably the union won an unlimited escalator that would award a penny an hour for every 0.4 per cent increase in the government's consumer price index.

Even so, U.S. Steel was banking its big blast furnaces at Gary, Ind., and other firms were following suit in anticipation of a strike at 12:01 a.m. Sunday.

On the other hand, the steelworkers union scheduled a 10 a.m. meeting today at the Shoreham Hotel of its basic steel industry conference, a committee of several hundred

regional and local leaders with power to ratify any tentative agreement.

Whether the meeting was called to advise the members of the status of the talks or in anticipation of an actual agreement could not be determined.

The cumulative effects of the rail strike are beginning to paralyze sections of the country.

Ford Motor Co. announced in Detroit that it will close three assembly plants next week because of a parts shortage caused by the strike.

The Chicago assembly plant, which was to have begun production of 1972 cars next Tuesday, will be closed, idling about 3,300 employees.

The St. Louis plant will stop production of 1972 models, affecting 2,800 workers, and the Kansas City plant, which still is building 1971 cars, will lay off 2,500 employees.

California's Gov. Ronald Reagan wired Transportation Secretary Volpe that agriculture losses in his state now total $11 million a day and if the tieup continues, more than 100,000 Californians will lose their jobs.

Other sources said that with the shutdown of the Atchison, Topeka, Santa Fe—scheduled for today—farm shipments from California will virtually be cut off.

Gov. Tom McCall of Oregon also wired Volpe. He said the combined effects of the rail and West Coast Longshoremen's strike leave his state "facing a shattering compound of potential economic ruin unlike anything in its history."

Talks between the nation's railroads and the United Transportation Union resumed at the Labor Department yesterday afternoon under the mediation of Assistant Secretary Usey, but no progress was reported.

Hodgson has said the government won't go to Capitol Hill for a legislated settlement until all hope for a voluntary settlement is abandoned and the impact of the strike on the national economy becomes intolerable.

The UTU, which is resisting work rule changes sought by management, struck the Union Pacific and the Southern Railway two weeks ago and the Southern Pacific and Norfolk & Western last Saturday.

Scheduled to be struck today in addition to the Santa Fe are the Duluth, Messabe & Iron Range; Elgin, Joliet & Eastern; Bessemer & Lake Erie; the Alton & Southern and Houston Belt & Terminal.

Further strike notices have been filed for five more roads Aug. 6 and another three on Aug. 11.

NURSING HOME PROBLEMS

Mr. MOSS. Mr. President, last month the President of the United States took notice of the problems that confront older Americans and pledged the support of his administration in their solution. The primary thrust of the President's speech as reported in the press was the need to upgrade by withholding funds from substandard nursing homes which he described as "symbols of tragic isolation and shameful neglect."

Mr. President, during my 8-year tenure on the Senate Special Committee on Aging I have presided over more hearings into nursing home problems than any other Member of Congress. I have sponsored major remedial legislation which had the purpose of raising standards of care and providing safer and more adequate facilities for the nursing home residents. In the current series we have held 15 hearings and contemplate a few more prior to issuing our report to Congress. This report currently under preparation not only covers our hearings during this last year and one-half, but covers a 10-year time frame from the creation of the Committee on Aging until the present.

One of the things I have learned with certainty during this period is that there is no one easy solution to the problems found in the nursing home industry. While I am greatly pleased to have the President's expression of concern, I do admit to some uneasiness because of his remarks.

There is little doubt at this point that the administration has had a poor record on the issue of aging, so much so that I was moved to comment in April of last year that the elderly apparently rank in Mr. Nixon's priorities just above raising funds for the Democratic National Committee. Few of us who follow the needs of the elderly will soon forget the statements by administration spokesmen early in 1969 announcing a policy of shifting the Federal focus from care of the aged to care of young people. More recently the Committee on Aging has taken great exception to efforts to downgrade the administration on aging and with some important aspects of the planning for the forthcoming White House Conference on Aging.

This administration has also ordered the step-by-step dismantling of the medicare nursing home program—extended care facilities—in the most arbitrary fashion possible with new regulations resulting in retroactive denials of claims. More recently the administration has taken a position incorporated in House passed H.R. 1 to cut the cost of nursing home care under the medicaid program.

It does seem that the administration, by seizing upon the incendiary issue of substandard nursing homes, is playing on the fears of the elderly; it is what seems to be a trademark of this administration, making highly visible gestures to give the appearance of doing much while in reality doing little.

I make it clear that I am not in favor of the existence of substandard nursing homes. Everyone, including the American Nursing Home Association, applauded Mr. Nixon's pledge to withhold Federal funds from substandard institutions. At the same time I favor fiscal responsibility and do not believe we should tolerate duplicate medicare-medicaid payments or payment for unnecessary services. I am, however, very much in favor of high standards of care serving the needs of the infirm elderly. I am also in favor of integrity in Government. When the Government solicits the participation of a private industry in partnership with Government as we did in medicare then, it seems to me, the Federal Government at the very least owes the obligation of fair play.

Essentially, I am expressing my concern that the President's remarks under the pressure of a possible $33 billion deficit might signal arbitrary cutbacks in the medicaid program. Again there is evidence of this in administration-backed section 225 of last year's social security bill and this year's in section 207 with the same purpose—to limit Federal costs under the medicaid nursing home program. If cost saving is the intent of the administration, let them state their purpose openly instead of hiding behind the pretense of eradicating substandard nursing homes. In my judgment the improvement of our nursing home system will be a complicated and perhaps expensive proposition. Accordingly, I will watch carefully for whatever developments are forthcoming from the White House and from the Secretary's office.

I certainly hope there is no basis for my fears and that the Secretary of HEW will announce a railroad approach to identifying and eradicating the substandard nursing home. In all candor, however, let us admit that the nursing home problem, dramatic and serious as it obviously is, is just one of the many urgent problems facing the aged.

There are at most 1 million older Americans in nursing homes. Perhaps the majority of these receive adequate care. A far greater need—affecting in all probability 16 million out of our 20 million elderly—is the need of more substantial income. Secondly, medicare still only covers 47 percent of the health needs of the elderly. This problem affects almost all of our 20 million elderly and yet the President did not, to my knowledge, announce firm support for broadening the scope of medicare coverage. I could also mention housing. The Committee on Aging cites a projected need for 120,000 federally assisted units a year for the elderly and our current building rate is 41,000 federally assisted units. Some 6 million elderly continue to live in substandard housing. The President did propose his revenue-sharing plan as the solution to rapidly accelerating property taxes which because of their regressive nature rip into the fixed incomes of the elderly. Our current rate of inflation under the Nixon administration is about 6 percent and yet there was no reference by the President of any concrete plans for improvement.

All in all, many of us who have been identified with aging and the problems of the aged are delighted that the President has now spoken out on these important issues. There is much to be done if the White House really intends to make the effort. Time will be the judge of Mr. Nixon's performance. I fervently hope that our older Americans will not be found a year from now with an amplified collection of broken promises.

HOUSING FOR THE POOR AND THE ELDERLY

Mr. HART. Mr. President, for the past several years, much of the Nation's rhetoric has revolved around the call "to change national spending priorities."

Over that same period of time I have received many pleas from communities and individuals asking that housing for the poor and elderly be built in their communities, pleas which give human meaning to that rather sterile-sounding political rhetoric.

In an effort to help where I could, and at least to find out what chance each application had of being funded, I asked for a status report on the projects.

On July 22, the Department of Housing and Urban Development informed me by letter that in Michigan—

We have pending applications for approximately 10,000 units of housing with a present target allocation of 2,400 units.

That information was in line with informal estimates given my staff previously that only about one-third of public housing applications from Michigan communities would be funded this fiscal year.

That gap between the demand and the money made available by the administration for public housing programs represents a losing effort to meet the need for such housing.

It is my understanding that the administration plans to use only $207 million of the $417 million of contract authority available for this program.

As a result, only 2,400 units of the Michigan demand of 10,000 will be funded. And the number of requests will grow as new applications are received.

If the full amount were used and allocated on the same basis as now planned, 4,400 of Michigan's 10,000 units could be funded.

That is still not enough, but it could spell the difference between reducing the backlog of unfunded applications or letting the number increase.

We may be told that to spend more on public housing will add to the budget debt and to inflationary pressures.

It is my guess that the unemployed construction workers around the country might question the fairness of that argument.

Equally important, because of planning and construction time, probably less than half of the funds would be spent this fiscal year.

And there are better ways to cut Federal spending. The national interest would be served better by spending $400 million for housing than by spending more than $70 billion on the Pentagon, $1 billion for antiballistic missiles or $100 million for a space shuttle system.

If a budget deficit is the big concern, I suggest the administration reduce its $3-billion tax break for industry rather than ask the less affluent and the elderly to wait still longer for decent housing.

It is interesting to note, I think, that these programs are sought not by large cities alone. A quick check of my files shows I have received requests for assistance from these Michigan communities:

Detroit, Trenton, Muskegon, River Rouge, Royal Oak Township, Traverse City, Greenville, Hancock, Lincoln Park, Marquette, Mount Pleasant, Clinton Township, Flint, Hamtramck, Inkster, Escanaba, Sumpter Township, Baldwin.

Grand Rapids, Southfield, L'Anse, Ann Arbor, East Tawas, Negaunee, Garden City, Munising, Evart, Ironwood, Melvindale, Lapeer, Gladstone, Ishpeming, Ypsilanti, Ferndale, Roseville, Sault Ste. Marie, and Gladwin.

It is my hope, then, that the administration will hear the appeal of each of these communities, and of all the communities in other States which have applied for public housing funds, and, hearing the pleas, will heed them by releasing the unused contract authority.

CARGO THEFT: A NEED FOR PROMPT ACTION BY CONGRESS

Mr. WILLIAMS. Mr. President, on July 7, I addressed the Members of this body on the present, drastic situation faced by this Nation with the mounting cargo theft being experienced at our airports. I mentioned then the opportunity we have in the presence of Senate Joint Resolution 54, to alleviate this problem, which is extremely serious at the airports in the New Jersey-New York metropolitan area.

A comprehensive article entitled "Washington Mounts Fight Against Freight Loss and Damage" was published in Traffic Management, which I bring to the attention of Senators at this time. Among other things, the author points up some of the more salient problems involved which provide an overview to the situation. The author points out that a major handicap to mounting a coordinated attack is the presence of responsibility in numerous bodies, but accountability for the attack in none of them, be they carriers, shippers, or law enforcement agencies. He warns, ominously, that we may be seeing now only the "tip of the iceberg" because reliable statistics on the causes of loss and damage are simply not being maintained by the industry.

This article stresses the need for Congress to take the initiative on this problem. But the point was driven home even more emphatically on the 6th and 7th of July, at a conference sponsored by the Department of Transportation and the Transportation Association of America. At that time, those who are most affected by cargo theft, the carriers and shippers, were unable to agree on what steps must be taken to bring a halt to the increasing loss and damage they are experiencing.

As the esteemed Senator from Nevada (Mr. BIBLE) stated when he introduced his bill, S. 942, to establish a Federal Commission on Security and Safety of Cargo:

> Losses, thefts and pilferages have produced inestimable damage . . . the question is: What shall we do to bring about immediate reform?

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:

WASHINGTON MOUNTS FIGHT AGAINST FREIGHT LOSS AND DAMAGE

(By Lawrence M. Lesser)

The federal government has launched a massive attack on the growing frequency of loss and damage to freight shipments in interstate commerce. Numerous federal agencies, the Congress, as well as many private organizations, are involved in the fight, which is costing American business more than one billion dollars a year!

The Senate Select Committee on Small Business, for example, estimated that in 1969 these losses cost the trucking industry approximately $828 million, the railroads about $210 million, ocean shipping companies more than $170 million, and U.S. airlines from $50 to $100 million. These figures are conservative, since competitive conditions often force shippers and carriers not to file claims or report all losses.

The small businessman, whether he be a carrier or a shipper, naturally is hardest hit when goods are damaged or missing. Unlike a large corporation, he can't afford the heavy paper work, delay and lengthy litigation often necessary in order to collect a claim. Moreover, if too many of his shipments are lost or arrive in damaged condition, he may lose his customers, his market, and even may be forced out of business.

GOVERNMENTAL ACTION

In order to help the businessman fight this problem, Washington is moving on several fronts. Here is a rundown of government activities dealing with loss and damage in transportation.

Congressional investigators are inspecting transportation facilities throughout the country in an effort to find out who is responsible and what can be done to reduce the rise in freight theft and damage.

Two congressional committees are probing into the causes of property damage and crime in transportation.

The Treasury Department has set standards for the handling, storage and owner identification of international cargo, and has required bonded warehousemen, customhouse brokers and carriers to submit lists of their employes.

The Interstate Commerce Commission and the Civil Aeronautics Board are conducting investigations into loss and damage, and both agencies will require carriers subject to their jurisdiction to submit detailed reports of all claims filed.

Senator Alan Bible (D.-Nev.), chairman of the Senate Small Business Committee, has sponsored legislation to establish a Commission on Security and Safety of Cargo that would develop long-range solutions within two years; the bill also would require ocean carriers to submit quarterly reports to the Federal Maritime Commission on lost or damaged cargo. And before the commission completes its work, the measure would require the Secretary of Transportation to issue regulations for the security and safety of freight by all modes.

TREASURY REGULATIONS

The new Treasury regulations, which became effective April 1, should have some immediate impact on the safety of cargo. They require district directors of Customs not to grant a permit to unlade cargo unless the terminal provides secure storage for freight with a high value-to-weight ratio or for cargo packages that have been opened.

Second, when a district director finds that a particular terminal area has a high incidence of theft or pilferage, he is directed to require the broker or consignee to fill out a prescribed pickup form which certifies a particular trucker or other agent to receive the merchandise. The district director can refuse the release of merchandise from Customs custody until the delivery is completed and verified under the supervision of a Customs officer.

Third, district directors are authorized to require carriers and proprietors of bonded warehouses to submit written lists containing data on all persons employed by them in the unlading, carriage, receiving, storage or delivery of imported merchandise, and to demand from customhouse brokers a list of all employees. A requirement for issuance and display of photo-identification cards within areas where there is a high incidence of theft and pilferage is still under review within the Treasury Department.

Unfortunately, the Treasury regulations deal only with commerce under Customs jurisdiction, which generally is limited to air-

ports and seaports. The new directives do not cover the vast number of truck terminals, railroad yards and freight distribution centers throughout the United States where loss and damage to freight is an even greater problem.

The major handicap to mounting a coordinated attack is the widespread responsibility among carriers, shippers and law enforcement authorities for protecting cargo. Everyone is responsible, but no one is accountable.

Thus, Congress investigative and legislative activities are of the greatest potential significance for the formulation of long-term solutions. Next to the President, the Congress is the only body in the nation that can bring all concerned parties together to develop solutions. Recent hearings helped to focus national attention on the problem of theft and damage and have gotten people thinking about possible preventive measures.

CARGO SECURITY COMMISSION

The Commission that Senator Bible proposes would cover all phases of the distribution cycle and would rely on shippers, carriers, labor and government for input. "This is a complex, technical area," says an aide to the senator. "Let the shipper and the carrier have his input and come up with recommendations. Whether they involve legislative, regulatory or operational suggestions, you've got to get in and grapple with it. This bill gives them the opportunity to do so."

The proposed Cargo Security Commission would be charged with the following duties:

Define the causes and scope of the problem.

Evaluate methods to deter crime and damage.

Exchange data with the various carriers.

Study and evaluate present carrier liability limits and the adequacy of such limits.

Develop a uniform loss and damage reporting system by the different modes.

Create physical facility security standards and encourage voluntary acceptance by the various industries involved.

Evaluate the need for a federal licensing and/or identification system of all individuals engaged in cargo handling.

Complement programs of the different modes.

The proposed 10-member commission would contain air, truck, rail and water carrier representatives, two representatives of the cargo handlers labor organizations, one shipper representative and representatives of the Attorney General, Secretary of Transportation and Secretary of Commerce. Additional advisory members would come from the insurance industry, the regulatory commissions and other government agencies.

Loss and damage actually is a very broad area that encompasses theft, crime, pilferage and hijacking of freight. It also includes delay, concealed and visible damage, heat or cold and water damage, wreck, fire and catastrophe.

Just how far does the measure of loss extend beyond the actual value of the goods?

As one witness told the Senate Small Business Committee:

". . . The losses suffered by some of these firms have had an extremely serious impact on their business. The direct financial losses are only the most obvious consequence. Insurance rates have been increased. Some policies have been canceled. But even more important is the fact that business and profit opportunities have been lost, sometimes forever."

The hearings also revealed that attempted theft and pilferage may be a major cause of damage to freight.

LACK OF STATISTICS

Getting a solid grip on the problem is impossible today because none of the carrier modes maintain records of the causes of loss and damage. "Somewhere along the line, this area has to be covered," says a Small Business Committee investigator. "We can't tell how big the problem is till we find hard statistics."

Beginning with the third or fourth quarter of this year, the ICC and CAB will require large motor carriers and airlines to submit uniform quarterly reports of cargo loss and damage claims. The claims will be reported in the order they are filed and will be combined in dollar amounts by type of shipment, cause of claim and, as far as practical, the location where the incident occurred.

So far, the FMC has balked at imposing a similar requirement on the maritime industry, but Senator Bible's bill would also require ocean carriers to file reports.

What about the railroads, freight forwarders, water carriers and pipelines subject to ICC jurisdiction? Will they be required to submit reports on loss and damage claims?

"Certainly, if we put a requirement on the motor carriers, it will naturally follow that we'll do the same with the other modes," says Howard Domingus, assistant director of the ICC's Bureau of Accounts. "Once we get the first mode finalized, we'll follow right through with the others, with the possible exception of the pipelines, which don't have the same loss problems . . ."

Both the ICC and CAB also are probing all facets of the loss and damage problem, including limits of carrier liability, carrier claims-handling practices and statutory authority of the agencies to monitor loss and damage claim practices.

Surface carriers voluntarily set rules governing loss and damage claims. They are not contained in tariffs on file with the ICC. And although many shippers think otherwise, the ICC has no authority to settle individual claims between shipper and carrier. The only recourse a shipper has is to go to court.

Legislation has been introduced in Congress for several years now that would reimburse shippers for reasonable attorney's fees if they are successful in a suit brought against a carrier for loss and damage. Last year, the measure passed the Senate but died in the House as the 91st Congress ended. The bill now has been reintroduced.

The ICC investigation, Ex Parte 263, was initiated in response to complaints from shippers regarding a move by railroads, truckers and freight forwarders to limit their liability after Aug. 1, 1969 to not more than 50% of concealed damage. The rails supposedly withdrew their rule in Jan., 1970, but shippers claim that railroad agents still follow the philosophy imbedded in the rule.

More than half the complaints the ICC receives against carriers concern loss and damage claims. In 1969, the Commission received approximately 7,000 such complaints—up from 4,000 in 1968 and 2,500 in 1967.

Nearly all the complaints involve alleged failure by carriers to acknowledge that a claim exists, to answer inquiries regarding the status of a claim, or to settle one within a reasonable time. Shippers estimate that *concealed* damage claims alone total between $30 million and $50 million a year for all ICC-regulated carriers.

There are four fundamental questions involved in this proceeding:

Does the ICC have authority to investigate or consider this concealed damage matter?

Does the Interstate Commerce Act require procedures under Section 5(a) to relieve carrier groups of liability from the antitrust laws?

Have the carriers received 5(a) approval from the ICC sufficient to cover their joint action to limit their concealed damage liability?

Do the tariff-publishing requirements of the Act require that concealed damage claims rules of the carriers be filed in tariffs with the ICC?

SHIPPER VIEWPOINTS

The importance of this investigation to shippers and to business generally is underscored by the active participation of nearly 1,700 parties, including 193 members of Congress. Here are some shipper comments:

J. A. Boyd, president, Florida Furniture Dealers Association, Inc.: "It is time for a neutral source to intercede to work out more satisfactory rules and regulations for all on concealed damages and claims generally."

W. W. Clifton, traffic manager, Hastings Potato Growers Association: "We believe procedures are presently available with which claim procedures could be improved considerably, provided such procedures are made applicable to all regulated carriers and are fully and properly complied with."

James E. Ourand, manager, traffic and warehousing, Black & Decker Manufacturing Company: "Establishing reasonable procedures that would reduce the cost of processing claims would, in our opinion, significantly mitigate the loss and damage claim problem."

Four major meat shippers, George A. Hormel & Co., Oscar Mayer & Co., John Morrell & Co. and the Rath Packing Co., have suggested that the ICC require carriers to adopt the following measures with regard to loss and damage claims:

Pay interest at the prime rate on all claims for which they are liable.

Acknowledge receipt of each claim in writing within 15 days.

Investigate all claims to determine whether to acknowledge or deny liability.

Either acknowledge or deny liability in writing within 120 days after receiving the original claim, where possible.

On each claim, maintain a separate file which contains all documents and writings relating to the claim.

Pay claims within 14 days after acknowledging liability.

In case of failure to pay, allow shippers to deduct the full amount of the claim with interest, from any freight charges owed to the carrier.

Another major cause of damage, particularly to furniture, is rough coupling of railroad cars in freight yards. Addressing the annual meeting of the Freight Claims Division, Association of American Railroads in St. Louis, Mo. last May 19, R. C. Grayson, president and chief executive officer of the St. Louis-San Francisco Railway Co., told his fellow railroaders:

"If two space ships can be gently docked together while orbiting the moon at a speed of thousands of miles per hour, there ought to be a way to eliminate rough coupling in a railroad yard."

AIR CARGO LIABILITY

Like tariffs on file with the ICC, airline tariffs do not contain carrier rules relating to handling of claims. Shippers charge that the lack of uniformity, both in these rules and in carrier interpretations, is a source of constant irritation to them.

Air cargo liability limits are set by law, however; therefore, they do appear in tariffs on file with the CAB. International limits are set at $7.50 per pound for nearly all world airlines by the Warsaw Convention of 1929.

Liability on domestic traffic is limited to 50 cents per pound, not to exceed $50 per shipment, unless the shipper declares a greater value on the air bill when he tenders the shipment to the airline.

Many shippers are not aware of the limitation on liability for air shipments, even though the law presumes that the shipper knows. Neither are the airlines under any obligation to inform the shipper that their liability is limited or that the shipper can be covered for a greater amount by declaring a greater value to his shipment and by paying 10 cents per $100 value over the regular limit.

The CAB investigation, Docket 19923, may provide answers to the following questions:

What is the extent of the CAB's authority

over airline practices relating to cargo liability, loss and damage?

Should the CAB require U.S. airlines to inform shippers of existing liability limits as well as the fact that shippers can elect to obtain greater coverage?

Are present domestic and international cargo liability limits adequate or should they be raised?

The scheduled airlines recently conducted their own study of carrier liability rates and concluded that present rates are adequate and should not be raised.

The Senate Small Business Committee, however, examined the study and found it inadequate. The Committee said the airlines failed to support their conclusion, adding that it was obvious from the number of complaints to the CAB that shippers felt present liability rates were too low.

The Committee also felt the airlines should be required to inform a shipper, at the time they receive his cargo, of the rate of liability and the means by which he can obtain increased coverage. (See box containing recommendations of Senate Small Business Committee.)

WHO IS RESPONSIBLE?

The two key questions with regard to loss and damage are: (1) Who has and who should have primary responsibility for protecting cargo against theft or damage? (2) Where does management responsibility end and public responsibility begin?

Carrier managements claim that despite increased security and protective devices, they cannot solve this problem without help from public law enforcement authorities. Shippers and congressional investigators counter that the carriers have not done all they could to assure safe transport of property, and have the pictures, which this reporter has seen, to prove it.

"In my judgment, these hearings over the last two years have brought out one fact crystal clear," says Senator Bible. "That is that the airlines, the trucking and the maritime transport industries must come to grips with this problem before it overwhelms us. Government agencies, likewise, must provide more affirmative attention than they have in the past."

As the senator stated when he introduced his bill to establish a Federal Commission on Security and Safety of Cargo:

"Losses, thefts and pilferages have produced inestimable damage in cargo. This is no longer a matter of dispute. The question is: What shall we do to bring about immediate reform?"

FINDINGS OF THE SENATE SMALL BUSINESS COMMITTEE

1. A uniform system of quarterly reports on damaged, lost, missing and stolen freight for all modes is the first step in mounting effective strategies of either prevention or apprehension.

2. The Department of Transportation, in conjunction with other federal agencies, should prescribe regulations establishing packaging, labeling and documentation requirements for property transported in interstate or foreign commerce.

3. The Civil Aeronautics Board should require all air carriers to inform the shipper of the carrier's rate and limit of liability, and the fact that the shipper can, by making appropriate declaration, obtain increased liability for his shipment. The carrier should have the shipper sign a document acknowledging receipt of this information and indicating acceptance or rejection of increased liability.

4. Concerned federal and local agencies should approach the problem on an intermodal basis by considering the truck, rail, air and maritime transport chain together.

5. Efforts of the private sector to deal with crime, theft and damage in transportation should be encouraged, promoted and aided by federal cooperation.

6. The efforts of the carriers, who have primary responsibility for the safety of goods in transit, should be recognized as a matter of high public interest and concern.

7. The DOT should take a more affirmative approach in dealing with this problem and eliminate the "rhetoric and vacillation now apparent."

8. Statutory authority should be granted to the Secretary of Transportation to establish, in consultation with other government agencies, minimal physical security standards at all U.S. airports, seaports and terminals.

9. Criminal data collected under the proposed recommendations should be submitted to the Department of Justice for analysis, research and recommendations for additional statistics as needed.

10. Federal agencies should submit legislative recommendations to Congress where greater statutory authority is required.

RECORDING FOR THE BLIND, INC.

Mr. TUNNEY. Mr. President, Mary Jane Cummings is a 22-year-old graduate of the University of Texas at Austin. She was the valedictorian of her class and maintained a 3.8 average.

Linda Edwards is a 23-year-old graduate of the Idaho State University where she had the highest average in her graduating class.

Ann Marie Pasquale was graduated from the Catholic University of America in Washington, D.C., with a near perfect 3.9 average in East Asian languages.

These three girls share much in common. They are all very young and very bright. They have all achieved significant academic honors throughout their college careers. They all have very promising futures. And, they have all been blind since birth.

They are just a few of the thousands of people who benefit from the work done by an organization know as Recording for the Blind, Inc., a national nonprofit organization which records and circulates textbooks and educational materials free of charge for any visually handicapped student or adult seeking an education. Blind students in elementary schools, high schools, colleges, and graduate schools as well as professionals from many fields require educational materials in pursuit of their vocations.

The nucleus of Recording for the Blind, Inc., are the volunteers whose work provides hundreds of visually handicapped men, women, and children with a comprehensive national circulating library of recorded educational material for the free use of anyone who, because of visual or physical impairment, cannot read.

There is no comparable storehouse of up-to-date recorded academic literature anywhere in the world. Recording for the Blind, Inc., not only records new books on request but retains a master tape of every book it records and, from its master tape library, supplies individual taped copies to any number of future borrowers. No other educational resource encompasses the exhaustive range of highly specialized recorded texts required by blind persons determined to maintain themselves in an increasingly specialized society.

Recording for the Blind, Inc., handles thousands of requests annually. When a visually handicapped student or professional is in need of any material, he makes a request through one of the local RFB units. A volunteer reader will then record the textbook for the student unless it has previously been recorded and is in the master tape library. He will then be supplied with a tape recording of the requested item.

All of the reading is done entirely by volunteers who have passed voice tests and have been trained in standard recording procedures at one of 17 recording units in cities across the country.

All of the tapes are provided free of charge. Last year in the State of California, 839 blind students benefited from RFB's services; 282 in Los Angeles County alone. Three hundred and sixteen books were taped and distributed. A total of 6,147 hours of work went into the recording of these books.

As of June 1971, RFB's master tape library contained 14,562 titles covering a broad spectrum of human knowledge. The Los Angeles unit of Recording for the Blind has six soundproof recording and monitoring booths. While a book is being recorded a monitor is also present to check the quality and the accuracy of the reading. In addition to the 356 volunteers in Los Angeles there are over 300 in San Francisco and over a 100 in Pomona who record texts and perform various other duties. The units are supported solely by contributions. There are no endowments.

Mr. President, were it not for the efforts of Recording for the Blind most blind students would have no hope of being able to compete on even terms with others both in college and in business. RFB's efforts have shown that blindness is no barrier to success. Whether it be in the law, teaching, psychology, business, social work, electronics, journalism or agriculture, it is difficult to find an area of endeavor too difficult or too challenging for an ambitious blind person to overcome.

I commend the work done by Recording for the Blind. I regret that more people are not aware of the tremendous efforts that are being made on behalf of the visually handicapped members of our society. All of us can benefit from observing the determination and the courage that is exhibited by the blind. All of us can learn from the strength that these people show in pursuit of their goal—and opportunity to compete with sighted persons and live a life of participation and dignity.

All of us can learn from the sacrifices of time and effort that many have given so that recordings might be available to the blind. Because of the efforts of Recording for the Blind, hundreds of men and women have become valuable contributing members of society—and hundreds more will have the same chance.

THE FARM CREDIT ACT OF 1971

Mr. ALLEN. Mr. President, it is with a considerable measure of pride that I reaffirm my support for the Farm Credit Act of 1971, S. 1738. I was a cosponsor

of the bill introduced by my colleague, Senator TALMADGE. As a member of the Subcommittee on Rural Electrification and Credit, I was privileged to attend and preside over a substantial portion of the hearings held on this important piece of legislation.

There is no question that the Farm Credit System is one of the greatest success stories in the history of self-help. The System as we all know was originally founded and capitalized by the Federal Government. The farmers and ranchers who have utilized its services over the years have succeeded in completely retiring the Government investment and the System is now completely owned by the approximately 1 million agricultural producers who presently own some $2 billion in net worth in this System. As many of the witnesses appearing before our subcommittee emphasized, this Farm Credit System has succeeded in helping to overcome one of the traditional problems in rural areas, that of a lack of needed capital. It has served as the mechanism by which the farmers and ranchers in rural areas have been able to tap the central money markets in our economy and in this way have helped to finance the marvelously productive American agriculture of which we are all direct beneficiaries.

Our study of the existing Farm credit law and the proposed legislation revealed conclusively that this updating in the legal charter under which the Farm Credit System operates is badly needed.

During our consideration of this measure certain questions were raised concerning possible unfair competition for the farmer's excess funds between the Farm Credit System's sale of investment bonds and the commercial banks' time deposits.

It appeared to me as we heard testimony on this measure that it might well not be in the public interest to permit the Farm Credit System to sell its investment bonds at a higher interest rate than local banks could offer. Therefore, with the purpose in mind of maintaining a fair and equitable balance between the Farm Credit investment bonds and the time deposits of the commercial banks, I offered an amendment, adopted by the Senate Agriculture Committee, which assures that any Farm Credit obligations issued such as the present Farm Credit investment bond will be subject to the same limitations with regard to rate, amount, and maturity as those imposed on its member banks by the Federal Reserve Board.

In addition, we heard testimony which called for taxation of the Federal land banks. The committee gave these views considerable consideration, and at my request the Farm Credit Administration was asked to answer to the committee in greater detail with respect to the taxation issue. On examination of FCA statements and on reviewing the history of Farm Credit legislation, the committee decided that this matter was primarily within the jurisdiction of the Senate Finance Committee and the House Ways and Means Committee. We, therefore, suggest that those committees undertake a review of the tax obligations these institutions should bear to achieve equitable taxation compared with other lending institutions.

In my opinion, the amendment with respect to the investment credit bond and our careful consideration of the need to review possible inequities in the land bank taxation matter both resulted in a better balance among farm lending institutions.

This is a forward-looking piece of legislation which will permit the system the flexibility necessary to help meet the agricultural credit needs of the future and at the same time will assure that it continues to operate on a sound and responsible basis. It will continue to assure that the agricultural producers in every area of the Nation have access to a good and dependable source of credit to finance their operations.

There are many desirable provisions which serve to recommend this legislation. I would cite two of these provisions as examples. The Federal land banks are presently restricted to lending 65 percent of the normal value of agricultural real estate. There is no question that this was in former times a desirable and necessary limitation. However, these banks have accumulated 54 years of experience and expertise in the farm real estate financing business. The demands of modern agriculture are such that the limitation inhibits the capability of the Federal land banks to render the maximum of credit service to deserving agricultural producers. This legislation removes this unnecessarily restrictive loan limitation.

The second provision to which I will call your attention provides authority for the Federal land banks to finance nonfarm rural housing. Those of us representing rural areas are acutely aware of the need for sources of financing to facilitate the construction of housing in rural areas. Revitalization of our rural areas is an absolute requisite to a solution of the problems confronting our urban areas. The authority provided herein for the land banks to finance rural housing will not by itself accomplish the entire job of rural area development. It will, however, make a modest contribution to that end and the Farm Credit System is to be complimented for its recognition of this problem area and its willingness to make a contribution toward an overall solution.

The Farm Credit System is a tried and true mechanism. The bill before the Congress will permit the system to do an even better job than it has in the past. I am happy to reemphasize my support for the Farm Credit Act of 1971.

ALLEVIATING THE DOCTOR SHORTAGE

Mr. KENNEDY. Mr. President, we are all aware of the health-care crisis facing our Nation, a crisis intensified by the present shortage of 50,000 physicians. Many medical schools receive so many applications that they must turn away individuals who, given the opportunity, could be trained as physicians. I should like to bring to the attention of my colleagues an article titled "Alleviating the Shortage of Physicians," published in the June issue of Science magazine.

The article describes the efforts of the University of Miami School of Medicine to increase their output of physicians. A new program has been set up to accept applicants with a Ph. D. in the physical sciences. After 2 years of clinical training, the Ph. D.'s will be granted an M.D. degree. In addition, planning has been underway to shorten the time required for the total premedical and medical training.

If all medical schools adopted shortened curriculums, hundreds of additional physicians could be added to our health-care system each year, and many qualified applicants who are presently turned down by medical schools would have the opportunity to study medicine.

I ask unanimous consent that the article entitled "Alleviating the Shortage of Physicians" be printed in the RECORD.

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

ALLEVIATING THE SHORTAGE OF PHYSICIANS

(By William J. Harrington, William J. Whelan, Bernard J. Fogel, E. M. Papper)

(NOTE.—Figures referred to not printed in the RECORD.)

The shortage of medical manpower in the United States has been characterized as "the most serious in any major occupational group" (1).

It has been estimated that 50,000 more physicians are needed than are available (2). Among other corrective measures, The Carnegie Commission on Higher Education has recommended a 50 percent increase over the next decade in enrollments in schools of medicine.

At the University of Miami School of Medicine, a program has been designed which will result in a more rapid increase in the output of physicians while implementations of long-range plans are under way. The program is based on the belief that many men and women with a degree of Doctor of Philosophy in a biological science and some with a degree in a physical or engineering science have already fulfilled most of the requirements of the first 2 years of medical school training. A preclinical program of a few months' duration, tailored to individual needs, should bring these exceptionally qualified candidates into our third-year curriculum, enabling them to obtain degrees of Doctor of Medicine within a total period of from 18 to 24 months.

If all 4-year schools of medicine introduced similar programs, several hundred additional physicians could be graduated over the next 2 to 3 years. The cost would be low. And most important, there would be better use of some of our best national talent.

BACKGROUND

The history of medical education in the United States is generally divided into pre- and post-Flexnerian eras. Nonuniformity was replaced by standardization, within the natural sciences, with recognition also of the humanities. While not intended, the gains were priced in a pattern of conformity which was close to stereotype of both medical school and premedical training.

Since the Flexner report (3), and especially over the past 20 years, there have been other reforms, individually less dramatic, but collectively striking. The need for physicians in World War II resulted in an "accelerated program" for medical students. And growing concern on the part of both faculty and students for more flexibility has led most schools of medicine to design multiple options in preparation for professional careers. There is

now broader social as well as technological emphasis. Most schools of medicine have accordingly undertaken major changes in their curricula. These need no reiteration other than to recall the concepts of "core material" and "negotiable time," principles embodied in our own curriculum and readily adaptable to the proposed program.

Sputnik I led to national expansion of advanced education in natural sciences of all forms. For medical schools this thrust was reflected by a decline in the "quality" and in the number of medical school applicants. Both quality and quantity later returned to the previous standards as the pool of undergraduates enlarged. Nevertheless, responses to federal encouragements of the late 1950's and early 1960's are now measured in larger numbers of young graduates with exceptional educations in the sciences and fewer opportunities for their direct use. Recent trends in higher education, cutbacks in federal space programs, the establishment of new priorities for social sciences, and reductions in technologic training programs make it difficult for qualified young scientists to find or retain positions in their chosen fields. Careers in universities are also less secure than they were. Furthermore, the increasing social consciousness of young scientists has attracted them to careers which are directly concerned with the needs of their fellowman. Accordingly, more Ph.D.'s are now applying for admission to medical schools, and larger numbers of undergraduate students who would have pursued a graduate education are seeking entrance; there is more than a 20 percent increase in medical school applicants for 1971. Yet the Ph.D. with proven accomplishments in basic sciences in their most rigorous forms finds himself in competition for entrance into the *first* year classes of most medical schools—a redundancy, with waste of time and manpower.

PROPOSED PROGRAM

Twenty Ph.D.'s with outstanding academic records have been accepted into a special 2-year M.D. program at the University of Miami School of Medicine starting in July 1971.

These 20 Ph.D.'s, 17 men and 3 women, were chosen from the 130 applications received prior to the deadline for acceptances. Their major graduate disciplines are distributed as follows: anatomy (1), biochemistry (2), biology (1), chemistry (1), genetics (1), metallurgy (1), microbiology (3), molecular biology (1), pharmacology (2), physiology (5), and physics (2). Their present occupations range from graduate students just completing their Ph.D., to postdoctoral fellows, to college and university faculty. They range in age from 25 to 35 and come from 11 states across the United States. Four candidates, having minimum biological background, represent a special challenge, but their academic records have convinced the committee that the challenge can be met.

Admission. A special admissions committee of three clinicians and three basic scientists (4) selected the students. In June 1971 each student will take the part 1 test of the National Boards of Examiners, not for licensure credit, but to validate the waivers of courses in which the basic science departments of the School of Medicine judge the candidate already to be proficient. The results of the examination will also aid in the design of curriculum tailored to individual needs. Remedial course work will start in July, and deficiencies in biochemistry, biological structure, and physiology should, in large part, be overcome before the beginning of the regular school year in September.

Curriculum. Our present regular curriculum is diagramed in Fig. 1. The special program is projected for 2 years, this being the maximum time that any trainee should require. It consists of basic and clinical sections. Basic sciences will be emphasized in the period July to November 1971 and will be divided into an initial 10 weeks for remedial courses in biochemistry, biological structure, and physiology, followed by the regular second-year core course, 11 weeks in duration, in microbiology, pathology, pharmacology, and introduction to medicine. At the end of this 21-week period, part 1 of the National Board Examinations will be taken to measure accomplishments in those subjects for which a waiver had not been given. Depending on his performance, the trainee will then be admitted directly into core clinical training or will take additional work in the basic sciences, in a flexible period of up to 24 weeks' duration. Part 1 of the National Boards will be taken for licensure credit in June 1972.

The core clinical training, identical to the present third-year curriculum, will occupy 48 weeks, as follows: 12 weeks of medicine, 12 weeks of surgery, 6 weeks of pediatrics, 6 weeks of obstetrics and gynecology, 6 weeks of psychiatry, 4 weeks of neurology, and 2 weeks of anesthesiology. Students will therefore complete the overall program between November 1972 and June 1973, and will be required to take part 2 of the National Boards in June 1973.

Each student, upon successful completion of his basic science and clinical requirements, will have various options made available to him. He can make up any additional deficiencies which might be required for licensure in certain states; he can enter the regular elective program, or he can be awarded his M.D. degree and proceed immediately into an internship of his choice in this medical center or in other centers with which affiliations have been developed (Fig. 2).

This option would require the acceptance of interns into house staff programs at any time of the year. Participating institutions in this medical center will budget intern positions more randomly throughout the year. Regular commencement exercises are held here in January and June of each year. The award of the M.D. degree could take place at one of these times, or could occur at any time during the year.

COMMENT

The program described above is intended to be retained indefinitely, although the present imbalance in numbers of individuals with advanced degrees in sciences, relative to current national needs, will change. By our proposal, we do not imply any judgment on the extent of the claimed imbalance (5). Whatever its extent, in addition, there will always be candidates, highly trained, who seek a new career.

In various forms, some accelerated programs of a character different from the one proposed here are already established elsewhere (6), and the concept is endorsed by the Carnegie Commission (1).

Planning has been under way for 3 years in the University of Miami School of Medicine, to shorten the time required for the total premedical and medical training (Fig. 2) (7). Our overall planning includes a period of core training, suitable for either an M.D. or Ph.D. route. The Ph.D. to M.D. program described here is a part of the more comprehensive plan.

SUMMARY

A curriculum is described whereby qualified Ph.D.'s can become M.D.'s within a period of 18 to 24 months. It is feasible and logical not only for us, but for other schools of medicine. It is our belief that adequate safeguards have been included to preserve high quality in education while responding to the need not only for more physicians, but also for improved utilization of some of our best-trained manpower.

REFERENCES AND NOTES

1. Carnegie Commission on Higher Education, *Higher Education and the Nation's Health: Policies for Medical and Dental Education* (McGraw-Hill, New York, 1970).

2. Anonymous, "Country's No. 1 health problem: Interview with top Presidential adviser," *U.S. News and World Report*, 23 Feb. 1970, p. 68.

3. A. Flexner, *Medical Education in the United States and Canada. A report to the Carnegie Foundation for the Advancement of Teaching.* Carnegie Foundation, New York, 1910.

4. The members were the chairmen of the Departments of biochemistry, biological structure (Douglas E. Kelly); biology (Leonard J. Greenfield), medicine and surgery (Robert Zeppa), and the associate dean for medical education.

5. L. K. Altman, "Medical school applications up despite lag in funds and space," the *New York Times*, 21 Feb. 1971.

6. J. A. D. Cooper and M. Prior, "A new program in medical education at Northwestern University," *J. Med. Educ.* 36, 80 (1961); P. V. Lee, *Medical Schools and the Changing Times: New Case Reports on Experimentation in Medical Education, 1950–1960* (Association of American Medical Colleges, Evanston, Ill., 1962); W. A. Sodeman, "A cooperative Jefferson Medical College-Pennsylvania State University Program," *Fed. Bull.* 50, 346 (1963); S. P. Asper, Jr, "The training of the physician: Observations on the revised curriculum of Johns Hopkins University School of Medicine," *New Engl. J. Med.* 271, 447 (1964); C. S. Keefer, "The training of the physician: Experiment with the medical school curriculum at Boston University," *Ibid.*, p. 401; R. S. Alexander, "The Rensselaer-Albany medical biomedical program," *Fed. Bull.* 51, 40 (1964); R. G. Page, "The three-year medical curriculum," *J. Amer. Med. Assoc-* 213, 1012 (1970); "Medical school admission requirements, U.S.A. and Canada" (Association of American Medical Colleges, Washington, 1971); "Some recent events of special interest to medical education," *J. Amer. Med. Assoc.* 214, 1484 (1970).

7. E. M. Papper and B. J. Fogel, "The University of Miami school of Medicine's changing patterns of medical education," *J. Florida Med. Assoc.* 58, 28 (1971).

JOHN PROTO

Mr. WILLIAMS. Mr. President, on August 1, Mr. John Proto, one of the foremost labor leaders in the State of New Jersey, will step down as an international representative of the United Steelworkers of America. Happily, he will continue as secretary-treasurer of the New Jersey Industrial Union Council. John Proto has been in the vanguard of the labor movement since the darkest days of the depression, and the working men and women of New Jersey have been the beneficiaries of his energies. I ask unanimous consent that an article, recounting some of Mr. Proto's career, published in the Newark Star-Ledger, be printed in the RECORD.

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

STEELWORKERS ARE LOSING PROTO

(By Tom Gallagher)

John Proto, one of New Jersey's prominent labor leaders, will step down after 28 years as an international representative of the United Steelworkers of America on Aug. 1—the same day a nationwide steelworkers strike has been threatened.

Actually, such a work stoppage would be nothing new to Proto whose entire career in the labor movement has been uncom-

fortably spiced by one upheaval after another.

The likeable Proto's first job was as an apprentice with the Montclair Local 11 of the Bricklayers Union and he worked alongside of Jim McHugh, who has since risen to posts of prominence in his own Bricklayers International.

In 1932, during one of the worst depressions to ever hit the country, Proto was forced to move to the Worthington Pump works in Harrison and begin as an apprentice coremaker at 25 cents an hour.

As he recalls: "When jobs were nonexistent and you and your family still had to eat, believe me, that was big money."

With James Matles, who was later to become embroiled in a losing battle to hold off the raiding right-wing IUE under James Carey, Proto founded the first union at the Hudson County plant—a machinists' lodge—in 1935.

He became a charter member, treasurer and then president, a post he held until 1943 when he organized the plant for the steelworkers of the CIO. He quickly became an international representative with the labor union.

Proto actively supported James Murray who took over the international labor union from John L. Lewis and continued to support Murray's successor, David McDonald, until the latter was ousted by a union vote by I. W. Abel, the current leader of the steelworkers.

Outspoken in his beliefs about unionism, Proto was one of the first to step forward and become active in the move to merge the CIO with the AFL in the mid-1950s.

A staunch Democrat, Proto was bypassed for the post of secretary-treasurer of the State AFL–CIO at its 1970 convention and his supporters claim his political alliances were responsible for his failure to notch yet another success.

Proto harbors no ill-feeling regarding the 1970 convention and remarked:

"One of the biggest thrills in my life was the appearance of former Gov. Robert B. Meyner at my testimonial dinner at Thomm's Restaurant in Newark this past June, although earlier he had sent his regrets."

Although stepping down from his post, Proto is by no means divorcing himself from union activities.

He will continue as secretary-treasurer of the New Jersey Industrial Union Council until his term expires in 1972.

"But I hope to stay in the union movement as long as God spares me and I am permitted to do so." he said.

HOW WELL IS THE NEW JOB SAFETY AND HEALTH LAW BEING ENFORCED?

Mr. PROXMIRE. Mr. President, in a recent Senate speech I noted that job safety and health is an item which deserves priority ranking as our country shifts from a war- to a peace-oriented economy. The working men and women of our country deserve adequate protection against the hazards encountered at their places of work.

More than 3 months have passed since the Occupational Safety and Health Act took effect, authorizing Congress to improve protection for 57 million workers in 4.1 million places of work. Meanwhile, the Senate Appropriations Subcommittee on the Labor-HEW budget has added $10 million to the House figure of $32.5 million for the Department of Labor's OSHA enforcement activities. The Senate subcommittee has also added more than $1.7 million to the House figure of $25.2 million for HEW's OSHA enforcement, activities.

As a member of the Labor-HEW Appropriation Subcommittee, I am delighted that the subcommittee has taken these first steps toward the improvement of working conditions in America. But we must not lose sight of the fact that there is much more that can and should be done. As Assistant Labor Secretary George Guenther recently said:

Despite the fact that wage levels in many foreign countries are lower than U.S. wage levels, my experience in the international safety movement is that, in many countries, safety conditions and health conditions in work places are at least as good and in some places are better than those that exist in the United States.

We cannot be proud of a situation which places the working people of America below the standards set by people in other countries. It is the responsibility of Congress to change the situation.

I ask unanimous consent to have printed in the RECORD the Guenther interview by Press Associates editor, Harry Conn, from which the preceding quotation was taken; also recent statements by United Steelworkers President I. W. Abel and AFL-CIO President George Meany, which indicate that there is considerable apprehension among labor leaders about the way OSHA has been enforced. There is probably no other legislation today which so directly affects so many working men and women at their jobs. For this reason, I commend the following materials to the attention of the Senate.

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

LABOR DEPARTMENT'S SAFETY ROLE DEFENDED BY OSHA'S GUENTHER

(By Harry Conn)

WASHINGTON.—Last December organized labor achieved a long-sought goal in the passage of the Occupational Safety and Health Act of 1970.

The law went into effect, officially, on April 28.

Now, after almost three months of operation, there is growing concern within the trade union movement over many facets of the administration of the law by the Department of Labor and the Nixon Administration.

Spokesmen for labor see the program as lagging, under-budgeted, business-oriented, and without union participation. One union leader charged the Act is "in danger of becoming a hoax".

To examine these concerns and charges Press Associates held a one-hour, wide-ranging interview with Assistant Secretary of Labor George C. Guenther, director of the Labor Department's Occupational Safety and Health Administration (OSHA). Following are major excerpts from that interview:

SELECTION OF COMPLIANCE OFFICERS

Question: How many people with trade union background have been selected as compliance officers?

Guenther: In order to start the program, organized labor and everyone expected us to get into motion as fast as possible. If you or anybody else were asked to get a program involving a considerable amount of technical expertise into action fast, the first thing you would do is go out and get technical experts. This we have done.

We have been hiring in for our compliance staff, which consists of safety engineers having specific educational backgrounds in the professions. We have safety officers with equivalency experience but without the specific educational background required.

We certainly expect that while most of the applicants we have received from the AFL–CIO have not got the expertise we need at the moment, it is clear that from those ranks will come quite a few compliance officers as we develop our in-house training program.

Question: What is the educational level you are insisting upon for safety engineers?

Guenther: For safety engineers, a four-year engineer's degree.

Guenther: At this point in the time we would you be hiring in comparison to safety officers?

Guenther. At this point in the time we don't have the answer to that question. (He promised to furnish it later. These statistics showed that as of July 1, 1971 there were 331 compliance officers either at work or in training. Of these 15 were hygienists. There were no so-called safety officers listed.)

SAFEGUARDS AGAINST OCCUPATIONAL DISEASE

Question: There is concern about the small number of hygienists that have so far involved in compliance officer training. This is related to apprehension over the environmental aspects of this program.

Guenther: We are very much committed to increasing our capabilities in the hygiene and industrial area. At the present time we have at least one senior hygienist in each of the ten regional offices. We are just now in the process of re-evaluating our new hiring plans.

We are operating on stand-by appropriations. At the present time we are kind of in an off period in terms of hiring but we will be increasing our staff by some 400 persons in 1972 and in constructing guidelines for planning. One emphasis is on the industrial hygiene capabilities of our staff. So we will be adding some to those this year.

Question: Will hygienists be in large numbers?

Guenther: That's a little hard for me to answer. As you know, we are a decentralized operation and we are giving our regional administrators a good bit of leeway in terms of decision-making . . . We are asking them what they think they will need . . . we clearly need a number of industrial hygienists and we are going to be going after them.

Question: In the Moundsville, West Virginia chlorine plant situation, you issued the first OSHA citation on mercury hazards. Did a hygienist inspect the plant or was it one of the compliance officers?

Guenther: It was both. We sent a hygienist and a compliance officer to the plant.

Question: You know the union (Oil, Chemical and Atomic Workers) claims that the inspecting officers wore respirators to go into the chlorine room in connection with the mercury charge . . . If an inspector has to use a respirator to go into a room where people without gas masks are working eight hours a day without this protection, isn't that a cause for quicker and further action?

Guenther: My first comment is that I am not intimately familiar with all of the precise details of what went on in the course of our inspection in Moundsville. With regard to the particular case you cite, I believe it was considered by our compliance officer to be a routine matter to use a respirator for that type of an inspection.

I am informed that apparently there was some kind of temporary (chlorine) condition that existed there. However, in subsequent visits we went to great lengths to investigate for chlorine exposure; if my knowledge of the inspections is correct, I believe we found no such exposures . . . It is our judgment that imminent danger did, in fact, not exist . . .

NATIONAL ADVISORY COMMITTEE

Question: Why has the National Advisory Committee not actually been instituted so far in the program?

Guenther: We have experienced typical pains of bureaucracy in attempting to name members of the advisory committee. We are today in the final clearance process for the advisory committee. We consider it a most important group.

Question: From the people I have talked to, in the initial stages of a new agency like OSHA, when it is being set up, it is important that all voices be heard, labor and management. They are now being deprived of that voice in the formative stages.

Guenther: As to the general principle you have stated, I am in complete agreement. We have, however . . . , made it our business to consult broadly with labor and management and there is a variety of other interested groups. (Editor's note: One week after the interview, the National Advisory Committee was instituted.)

TRAINING PROGRAM CONTROVERSY

Question: I have heard union complaints about the $65,000 Boeing contract for training. Under the contract they feel it is largely orientation sessions. They are also very much concerned that corporate groups are giving the orientation. They feel instruction is needed. They feel that they have competent people and would like to work out similar programs involving various unions. Is that possible?

Guenther: Yes, and as a matter of fact, I expect to be talking to George Taylor (executive secretary of the AFL–CIO Standing Committee on Safety) on that subject tomorrow. With regard to their position that one day orientation sessions are no longer necessary on OSHA, I differ mainly, with all due respect to the AFL–CIO. There are other employees in the United States who are non-union, representing 75 or 78 percent of the total work force. While we believe that the AFL–CIO has done a pretty good job in orienting its members, particularly certain organizations such as the IUD, we have a long way to go in just very basically informing people in the country about the Act . . .

In regard to the fact that so-called management of the Boeing Company is going to be responsible for carrying out the program, the program will be structured along lines approved by the Department of Labor . . .

Question: And do you hope to work this out with union groups in the future?

Guenther: We do indeed.

THE FIVE TARGET AREAS

Question: In the five "most hazardous industries" that you have set up as initial targets, why is agriculture, which is considered the most hazardous industry, not included in this?

Guenther: Whoever considers agriculture the most hazardous industry is taking a somewhat arbitrary position in that we don't have the kind of statistics today to really give us the basis for such a statement. I think that it is clear that agriculture has numerous hazards and that the Act requires that we set standards and carry on a compliance program in the agricultural area. In fact, we are dealing closely with the U.S. Department of Agriculture to develop such standards. We have incorporated a few standards in our initial package . . .

Question: How much responsibility will USDA actually have in carrying out the program once standards are set?

Guenther: The Secretary of Labor has broad authority to delegate his authority and responsibility and it is not impossible that at some time there may be some delegation of authority to the Department of Agriculture. We are, however, not exploring that possibility to any great depth at the present time.

Question: Does USDA have any trained safety officers?

Guenther: At the present time, not very many, no.

Question: On the five target areas . . . the concern is that, for example, the metal industries and the steel industries are very hazardous. For many of these plants it will be two or three years off in the future before there is any sort of program that will be set up to meet their hazardous conditions.

Guenther: No one should leap to the conclusion that because we have selected target industries we intend to concentrate all our efforts on those five industries by any means. I am aware that there seems to be some thought along those lines and I want to disabuse it right now about our intentions . . . We will be involving ourselves in all kinds of inspections quite above and beyond the target industries.

FUNDING THE PROGRAM

Question: There is quite a bit of discussion on the whole question of budgeting and funding, how much the Department of Labor is asking and how much less Congress has given. What was the actual figure the Department asked for the next fiscal year, for fiscal 1972?

Guenther: We have requested about $32.5 million for fiscal 1972.

Question: How many compliance officers will this enable you to hire under the program?

Guenther: Our total staff increase will be in the neighborhood of 400.

Question: If 57 million workers are covered by the Act and you ask for $32.5 million, the question arises, which may not be fair, what does this amount to per worker? It gets to be rather small. I am wondering, though, that with 4.1 million workplaces, how many workplaces under the program can you inspect for environmental problems as well as safety problems?

Guenther: This, as you have indicated, is a most difficult question to answer. There are many areas of traditional safety activity which we must relegate to the past. OSHA has opened up the door to a whole new approach to occupational safety and health. One of our problems, frankly, is overcoming some of the historical approaches . . . One of the historical approaches is to attempt to evaluate the effectiveness on the basis of the number of inspections.

OSHA's basic requirements are that once we are in a workplace we shall be thorough and we shall take a look at all conditions that would require our attention. . . . So that based on a traditional approach to inspection, it is really impossible, with the vast array of standards we have to look at and other facts, for us to make any effort at the present time to say we will inspect one, two, three, four a year or however many in a day or a year.

INVOLVEMENT OF THE STATES

Question: The law provides for state participation but the state approach has also been the subject of a lot of controversy. The feeling is that too large a section of the OSHA budget is spent in working to bring the states in.

Guenther: Those provisions were present in the legislation from the very first occupational safety and health bill that was introduced in Congress in the Johnson Administration in 1968, and supported and endorsed by the AFL–CIO.

Question: We are told that in the (USDA's) meat inspection program there is not a single state that feels it can carry on unless it gets considerably more than the 50 percent matching funds, and most of them want something like 85 percent. In light of the experience in the meat inspection field, that states can't carry on their functions on a 50–50 matching fund basis, wouldn't (state involvement) be considerably more costly?

Guenther: The answer to this question is that experience will be our best teacher. I am aware of the meat inspection only very casually. As far as our relations with the labor and health departments and other departments in the states, we find there is great receptivity . . .

Question: Why not wait until the state programs are actually operating so you could see it and have a chance to evaluate it, and evaluate its personnel?

Guenther: It's possible to wait in a number of areas. We could have waited two years before publishing the initial standards package; rather than waiting two years, we waited one month from the effective date of the Act.

Question: Do you have any check on the qualifications that the states are demanding of their own personnel? Are they the same as OSHA?

Guenther: We recently published the 18B standards for comment. In fact, we have already begun to receive comments; quite a number of them from organized labor . . . We do require that compliance officers have the same kinds of backgrounds that Federal safety engineers, safety officers, industrial hygienists and others have to have. While I wouldn't want to take a firm position on this now, since our regulations are not yet final pending consideration of the comments which we are presently receiving, I would say that we would be requiring compliance in state personnel to be equal to that of the Federal.

Question: Are you demanding in state programs specific safeguards for workers' rights such as the access to plants, records and proper labeling?

Guenther: The basic consideration of the state plan agreement document is that the state plan shall be at least as effective as the Federal document. With regard to the specific question you asked, I don't quite recall the language so that I really can't give you any specific answer on it.

SAFETY AND IMPORTS

Question: The labor movement is very much concerned that a lot of low-wage imports are coming into this country made under unsafe and unsanitary conditions. I realize that this is out of your purview because it deals with imports.

Guenther: I doubt that the State Department would want to get involved in that one either. I don't think that anybody would. My comment would be that despite the fact that wage levels in many foreign countries are lower than U.S. wage levels, my experience in the international safety movement is that, in many countries, safety conditions and health conditions in work places are at least as good and in some places are better than those that exist in the United States.

(Note to editors: A complete text of the Guenther interview is available on request from PAI.)

[From the Daily Labor Report, Bureau of National Affairs, Washington, D.C., July 27, 1971]

IUD CHIEF PROTESTS OSHA REGULATION FOR DEVELOPMENT OF STATE STANDARDS

The right of workers "to be informed and to participate" in the implementation of the Occupational Safety and Health Act is being undermined and denied by the Department of Labor in its proposed procedures for approval of state enforcement plans, I. W. Abel, President of the Industrial Union Department, AFL–CIO, charges in a letter to Labor Secretary James D. Hodgson.

The proposed regulation would establish criteria for states to meet in order to assume the responsibility of the Labor Secretary in enforcing job safety and health standards within their own borders.

Abel says union people are "genuinely worried that certain aspects of the Department

of Labor's proposed implementation of the Act violate both the spirit and the letter of the law. We believe that the subject deserves your close personal attention."

The "heart of the legislative concept" in the Act is the workers' right to participate in the development of policies, procedures, and standards, Abel said, including the enforcement process and the review and appeal of enforcement actions.

Proposals for state implementation, Abel charges, are lacking on specific guarantees of worker participation. Some of those missing from the proposal, he says, are: provisions for adequate protection for complainants against possible retribution by employers, a lack of prohibition of advance notice of inspections, a lack of guarantees for worker representatives to accompany inspectors during a "walk around", and the absence of barriers to placing health and safety inspection activities in state agencies that may have functions conflicting with protection of workers.

"The only conclusion we can derive from the proposed regulations," Abel writes, "is that the Department of Labor would nullify the obvious intent of Congress. Our lawyers believe that this proposed action is legally untenable." If the proposed state regulations are permitted to stand. Abel adds, "I can assure you it will create great bitterness and anger among union leadership and membership in the months and years ahead . . ."

AFL–CIO Leaders Critical of Health-Safety Law Administration

The AFL–CIO leadership, including President George Meany, is becoming increasingly fed up with OSHA's administration under Assistant Secretary George Guenther.

In fact, Meany's recent blast at OSHA is interpreted in labor circles as a "strong storm warning" of impending future difficulties.

Interviews with labor officials reveal widespread disenchantment with OSHA over these specific issues:

Delay provisions in the initial standards package which could postpone effective date of the regulations until February 1, 1972 (and even 180 days later in special circumstances).

The award of a $65,000 contract to the Boeing Company for "worker orientation sessions" which labor officials say they will encourage their members not to attend.

Labor's policy of giving employers 24-hour advance notice of inspection.

The Information Service program which some union officials say is being operated to keep public information about the program at an absolute minimum.

Slow Labor Department response to AFL–CIO requests that qualified work-experience of union members be substituted for academic training in hiring OSH inspectors.

The inadequate number of inspectors (labor wants 1,000, while OSHA predicts 230 for this fiscal year).

Budget allocations in which 56 percent of the 1971 funds of $11 million will go to the states which in the past have not done an adequate job in OSH matters.

Labor union officials are particularly unhappy over OSH's use of massive amounts of program money to "sell" the program to the states. What should be done, they feel, is for the federal government to gear up the enforcement, research, and standards program and let the states come forward with matching programs or face federal takeover.

The fear that the OSH Act will head for the same fate as the Federal Water Pollution, Meat Inspection, and Unemployment Compensation Reform measures. In these cases many unresponsive state legislatures developed a "holding action" policy waiting until the deadline for action passed.

The administering government agency was then formed either to (a) approve a state program that was seriously deficient, or (b) ask a reluctant Congress and the office of management and budget for large supplemental appropriations.

In the case of the Meat Act, as amply documented in the recent Nader Center for Responsive Law Study, the state virtually blackmailed the timid Agriculture Department into approving weak programs.

Labor union fears of state non-action are founded in the realization that some 30 states won't even reconvene their legislatures until next year and another 18 states will not meet until 1973.

"Even then," AFL–CIO's George Taylor said, "there is no assurance that OSH matters will be a state priority."

Meanwhile, the politically aware labor union officials plan to keep all lines of communication with the Labor Department open and operating. On their own, however, they are gearing up for a major union role. They are planning safety committee orientations, educational sessions so that workers are aware of their rights including the right to imminent danger inspections, and programs to fill what they feel are gaps in OSH's administration.

Union officials are also hoping that the OSH Act's co-sponsor, Sen. Harrison Williams (D–NJ), will hold oversight hearings in the near future.

Meany Blasts Labor Department on Compliance Hiring

Spokesman for organized labor charged that while as many as 5,000 trade unionists had applied for jobs as compliance officers with OSHA, few have been accepted. The charge was made by AFL–CIO Industrial Union Department President Peter Bommarito of the Rubber Workers.

Bommarito said that those who are working around hazardous conditions are eminently qualified to carry out inspections and enforcement.

OSHA's hiring policies also came under attack from AFL–CIO President George Meany, who said:

"We are urging the Department of Labor not to put all its emphasis on college degrees and civil service examinations. We are urging that the department seek ways of utilizing the invaluable experience of many able people who are working at their trades and understand the conditions and needs of those trades."

Meany also criticized the Labor Department for asking $25.3 million for inspection and enforcement during fiscal year 1971 (labor feels at least $150 million is necessary) and challenged OSHA's policy of stressing the role of the states. Meany said that the states have already failed the nation's workers in the health and safety area.

The labor chief also rejected OSHA's concentration on five "hazardous industries" and said this whole modus operandi permits some extremely hazardous situations in plants to wait almost a year before inspection. Labor officials also expressed their displeasure at OSHA's policy of giving employers 24-hour advance notice of inspections.

METRIC CONVERSION—A LONG OVERDUE CHANGE

Mr. PELL. Mr. President, today Congress received a report from the Department of Commerce urging that the United States change to the international metric system on a gradual basis over a 10-year period.

As the sponsor of legislation authorizing this study, I commend the Department of Commerce and the Nixon administration for recommending metric conversion—a belief I have long held.

The Secretary of Commerce has asked us to consider legislation which assigns responsibility for metric conversion to a central coordinating body and which outlines a 10-year conversion plan for the United States to become predominantly, though not exclusively, metric.

It would be my hope that Congress join with the administration in supporting metric conversion but that it carefully analyze, in this Congress, the different alternative legislative schemes for preparing the country for metric conversion.

I would note that the issue of metric conversion is probably one of the oldest, outstanding, unresolved issues to ever have been considered in the Congress. In 1790, when only France was on the metric standard, George Washington's administration recommended that the Congress consider metric conversion. Today, 181 years later, when 90 percent of the world is on the metric standards, the executive branch, as a result of my study, is asking the 92d Congress to consider again the question first considered by the First Congress of the United States.

I would also note that the French adopted the metric system in 1790 as a symbol of democracy, because the metric system was based on rationality rather than on the whims of the sovereign who arbitrarily chose lengths and weights based on incongruous measures such as the foot, the mile, and the pound.

Thus, I suppose that it is somewhat ironic that the United States, the world's oldest democracy, will probably be the last to leave the "imperial system" of weights and measures.

Over the years some people have suggested that the United States need not convert to metric, because its superior economic strengths should allow it to produce goods and services for the world's markets on its own terms. This argument no longer holds any validity. The U.S. world trade position is not improving. The United States is no longer the company store in a company town. There are now other competitors. Ninety percent of the nations of the world are trading in metric terms. If the United States is to remain a viable force in international trade, it has no choice but to go metric. There are probably few other artificial trade barriers for American exports that are more harmful than the U.S. custom of not trading in metric terms with the world's metric countries.

Most important, metric conversion could bring a significant number of economic benefits. It could mean new jobs. It could provide an impetus for American industry to modernize its outdated plants. It could mean an increase in the level of American exports. And finally, it could mean a more efficiently operating U.S. economy in which the consumer is able to make a more rational choice and in which the producer is able to more accurately estimate its productive capabilities.

The Federal Reserve has estimated that American multinational plants have over $78 billion in capital investments abroad. Much of this investment has been made in metric equipment. If the United States goes metric, our own American international firms will be able to put more of their machine tool invest-

ment in American companies than in European companies and thus, create more job opportunities for American workers.

A second way more job opportunities would be created in the United States would be as the result of the additional number of products such as American machine tool products which could be sold in metric countries.

A third way in which new jobs could be created through metric conversion would be as the result of the additional employees involved in the production of new goods and services needed for metric conversion.

For example, at least 3,000 engineers could be employed as metric consultants in the United States. For example, tens of thousands of new jobs could be created as the result of plant modernization programs involving the purchase of new equipment which might be encouraged by metric conversion.

In our consideration of the benefits of metric conversion, we must not forget the need to consider legislation assisting those who might bear high cost in converting to metric. For example, financial assistance might be provided to individual machinists who find it necessary to purchase new metric tools. And, loans and tax writeoffs might be considered for small businesses whose economic viability might be detrimentally affected by metric conversion.

Mr. President, the question is no longer should we go metric; the question is now when and how shall we go metric.

It would be my hope that the Congress would now move firmly and judiciously in developing a legislative plan for metric conversion.

Mr. President, I ask unanimous consent that the summary materials of the U.S. metric study be printed in the RECORD.

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

SECRETARY STANS RECOMMENDS TO CONGRESS COORDINATED, 10-YEAR CHANGEOVER TO METRIC SYSTEM

A systematic, nationally-coordinated U.S. changeover to the metric system of measurement over a 10-year period was recommended to Congress today by Secretary of Commerce Maurice H. Stans in a 188-page report, "A Metric America—A Decision Whose Time Has Come."

The Report was prepared by the Department's National Bureau of Standards in accordance with the Metric Study Act of 1968. It represents the results of three years of studies, surveys, and analyses by the Bureau with the cooperation of thousands of individuals and organized professional, educational, business, labor, and consumer groups throughout the country.

In releasing the Report, the Secretary said, "For many years, this Nation has been slowly 'going metric', and it would continue to do so regardless of national plans and policies. At the same time, the worldwide use of the metric system is increasing, and today ours is the only major nation which has not decided to take such a step. As the Report states, a metric America would seem to be desirable in terms of our stake in world trade, the development of international standards, relations with our neighbors and other countries, and national security."

Endorsing the Report's basic conclusion in favor of "going metric," Secretary Stans recommended:

That the United States change to the International Metric System deliberately and carefully;

That this be done through a coordinated national program;

That the Congress assign the responsibility for guiding the change, and anticipating the kinds of special problems described in the Report, to a central coordinating body responsive to all sectors of our society;

That within this guiding framework, detailed plans and timetables be worked out by these sectors themselves;

That early priority be given to educating every American schoolchild and the public at large to think in metric terms;

That immediate steps be taken by the Congress to foster U.S. participation in international standards activities;

That in order to encourage efficiency and minimize the overall costs to society, the general rule should be that any changeover costs shall "lie where they fall";

That the Congress, after deciding on a plan for the Nation, establish a target date ten years ahead, by which time the U.S. will have become predominantly, though not exclusively, metric; and

That there be firm government commitment to this goal.

"Some measurements and some dimensions would never be changed. It would be preposterous ever to tear up all our railroad tracks just to relate them to some round-number metric gauge. Americans would not be likely to translate into metric such sayings as 'a miss is as good as a mile,' or to rewrite the words to the song 'I Love You a Bushel and a Peck.'

"In sports, for example, going metric is not likely to present much of a problem. It would be quite unnecessary to change the length of U.S. football fields even if our version of football ever became an international sport. And I don't think you would ever hear a sports announcer say: The Washington Redskins have the ball, third down and 9.144 meters to go.

"These may appear to be trivial examples but they go to the heart of the matter when we say the rule of reason must apply in a national adoption of the metric system," Secretary Stans said.

Dr. Lewis M. Branscomb, National Bureau of Standards Director, said the Report is concerned with alternatives "realistically open to the United States. . . ."

In the preface, the author of the report, Metric Study Director Daniel V. De Simone, observes that current circumstances—unlike those prevailing when Thomas Jefferson and John Quincy Adams first considered the metric system's attributes—have made the time for a U.S. decision ripe because "the world has committed itself to the metric system, and even in the United States its use is increasing. For America, it is a decision whose time has come."

"In even a concerted program for going metric," the Report points out in Chapter V, "some things would be changed rapidly, some slowly, and some never. In most cases, things would be replaced with new metric models only when they wore out or became obsolete. This would certainly be true, for example, of existing buildings, aircraft carriers, railroad locomotives, power generating plants, and even such things as hair dryers.

"In many instances industry and commerce would make metric changeovers much as the housewife would when she broke her non-metric measuring cup. A pump in a chemical factory, for example, might with careful maintenance last ten years before it wore out and had to be replaced. But if a critical part failed after, say, five years, the user might well decide to buy a new pump of improved design and lower running cost, rather than fix the old one. And if he were going metric and metric pumps were available, the new pump would, of course, be one built to metric standards."

The proposed 10-year "optimum" period for a coordinated national changeover is based upon information and views contributed by many cross-sections of society, ranging from whole industries to individual citizens contacted by mail or telephone or at public hearings. Opinions and data were also collected from large and small firms, labor unions, professional and technical societies, and specialized groups.

In Chapter VII the Report calls it "perhaps surprising that any general pattern of agreement should have emerged from the U.S. Metric Study, considering the great diversity of the participants." At any rate, these representative feelings emerged:

"Some participants in the study preferred that the change be made more quickly; a few wanted more time. Nevertheless, all could be accommodated by a ten-year transition period, because those who could move faster would do so as soon as their customers and suppliers were ready. Those who needed more time could take it, since the Nation's goal in a ten-year program would be to become mostly (not entirely) metric.

"Most manufacturing firms judged that the ten-year period would be close to optimum for them. Weighing manufacturers according to size (i.e., value added in manufacturing), the Study found that 82 percent thought the changeover period should be ten years or less. The average of the periods chosen was 9.6 years.

"In its study the Department of Defense concluded: 'DOD is dependent upon the National Industrial Base, and the rate of conversion within the DOD will be dependent on how well conversion is carried out in industry.'

"Nonmanufacturing businesses, with generally much less hardware needing conversion, were in favor of a shorter transition period. They thought that the Nation as a whole might make the changeover in six to ten years.

"In the commercial weights and measures field, the adaptation to metric of devices now in use would take considerable time. The survey of this field points out that there are relatively few trained personnel who can do the work. Because of the large numbers and varieties of devices now in use, ten years would be required to complete adaptations."

Advocating a phased changeover guided by "the rule of reason," the Report holds that expectations of a "painless and casual drift" toward a comprehensive changeover would be just as unrealistic as an attempted "abrupt and mandatory" transformation that would prove to be intolerably disruptive.

"Our experience since Congress legalized the metric system in 1866 suggests that if the Nation prefers to drift to metric, it would still be having to cope with two measurement systems at the end of this century," the Report observes.

"Since the use of the metric system in the U.S. is increasing, throughout the prolonged period of gradual change there would be substantial costs and inconveniences, primarily those associated with maintaining dual inventories, training people in both measurements, and printing metric and Customary dimensions on documents and labels."

The complex question of the relative benefits and costs that would be involved in a planned 10-year metric changeover is discussed in Chapter IX of the Report, with accompanying diagrammatic representations of projections and analyses. Investigators for the Metric Study found that a simple aggregate profit-and-loss figure for the total effect of the proposed metric changeover could not be arrived at, for a variety of reasons: benefits and costs would occur at different times and would not be directly comparable; virtually

all costs would be incurred during the transition period, when benefits would be only beginning; there would be many intangibles to consider, and some phenomena might be attributable only partly to a metric change.

But more important, the Report in Chapter IX points out that the real question is not what the cost of a metric changeover would be, but whether it would cost more to change by plan or without one. The Report concludes that it would be better to change by plan, explaining: "The cost and inconvenience of a change to metric will be substantial, even if it is done carefully by plan. But the analysis of benefits and costs made in this chapter confirms the intuitive judgment of U.S. business and industry that increasing the use of the metric system is in the best interests of the country and that this should be done through a coordinated national program. There will be less cost and more reward than if the change is unplanned and occurs over a much longer period of time."

Under the heading of intangible and indirect benefits, the Report cites a variety of potential "by-products" of conversion: "People, while making the metric change, would have opportunities to do other worthwhile things that are not directly related to any measurement system. Translating texbooks into metric terms would provide opportunities for curriculum improvements. In thinking out new metric standards, engineers would have an opportunity to weed out superfluous sizes and varieties of parts and materials, and even to incorporate superior technologies. International standards activities would be facilitated."

Other chapters in the Report review the two centuries of debate over the U.S. measurement system, compare the metric and Customary systems and the arguments for and against each, place the metric question "in the context of the future world," discuss problems needing early attention, and compare the differing experiences of Great Britain and Japan in going metric.

Appendices to the Report detail how the U.S. Metric Study was planned and carried out, present a selective bibliography of Metric Study documents and official reports of the U.S. and foreign countries, and give the text of an International Standards Organization recommendation on the uses and applications of units of the International System.

NOTE: Appendix Two of "A Metric America" lists twelve volumes of detailed special reports on the Metric Study's hearings and supplemental surveys, as follows:

Manufacturing Industry.
Nonmanufacturing Businesses.
Education.
Consumers.
International Trade.
Engineering Standards.
International Standards.
Department of Defense.
Federal Civilian Agencies.
Commercial Weights and Measures.
History of the Metric System Controversy in the U.S.
Testimony of Nationally Represented Groups.

Copies of *A Metric America—A Decision Whose Time Has Come* are available to the public from the Superintendent of Documents, Government Printing Office, Washington, D.C. for $2.25. It should be requested by title and publication number *NBS–SP–345.*

GOVERNMENT INVESTMENT IN HEALTH CARE

Mr. KENNEDY. Mr. President, I invite the attention of Senators to an article titled "Government Investment in Health Care," written by Mr. Irving J. Lewis, and published in the April issue of Scientific American. In the article, Mr. Lewis explores the wide range of proposed solutions for more efficient delivery of health care. Each solution has a prescription for extensive health insurance, involving different degrees of Government participation and subsidy.

Government reorganization will be essential for any orderly delivery of health services. Health manpower and facilities, research and planning, and the organization and delivery of services are all elements of health care capacity, and they will have to be molded into a rational system through financing and administration.

Mr. Lewis points out two myths which have influenced Federal spending for health. The first myth is that large grants for biomedical research alone will eventually bring better health care to everyone. The overwhelming health needs of the average consumer are for commonplace methods and procedures developed by laboratories and research of 25 years ago—vaccines, blood tests, diagnostic techniques, and preventive medicine. Heart transplants and other similar medical techniques are employed relatively infrequently.

The second myth is that lack of money is all that stands between the poor or the aged and good health care. This proposition would be true only if abundant medical services and facilities were available. The current inflation of medical prices has revealed the shortage of facilities and manpower in our health care system. Many rural and inner city areas have no doctors or hospitals available to service them even if they had the money to pay.

Mr. Lewis concludes by stressing the need for planning that will expand the capacity of our health care system. The expansion of facilities and manpower training centers to supply the energy for change offers the opportunity to create an effective health care system.

I ask unanimous consent that Mr. Lewis' article be printed in the RECORD.

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

GOVERNMENT INVESTMENT IN HEALTH CARE

(By Irving J. Lewis)

"The problem of providing satisfactory medical service to all the people of the United States at costs which they can meet is a pressing one. At the present time, many persons do not receive service which is adequate either in quantity or quality, and the costs of service are inequitably distributed. The result is a tremendous amount of preventable physical pain and mental anguish, needless deaths, economic inefficiency and social waste. Furthermore, these conditions are largely unnecessary. The United States has the economic resources, the organizing ability and the technical experience to solve this problem."

In February, President Nixon sent a message to Congress proposing major new health-care programs, but the quotation above is not from his message. It is from the final report of the Committee on the Costs of Medical Care, dated October 31, 1932, and signed by Ray Lyman Wilbur, President Hoover's Secretary of the Interior. The Health-care "crisis" has been with us for a long time.

Now Congress has begun considering the Administration's new proposals and other far-reaching legislative measures. The debate on health, which will surely develop into a major domestic issue of the 1972 Presidential campaign, comes at a time when public attention is focused as never before on the rapid increase in medical costs and on the discrepancy between the capabilities of medicine and the actual delivery of health care. It comes, moreover, at a time when some important questions about health objectives have already been settled. In the past few years a number of legislative innovations have incorporated into our attitudes and into law the principles that all Americans are entitled by right to health care and that such care should be comprehensive in scope rather than categorical as to type of service, means of financing or population groups affected. The crucial questions are how, and how quickly, these principles are to be put into practice, by what means and at the sacrifice of what traditional relationships and alternative benefits.

The debate will deal with a wide range of proposals for more efficient delivery of health care and with various prescriptions for extensive health insurance, involving varying degrees of Government participation and subsidy. Complex as these matters surely are, their technical resolution may be the easier part of the task set before the nation. The more difficult decisions will concern matters that go to fundamental issues of public policy: political and economic ideology, the processes of government and the distribution of political, economic and professional power. The major confrontations will concern the allocation of resources and the control of costs; the relations among Federal, state and local governments; the prerogatives of Congress and of the Executive departments and agencies; the roles of private enterprise and the voluntary sector, and new powers for community organizations and consumers.

The health "industry" is now the third largest in the country. It employs more than three million people, and in the fiscal year 1969–1970 it accounted for more than $67 billion, or 7 percent, of the gross national product; only five years earlier the total was $39 billion, 5.9 percent of the G.N.P. Most of the increase in expenditure reflects inflation rather than more utilization, advanced procedures or better facilities. The U.S. compares unfavorably with other industrialized countries in an entire range of generally accepted health indexes. Medical care is poorly distributed, with some sections of the country—and poor people in all sections—badly served. Some 15 to 20 percent of the population is still without any health insurance; those who have substantial basic insurance can nevertheless suffer devastating expenses in a serious illness. Either the traditional fee-for-service gateway or the dreariness of out-patient clinics keeps people away from doctors until they are sick, after which the bias built into health insurance favors their hospitalization over other forms of treatment.

The Federal Government now foots almost a third of the total health bill: $21 billion in the fiscal year 1971, most of it for Medicare, Medicaid and other current-consumption programs that funnel money into an inadequate system and thus help to fuel the inflation in health-care costs. Obviously it will take still more Federal funds to improve the system. Finding that money will not be easy, and spending it in a way that does not merely further inflate costs will not be easy either.

Any attempt to fund a significant new Federal program collides head on with the Federal budget and the problem of its "uncontrollables": the relentlessly increasing expenditures, determined by prior legislative or budgetary action, for social security and veterans' pensions, welfare, Medicare and

Medicaid, interest on the debt, farm and shipping subsidies, highway construction and so on. The accumulation of these commitments combines with population growth and urbanization to press spending levels steadily upward; inflation sharpens the rise. Uncontrollable outlays increased from 64 percent of the budget in 1969 to 69 percent in the 1971 budget; together with defense and war spending (a different kind of uncontrollable) they accounted for 89 percent of the $201 billion proposed in that budget, leaving only $22 billion for all controllable programs!

The uncontrollables also mortgage future Federal spending. There are forecasts (perhaps overoptimistic) that Federal revenues will increase by more than $86 billion by 1976, but uncontrollables will consume about $56 billion of that, leaving only some $30 billion to cover any new or expanded programs in the next four years. A president has little flexibility in allocating budgetary resources, since each of the hundreds of Federal programs has its own clientele and claims; politics calls for satisfying as many of these as possible and tends to keep obsolete programs alive. The total budgetary dilemma is replicated within the Department of Health, Education, and Welfare and again in that department's spending for health.

Our Federal spending for health has been influenced in recent years by two successive myths. The first was that massive support of biomedical research would eventually bring better health care to everyone. Federal support for research, largely through the National Institutes of Health, grew to more than $1 billion in the 1960's. It has produced brilliant advances in the knowledge and practice of medicine but millions of Americans are left with inadequate medical care or none at all. Indeed, at this point the most widespread demand is not for heart transplants or other exciting innovations in medicine but for the more general availability of the now commonplace methods and procedures developed by laboratory and clinical research 25 or 50 years ago.

In the 1960's we accepted a second myth: that lack of money was what stood between the poor or the aged and good health care. This proposition could make sense only if abundant medical services were available on the open market. Since they are not, the inflation of medical prices was a major consequence of Government medical-benefit programs. Meanwhile, trying to control the total Federal bill, the Administration has not only curtailed benefits but also held constant or cut down health programs that are subject to restriction. As Medicare and Medicaid spending has soared the budgetary pressure has been exerted on biomedical research, manpower development, the organization of services and the construction of new facilities, accentuating the imbalance between the demand for health-care services and the capacity of the health-care system to respond.

To redress the imbalance we urgently need a strategy that will expand capacity, and that means investment as opposed to consumption. Investment supplies the energy for change and thereby offers an opportunity to shape a real medical-care system: more manpower and more innovative use of manpower, better distribution, rational organization, more emphasis on preventing sickness and on providing ambulatory care rather than institutional care. Most of these objectives are generally accepted; the operation has been how to proceed toward them. The Administration has hitherto emphasized financial incentives. For example, last year it asked for authority to give states a higher ratio of Medicaid funds for out-patient facilities; to enter into contracts with "health maintenance organizations," which would render Medicare services on a prepaid capitation basis and retain any savings they could generate, and to expand experiments with incentive reimbursements for hospitals.

There is a growing body of opinion, however, that incentives in payment programs will not be enough to produce either the needed changes or the required increase in capacity, that systems are developed only when external investment or a diversion of some part of current cash flow provides venture capital and that such capital must be supplied within the framework of the current-consumption financing programs. One suggestion for thus bringing consumption and investment together was made by the Task Force on Medicaid of the Department of Health, Education, and Welfare, which recommended the appropriation of 5 percent of annual Medicaid funds to organize neighborhood services for the poor and develop new sources of manpower; it suggested that such "front end," or start-up, money might also be a legitimate charge against Medicare's Social Security trust funds.

More far-reaching proposals were incorporated in legislation introduced last year by Senator Edward M. Kennedy in the Senate and Representative Martha W. Griffiths in the House—legislation that in its present form will provide the direct competition for President Nixon's new proposals. The Kennedy-Griffiths bill would extend comprehensive health insurance, funded by a payroll tax and general revenue and handled by the Federal Government, to all Americans. Most important, it would bind together investment and current benefits by establishing a Health Resources Development Fund within the new Health Security Agency to provide grants, loans and technical assistance for "comprehensive service systems"—group practices providing broad health care on a prepaid capitation basis. Such costs would become a direct charge to the insurance fund, so that money for investment would be built into the ongoing program.

By proposing grants and loan guarantees to help finance the establishment of health-maintenance organizations, President Nixon in his recent message recognized the need for direct investment. The decisions about the size of that investment and whether or not it is firmly linked to current spending programs—and thus made safely uncontrollable—may be even more significant than decisions on the method and scope of health insurance.

An expansion of Federal activities in health care, and in particular any attempt to control and limit Federal budgetary commitments, must surely impinge on the purviews of state and local governments, raising issues of political power with significance that extends beyond the field of health.

Until the enactment of Medicare and Medicaid, Federal-state cooperation in health care was primarily in the form of grants in aid. States, counties and municipalities provided what personal medical care was supplied by government, primarily for the poor. The state role for the general community was mainly in such traditional public health functions as sanitation, inspections and immunization. The Federal function included technical assistance, research, demonstrations and increasingly varied programs of grants-in-aid. With minor exceptions the Federal approach was nondirective, even when new programs to finance hospital construction and community mental health centers were developed. Furthermore, the Federal Government reached the cities and smaller communities only through the state health departments.

The Johnson Administration changed all that. Medicare is a national insurance program. Control (such as it is) rests with the Social Security Administration and the states are involved mainly in the certification of hospitals, nursing homes and other providers of care. The programs for the poor (neighborhood health centers and Model Cities projects) have largely ignored the states.

What was unforeseen was the major burden placed on the states by the revamping of the old categorical welfare programs of medical care into the new Medicaid program, in spite of Federal grants that cover as much as 83 percent of the cost. The fiscal impact on the states and cities has been close to disastrous. State and local expenditures for medical assistance rose from $764 million in 1965 to $2.3 billion in 1969. Frustrated and angry, administrators and legislators in the states have acted to cut back benefits and reduce the number of eligible people. The failure of Medicaid is generally acknowledged. It reaches only 15 million of the 30 to 40 million people who could potentially be covered. Last year the Task Force on Medicaid concluded that "the promise of Medicaid that some care, at least, would be available to all who need it has vanished into the obscurity of state determination of eligibility and the limitation of state resources."

With this experience one may ask whether national comprehensive health goals can be achieved with heavy reliance on state administration and appropriations, dependent as they are on shifting state political trends and the reluctance of most state legislatures to spend money on poor people. If the Federal Government is hard put to find the extra resources for expansion and improvement of health services, the states are surely even less able to cope with the need.

What if the Federal Government provides money and lets the states provide services to people? A cornerstone of the Nixon Administration's domestic policy, the "New Federalism," proposes to shift responsibility and power from the Federal Government to the states by providing more state and local control and decentralization of decision-making. For instance, the Administration's proposed Family Assistance Plan to reform welfare would place some of the budgetary burden of cash payments on the Federal Government but make the states responsible for the provision of social services such as day care and counseling; it did not pass last year and is stalled in the House Ways and Means Committee pending Administration revision. A similar future seems likely for the new revenue-sharing bill, which would in time turn billions in Federal tax collections over to the states; the states would then be expected to carry out services functions assigned to them under the New Federalism. Congress apparently prefers to keep the power over funds where it has been in Washington—and has shown no signs of approval.

The New Federalism also seeks to consolidate traditional special-purpose (categorical) grants into larger bloc grants and to transfer decision-making to the states and to regional directors of Federal programs. Here too the will of Congress to keep the power in Washington was demonstrated by its refusal during the past session to consolidate individual hospital grants made under the Hill-Burton Act and by its authorization of an enlarged communicable-disease program along the old categorical lines. Both actions were taken in share opposition to the Administration. Finally, in spite of the Administration's preference for financing health-care innovations through the Comprehensive Health Planning program, which has a strong state government emphasis, Congress showed its own preference for another Johnson-era proposal, Regional Medical Programs, with a different power base in the medical schools and medical societies.

It may be that some congressmen think poorly of the capability of state government and its responsiveness to social needs. It may also be that Congress, which is comfortable in its relations with Federal agencies in Washington, much prefers to retain power in its own hands and is therefore careful to recognize the political strengths of mayors and other special claimants to Federal funds.

The new Administration health program

includes as a major component a Family Health Insurance Plan that would replace part of Medicaid with a Federally financed and administered program of health insurance intended to cover an estimated five to six million poor families with children. Even such a limited insurance program could be an important move in the direction of national health insurance, since it would be a shift from a state-controlled program aided by Federal grants to direct Federal support of individuals. In facing this issue state health interests will have to balance concern about mounting state costs against concern about national health insurance and an expanding role for the Federal Government.

Some of the obstacles in the way of an effort to tie together funding for consumption and funding for investment arise from the complex division of powers in the health-care field, both among the Executive agencies and in Congress. In Congress the power relationships are changing and the power centers are shifting. For 20 years Senator Lister Hill of Alabama and Congressman John E. Fogarty of Rhode Island were the Congressional leaders on all medical legislation, Senator Hill as chairman of the Senate Labor and Public Welfare Committee and the Subcommittee on H.E.W. Appropriations and Congressman Fogarty as chairman of the House Subcommittee on H.E.W. Appropriations. Their sponsorship extended to all important health and mental health programs. The health establishment knew who its leaders were; indeed, Congressional power so exceeded Presidential power that Senator Hill and Congressman Fogarty were virtually able to determine the annual Federal health budget themselves.

This distinct leadership no longer exists. The legislative means chosen by the sponsors of Medicare was an amendment to the Social Security Act, since Medicare was to be financed, like Social Security pensions, through special pay-roll taxes. Because the Constitution requires that all tax measures originate in the House of Representatives, the initiative fell to the Ways and Means Committee, then and now headed by Congressman Wilbur D. Mills of Arkansas. The public-policy debate on health insurance for the aged and on expanded medical assistance for welfare recipients therefore took place in Ways and Means and in the Senate Finance Committee, now headed by Senator Russell B. Long of Louisiana.

The overwhelming financial consequences of Medicare and Medicaid and of any future national health insurance plan have thus brought a shift of power over health affairs to committees whose primary interest is in fiscal affairs. Alerted by the early underestimates of the price of the Medicare and Medicaid programs, they show much interest in cost control, less interest in improving health-care organization or expanding services to undercovered areas and population groups. Senators are of course aware of the implications of such shifts of power. In an effort to have hearings on national health insurance held before the Senate Labor and Public Welfare Committee rather than the Finance Committee, a 1970 version of the Kennedy bill was written to provide for financing from general revenue rather than by a payroll tax. That was unrealistic and the current bill calls for a payroll tax—and consequently has been referred to Finance.

The peculiarities of the Congressional committee system give special importance to the principle of linked funding for benefits and investment. Failing such linkage, consumption spending (or cutbacks) will continue to be handled by the Congressional money committees while the committees directly responsible for health try to find funds for planning, reorganization and the establishment of group-practice organizations.

The fragmentation within Congress is to some extent the result of fragmentation in the Executive Branch, which in turn reflects the pluralism characteristic of health affairs outside of government. Any attempt to rationalize the uncoordinated Federal health bureaucracy will necessarily impinge on the private sector, to the dismay of special interests. Even the simplest administrative tasks will be one of the most difficult politically: consolidation of the multitude of categorical grants for narrowly defined projects. This form of Congressional authorization bewilders administrators and requires an applicant to piece grants together if he wants to develop a unified program that will meet a broad health purpose. If reasonably integrated health-service systems are to be developed at the local level, consolidation will be necessary, but the interests operating against change include many voluntary associations, medical school researchers and state and municipal health-department professionals. Their strength reinforces Congressional unwillingness to give any president even the limited power to combine grants that President Nixon asked.

Beyond grant consolidation is actual Government reorganization. The orderly delivery of health services will require an orderly organization of programs and agencies. Health manpower and facilities, research and the planning, organization and delivery of services are all elements of health-care capacity, and they will have to be welded into a rational system through financing and administration.

Eventually the health debate will concentrate on the machinery of government. A way to begin is to unify under one operating head the programs of Medicare (from Social Security), Medicaid, the Public Health Service, the National Institutes of Health and the health programs of the Office of Economic Opportunity. Any serious rearrangement will surely provoke an uproar in the Executive agencies and among their Congressional champions. The Washington bureaucracy is resilient, and the long life of the Public Health Service in the face of successive reorganizations testifies to its staying power.

Another final essentially political problem is the difficult one of cost control. A direct effort to hold down costs—independently of the expansion of capacity that I have discussed—is necessary because spiraling public expenditures preempt funds that are required for real reform and other needed social programs and simply because consumers faced with thousands of dollars in medical bills demand it. Firm ceilings are not easily placed on public spending, however, and the complexity of medical-care economics is such that the cost consequences of any particular proposal are difficult to predict with certainty. Moreover, it is clear that an attempt to deal with costs will involve some measure of public administrative power at the price of restrictions on the freedom of patients as well as health professionals.

The two key determinants of cost are the physician and the hospital. The physician is motivated, by education and a kind of technological imperative, to utilize the latest procedures, the most sophisticated tests and so on. This attitude influences his decision as to who does and who does not require hospitalization, the highest-cost component of medical care. To the physician, cost considerations—the patient's or the insurance company's or the Government's—are secondary to what he considers to be the best and most advanced medical practice.

The influence of the physician is reinforced by the economics of hospital care. Since hospital income is derived mainly from room charges, the hospital administrator learns early in his training that the empty bed will be his most expensive commodity. (This is not true of prepayment-plan hospitals.) He sees his task as the maximizing of income, not the control of expenditures—a task made easier for him by insurance preference for hospital benefits and by Government reimbursement on the basis of "reasonable" costs.

To cope with these cost-influencing factors, the Administration last year proposed a number of measures such as improved reviewing of hospital utilization, limits on doctors' fees under Medicaid and experiments with hospital reimbursement at predetermined rates rather than on a cost-plus basis. The Administration's major reliance is on allowing profit-making as well as nonprofit health-maintenance organizations to retain any savings on prepaid capitation payments for the full range of services for Medicare as well as non-Medicare beneficiaries. The proposal does not specify the form of organization but rather stresses flexibility. It raises some major unresolved questions of public policy. To what extent should health care be encouraged as a profit-making activity? What performance standards should such an organization meet? Should corporate organizations at the local level be encouraged to multiply on the assumption that uncontrolled competitions cuts costs?

The House approved an Administration proposal to "put teeth in planning" and control the level of hospital use by providing that if a capital investment has not been approved by the appropriate planning agency, then reimbursement under Medicare-Medicaid may not include depreciation of that investment as an allowable cost if H.E.W. so decides. In the long run it may be necessary to go to a public-utility form of regulation to cover all hospital services, not just Medicare and Medicaid. This concept has traditionally been applied to economic situations bearing on the public interest. The regulation would presumably cover rate determination as well as the approval of patterns of service and purchases of equipment. (New York and California already have hospital franchising laws requiring agreement by local planning agencies that a proposed hospital construction is needed, a step in this direction.) The broadest national health-insurance proposals would attempt to deal with costs by assuming all health-care costs as a national budgetary charge in the first instance, and then allocating funds among regions for reimbursement to doctors and hospitals at predetermined rates or through negotiated budgets.

How far the country goes in developing constraints on costs will surely depend on the value it places on such principles as fee-for-service for doctors and the pluralism and competition so characteristic of health services today. The providers of health care constitute a potent political force and will play a large role in shaping public health policy. The path is likely to be one involving minimum confrontation with the medical professions and evolutionary rather than radical solutions—unless the day comes when Congress regards the public budgetary cost of health care as intolerable. One of the values of a broad health-insurance plan might be that it would hasten the day.

If this country is to achieve comprehensive health care, and do so (as I believe it must) without establishing a unitary national health service as in Britain, it clearly must create a real health-care system with structure and order. Today health care is offered by a bewildering array of autonomous individuals and institutions; an equally bewildering array of government programs supports their disparate efforts. A proliferation of neighborhood health centers and community hospitals, of group practices and even prepaid comprehensive insurance schemes will not be enough unless the parts are structured into an effective whole. Health care is ultimately a personal and fam-

ily affair and the best setting in which it can be provided is the community. The health establishment needs organizations that can plan and manage the delivery of health care at the community level with real authority.

The precise nature of such a "community trustee" remains to be defined but some of its desirable characteristics are clear. It should be a peculiarly public-private mix with strong consumer involvement; this may make health professionals uncomfortable but they will have to realize that they can no longer go it alone. It should be based on a principle of geographic responsibility and be strong enough to exact from the medical resources of its area—physicians, hospitals and others—the performance of defined health-care functions. It should reflect at the local level a public-private, lay-professional alliance that reaches up to some form of health commission or board at the Federal level that can see the country's health needs whole. All of this may add up to one of the most complicated experiements in intergovernmental, interprofessional and public-private relations ever undertaken in the U.S., but anything less may not be enough. As the 1932 report on medical costs put it:

"Whatever means may be employed, the time has come for action. European countries may not have proceeded with the greatest wisdom, but they have acted. Most of them have developed organized systems of medical care. We in the United States, above all other countries, are now in a position to go forward intelligently. . . .

"Delay can no longer be tolerated. . . ."

PAKISTAN—HOW TO LOSE FRIENDS AND NOT INFLUENCE PEOPLE

Mr. SYMINGTON. Mr. President, the last four paragraphs in the second of two articles in the Wall Street Journal by Peter R. Kann emphasize only too well the absurdity of our current relationship with Pakistan.

They read as follows:

"We hear on Pakistan radio that two American ships are bringing ammunition to the army. But the Canadian people support our cause. We are grateful to the Canadian people," a teacher says, trying to be as polite as possible. "We understand that you must make money by selling guns to Pakistan, but please sell us rifles, too," a lawyer pleads.

A student says: "At Kent State you lost four students and the whole world protested. Here thousands of students have been killed by the army, but does the world care? You supply guns to the army. If we were European, you would care."

China, for short-term national reasons rather than long-term ideological ones, is the only other important power supporting Pakistan. "The cradle of democracy, America, and great revolutionary China are allies giving aid to the Pakistan army, which is suppressing our freedom and slaughtering our people. Why is this?" a college instructor asks.

During his meetings in Islamabad, Mr. Kissinger was pressed by some Dacca-based diplomats critical of America's friendly relations with the Pakistan government. Mr. Kissinger responded with a question. Would a change in American policy make East Pakistan independence likely in two years or five years rather than 10 years? There was no definitive answer. But whether Bangla Desh comes to pass in two, five, or 10 years, its citizens are likely to have long—and not very fond—memories of America's role in their revolutionary war.

I ask unanimous consent that the entire article be printed in the RECORD.

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

EAST PAKISTAN IS SEEN GAINING INDEPENDENCE, BUT IT WILL TAKE YEARS

(By Peter R. Kann)

DACCA, EAST PAKISTAN.—An independent East Pakistan seems to be one of those ideas whose time is coming.

Travels across the ravaged land and talks with military participants in the civil conflict, its innocent sufferers and its diplomatic observers leave the distinct impression that someday East Pakistan and West Pakistan will be separate legally as well as ideologically.

How soon Bangla Desh, or Bengal nation, comes to pass—and the diplomatic assessments tend to be in terms of years, not months—depends on many factors. These include the degree of support India is willing to give the liberation forces, the weight of economic pressures on West Pakistan, the severity of future famine in East Pakistan and perhaps the policies of America and other world powers.

For the moment, both the Pakistan army and the Bengali independence movement seem to be overly optimistic about their capabilities and prospects. The army, currently running East Pakistan as a kind of reconquered colony, says everything is under control and is rapidly returning to normal. But all around is evidence of social chaos, economic collapse, public hostility, and gradually mounting guerrilla opposition.

GUERRILLA WARFARE AND PATIENCE

Bengali liberation forces still talk of massive offensives that will "liberate" the land as early as this fall, or of the Indian army coming to their aid, or of the Pakistan army simply tiring and going away. But the Pakistan army, tough and tenacious, seems determined to hold on here at all costs. The Indians, while aiding the Bengali resistance, seem anxious to avoid full-scale war. Many Bengalis don't seem to comprehend that guerrilla war, which they are beginning to wage with some effectiveness, is their only hope and that it requires much time and patience.

The fighting began March 25 with attacks by the Pakistan army on civilians in Dacca. The amount of blood that has been spilled in East Pakistan since then appears to rule out any sort of political compromise. Diplomats say that a minimum of 200,000 and perhaps as many as a million people have been killed in four months, most of them Bengali civilians slain by the Pakistan army. Six million refugees have fled to India, and millions more are displaced persons still hiding within East Pakistan.

In the view of nearly all observers here, much more blood will flow, many more villages will be destroyed and many more people will be uprooted before the conflict ends.

If the war does result in Bangla Desh, America may be in trouble. By continuing to supply aid—and particularly arms—to the central government of Pakistan, the U.S. is increasingly coming to be viewed as an enemy by the Bengali people. Moreover, the longer the Pakistan army is able to maintain its hold on East Pakistan, the more likely it is that the Bengali independence movement will slip under Communist influence.

A PROBLEM FOR INDIA

This is one of the worries that lead some Indian policy makers to favor war with Pakistan. The odds are still against a full-scale war, but artillery exchanges erupt daily along the border. Presidential adviser Henry Kissinger, during recent meetings with American officials in Islamabad, the national Pakistan capital located in the West, is said to have called the odds for an Indo-Pakistani war better than one in three.

The scope of the Pakistan army's military problem here can be seen in a comparison with Vietnam. There, a million-man South Vietnamese army plus American troops and massive firepower must try to control a population of 17 million, many basically sympathetic to the government. Here, only 60,000 West Pakistani troops are trying to control a thoroughly hostile population of 75 million. East Pakistan, moreover, is surrounded on three sides by India, which is giving sanctuaries and supplies to the guerrillas. And the Pakistan army's supply routes from West Pakistan to the East must circumvent, by sea and air, 1,200 miles of India.

Of course, the Mukti Bahani, or liberation army, isn't the Vietcong. For one thing, the guerrillas aren't Communist. For another, they are not—or are not yet—very effective fighters. They have been at it for less than four months, and organization and discipline don't come naturally to most Bengalis.

LEARNING TO BE GUERRILLAS

But they are learning. In recent weeks they have been concentrating on disrupting the Pakistan army's lines of transportation; bridges are being dynamited and railroad tracks sabotaged. The key railroad line from Chittagong, East Pakistan's major port, to Dacca, its capital, has been put out of operation, and almost all supplies must move inland by riverboat. Electric power facilities in Dacca and elsewhere have been blasted. The guerrillas also are concentrating on assassinations of local people who collaborate with the army.

The Mukti Bahani enjoys some big advantages, though it is far from ready to benefit fully from them. Much of the land, outside the towns and off the main roads, is a vacuum that 60,000 soldiers can never hope to fill. At night the Pakistan army withdraws into military camps, but if and when the guerrillas learn how to use mortars and rockets, these camps could become traps rather than refuges.

The Pakistan army's crude and bloody tactics, while cowing most Bengalis, have been solidifying public support behind the independence movement and have left the Mukti Bahani with a sea of sympathizers in which to swim. A severe famine this fall or next, which Western economists consider likely, could possibly produce from the peasant sympathizers great waves of desperate and angry activists. "A nation with a well-fed army and an ill-fed people cannot survive," a Bengali professor says.

A clandestine meeting with a Mukti Bahani unit leader at a Moslem village deep inside East Pakistan provides some insight into guerrilla operations. It is early morning, and the leader is sitting in front of a peasant hut where he has been sleeping the past several nights. He is a former noncommissioned officer in the Pakistan army who, like almost all Bengali soldiers and policemen, joined the revolutionary movement in late March. (Some were subsequently killed, others fled to India.)

He leads a group of 37 men, armed mostly with Lee-Enfield rifles. But they also have one or more light machine guns, grenades and dynamite. Some of the arms as well as the ammunition are supplied by India, to which this unit fled for several weeks in April. The unit isn't short of weapons or bullets, the leader says.

It doesn't receive any direct orders but reports on its operations by runner to higher Mukti Bahani headquarters near, or across, the Indian border. The unit depends for food and lodging on local villagers, some of whom are paid and others of whom make "voluntary contributions."

The unit has launched two attacks in this area in the past few weeks, one a raid on a police station in which 11 weapons were captured. It also blew up a bridge along the road. When Pakistan army troops reached the site, they were ambushed by another unit of Mukti Bahani. The Pakistan army is said to have suffered at least a dozen casualties. This 37-man unit hasn't had any casualties to date, nor have any of the men quit the unit.

The leader thinks the Mukti Bahani will soon win the war because the people are behind it and because, he says, 300,000 Bengalis are getting military training in India. The statement about public support is probably accurate. But the claim about military training, according to more reliable sources, is probably a tenfold exaggeration. And believing in quick victory is both naive and dangerous.

LITTLE REALISM ON THE OTHER SIDE

The Pakistan army, however, is hardly more realistic. A Pakistan general in Dacca flatly states that all guerrillas in the area where the Mukti Bahani leader and his unit are operating have been elimnated. The general says army casualties in all East Pakistan are averaging only five a day; diplomats estimate them at more like 50.

Army morale still seems to be generally high. But the conflict's initial stage, in which the army ruthlessly recaptured rebel-held towns in a spree of killing, looting and raping, has been over for three months, and the new stage of guerrilla warfare will be much more grueling. Many Pakistan soldiers came to East Pakistan thinking they would be here for only a month or two of combat, not as a semipermanent occupation army. The flat, marshy riceland of East Pakistan is misery to soldiers from the dry hills of West Pakistan. Scattered reports say that some West Pakistan military officers—including a senior navy commander and an air-force general—are opposing the army's brutal tactics and slaughter of the civilian population.

The Pakistan army, however, doesn't appear to be cracking under any present strain. To most of the military men this is a kind of holy war for the preservation of Pakistan and the purity of the moslem religion. And if Pakistan's president, Yahya Khan, comes under political pressure in West Pakistan, it is more likely to come from hawks calling for even tougher measures than from doves. "West Pakistan will let itself be drained before it gives East Pakistan up," a European diplomat in Dacca says.

To help control the Bengali population, the army has been setting up a network of peace committees superimposed upon the normal civil administration, which the army cannot fully rely on. Peace-committee members are drawn from East Pakistan's non-Bengali minority (called Biharis) and from the membership of small, conservative religious-political parties like the Moslem League and the Jamaat-I-Islami. The peace committees serve as agents for the army, informing on the civil administration as well as on the general populace. They are also in charge of confiscating and redistributing shops and lands from "enemies of the people," like Hindus and pro-independence Bengalis. The peace committees also recruit razikars, or armed vigilantes. Many of them are common criminals who have thrown their lot with the army. "Biharis, Bengali opportunists, louts and thugs"—that's the capsule definition offered by one diplomat.

While the general Bengali population is terrified—and terrorized—by these local army collaborators, the collaborators also live in fear.

Dozens of peace committeemen have been assassinated by Mukti Bahani or by Bengali neighbors. In one town a peace-committee official sleeps on the floor of his house with three razikars lying on each side of him. In another town the peace-committee chairman has paid $625 protection money to the Mukti Bahani to prevent, or postpone, assassination.

In one roadside village a peace committeeman who two days before had turned several Bengalis over to the army was routed out of his bed at night by Mukti Bahani. He was given an hour to say good-bye to his mother. Then a "people's court" was convened in his front yard with neighbors summoned as jurymen. He was convicted and executed, and his body was left in the road as a warning to other collaborators.

Then there was this encounter by two reporters with a small-town peace committee. The Mukti Bahani had made a small foray into the town the previous night, firing a few stray bullets, destroying a telephone at the railroad station and robbing the station safe of about $3.00. The attack could hardly have been less effectual.

But to listen to the peace committee it had been an epic assault. "Forty Mukti Bahani came armed with automatic weapons," the committee chairman, an elderly Bihari, says. A half-hour later the tale had escalated into an attack by 100 Mukti Bahani men carrying machine guns. "What could we do?" he asks. "The razikar have only four rifles, the army is stationed 10 miles away, maybe there will be more attacks." The committeemen know that they themselves are targets. Death shrouds have been left at night on their doorstops as a sign that they are marked men.

Like the army, the peace committee blames all troubles on miscreants and goodas (criminals), Indian infiltrators and a few misguided individuals—all of whom are lumped together under the term "antielements." All townspeople support the army and the peace committee, these committeemen say. As they talk to the two reporters, several score townspeople stand around, silently listening.

The reporters leave, turning a corner out of sight of the committeemen. The townspeople follow and rush up to them.

"The man talking was a non-Bengali. . . . No one agrees with what he says. . . . The peace committee is a trap for the people. . . . The army kills many people here. . . . We cannot talk or we will be reported to the army. . . ."

The civil fighting has had calamitous economic effects. The immediate sufferers, of course, are the Bengalis, whose already desperately poor and overcrowded land has been rendered even poorer. Transportation is disrupted, commerce has collapsed, factories lie idle, public-works programs are at a standstill and crops go untended. One result, Western economists believe, could well be a severe famine late this year.

The rice crop will be affected because farmers have fled their paddies or fear to go out of their homes to tend the crop. Last year the food-grain harvest was 11.5 million tons; this year it will be no more than 9.5 million. East Pakistan's food-grain requirement is 13 million tons, and the deficit traditionally has been made up by imports, much of it through purchases for local currency of American surplus-food stocks. But now, because of the conflict, the distribution system can't handle the import load while the reduced crop makes the need greater.

One economist estimates that the distribution system would have to handle 300,000 tons of imports a month, whereas, even in normal times, it has never been able to carry more than half that amount. America already has stopped new food-grain shipments because rice is backed up on the docks of Chittagong. One reason, of course, is that to the Pakistan army administration, rice rates a lower priority than military supplies.

A LAND OF LITTLE HOPE

Even if famine can be averted both this fall and next, the economic punishment of this conflict will be felt for years, probably decades, and will cripple the land even if independence comes. In a sense it's like crippling a leukemia patient, for East Pakistan—with or without war—is a land of little hope. Already, 75 million people are packed within its frontiers, and the population will double in 25 years. People will then be living more than 3,000 to the square mile, and no one knows what they will live on.

But the economic situation here is also serious for West Pakistan. The West has always treated East Pakistan as a kind of economic fiefdom, pocketing foreign exchange from the export of East Pakistan's raw materials like jute and tea while using East Pakistan as a captive market for low-quality West Pakistani finished goods.

The main East Pakistan export is jute. Last year the jute crop was seven million bales. This year, Western economists say, the maximum will be 5½ million. But with the trading and transportation system disrupted, much of it may never reach the mills. Even then, the mills are barely functioning: Only 36% of the jute-mill workers have returned to their jobs, and mill output in June was only 20% of normal. Economists say if that situation continues for several more months, overseas jute buyers will begin turning to other suppliers.

Commerce is almost at a standstill in many areas. Most towns are reduced to a fraction of their former population; a majority of their people are dead, have fled to India or are hiding in the countryside. Retail trade in Dacca is only 35% of normal and in other towns considerably less. Even where shops are open, people have little money to spend and no inclination to spend it.

Western economists in Dacca say the economic crisis already is starting to spread to West Pakistan, where factory laborers are beginning to be laid off. West Pakistani goods that were sold in the captive market of East Pakistan aren't very competitive in other countries.

All this, plus the loss of East Pakistan tax revenues and the added costs of maintaining an army of occupation in East Pakistan, will have reduced Pakistan's foreign-exchange reserves to a critically low level by October, the economists here say. Whether foreign-aid donors will help bail out the Pakistan government remains to be seen.

America's aid program to Pakistan is in a state of considerable confusion, especially to the people here. Officials in Washington say economic aid is continuing to both West and East Pakistan on a case-by-case basis. But, in practice, this means the East is getting little help. The Nixon administration says it isn't granting any new military assistance to the central government of Pakistan. But goods contracted for prior to March 25 are still being sent, although the administration contends that these are generally sales of such things as communications equipment, not arms.

All this has left the Bengalis confused and angry, and it is awkward to be an American visitor in East Pakistan these days. Those few Bengalis who risk arrest by talking to a stranger invariably ask why America continues to ship supplies to the Pakistan army.

"We hear on Pakistan radio that two American ships are bringing ammunition to the army. But the Canadian people support our cause. We are grateful to the Canadian people," a teacher says, trying to be as polite as possible. "We understand that you must make money by selling guns to Pakistan, but please sell us rifles, too," a lawyer pleads.

A student says: "At Kent State you lost four students and the whole world protested. Here thousands of students have been killed by the army, but does the world care? You supply guns to the army. If we were European, you would care."

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in American policy make East Pakistan independence likely in two years or five years rather than 10 years? There was no definitive answer. But whether Bangla Desh comes to pass in two, five, or 10 years, its citizens are likely to have long—and not very fond—memories of America's role in their revolutionary war.

UNIVERSAL VOTER REGISTRATION FOR FEDERAL ELECTIONS—THE CONSTITUTIONAL BASIS

Mr. KENNEDY. Mr. President, last Monday, in discussing my amendment—numbered 344—to S. 382, the Federal Election Campaign Act of 1971, I emphasized my view that there is ample constitutional justification for action by Congress to establish a program, to be carried out by the Census Bureau, for universal voter registration in Federal elections. See pages 27120–27121 of the CONGRESSIONAL RECORD for Monday, July 26, 1971. The linch-pin of the constitutional basis for such action is *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), in which the Supreme Court sustained the literacy, residency, and voting age provisions of the Voting Rights Amendments of 1970.

Recently, I have received a detailed legal memorandum supporting the power of Congress to regulate voter registration in Federal elections. The memorandum was prepared by Prof. Kenneth Guido of the University of Kentucky Law School, an expert in the constitutional law of voting rights and voting procedures. Professor Guido is a consultant to the voting-rights project of Common Cause, for whom the memorandum was prepared, and the memorandum was provided to me by Common Cause.

Mr. President, I believe the memorandum will be of interest to every Senator concerned with improving the voting participation of the American people, and I ask unanimous consent that it be printed in the RECORD.

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

POWER OF CONGRESS TO REGULATE VOTER REGISTRATION FOR FEDERAL ELECTIONS

(Written by Professor Kenneth Guido, University of Kentucky Law School; Consultant, Voting Rights Project, Common Cause; provided by Common Cause 2100 M Street, N.W., Washington, D.C. 20037)

The framers of the Constitution provided in Article I, Section 2 that members of the House of Representatives shall be elected by the people and that the voters shall have the "Qualifications requisite for Electors of the most numerous Branch of the State Legislature." The Seventeenth Amendment extended this to the election of Senators by the people who are to have the same qualifications as voters for members of the House of Representatives. Similarly, Article II, section 1 places the qualifications of Presidential electors under state authority. These provisions have been consistently interpreted to mean that now, as before enactment of the Civil War Amendments, the States have the authority to establish the qualifications for voters, to regulate the registration of voters, and to supervise elections. *Minor v. Happersett*, 21 Wall. 162, 170 (1874); *U.S. v. Reese*, 92 U.S. 214, 217 (1876); *McPherson v. Blacker*, 146 U.S. 1, 39 (1892); *Pope v. Williams*, 192 U.S. 621, 632 (1902); *Guinn v. U.S.*, 238 U.S. 347 (1914); *Lassiter v. Northampton County Bd. of Elections*, 360 U.S. 45, 50 (1959); *Carrington v. Rash*, 380 U.S. 89, 91 (1965); *South Carolina v. Katzenbach*, 383 U.S. 301, 325 (1966); *Oregon v. Mitchell*, 400 U.S. 112, 119 (1970).

But, this is only true in that states may enact legislation on the subject—as provided by section 2 of Article 1, the Seventeenth Amendment, and section 1 of Article II—that does not conflict with legislation enacted by Congress in exercise of its power to regulate federal elections under section 4 of Article 1 and its more general power under Article 1, section 8 "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." See *Ex parte Siebold*, 100 U.S. 371 (1880) *Ex parte Yarbrough*, 110 U.S. 651, 663, 664 (1884); *Swafford v. Templeton*, 185 U.S. 487 (1902); *Wiley v. Sinkler*, 179 U.S. 58, 64 (1900); *U.S. v. Classic*, 313 U.S. 299, 315 (1941) "It is not true, therefore, that electors for members of congress (or president) owe their right to vote to the state law, in any sense which makes the exercise of the right depend exclusively on the law of the state." *Ex parte Yarbrough*, 110 U.S. 651, 663–64 (1884); accord, *Baker v. Carr*, 369 U.S. 186, 242–43 (1962).

THE HISTORY OF CONGRESSIONAL LEGISLATION

Historically, Congress has extensively regulated the conduct of federal elections under its constitutional authority. Almost immediately after the Constitution was ratified, legislation was passed by Congress. In 1792 Congress established the time for appointment, the number of presidential and vice presidential electors to which each state was entitled, and the manner in which they were to cast their ballots. Act of March 1, 1792; 1 Stat. 239; 3 U.S.C. § 1, 2, 10, 11, 14, and 15. And in 1804, Congress modified the manner of voting. Act of March 26, 1804, 2 Stat. 295; 3 U.S.C. § 8 and 9. Less than forty years later, in 1842, Congress enacted legislation which provided that candidates for the House of Representatives were to be selected from contiguous and compact districts, overturning a common state practice of electing representatives at large. See Act of June 25, 1842, c. 47, § 2; 5 Stat. 491; 2 U.S.C. § 3, expired by own limitation in 1929, *Wood v. Broom*, 287 U.S. 1. Congress in 1845 established procedures for the filling of vacancies to the electoral college and reappointment of electors if they fail to reach a decision on the day specified by earlier legislation. Act of 1845, c. 1; 5 Stat. 721; 3 U.S.C. § 3 and 4.

Congress, in 1851, enacted legislation regulating the time and manner for contesting an election of any member of the House of Representatives, including the time and manner of taking depositions and penalties for failure to testify. Act of Feb. 19, 1851, c. 11; 9 Stat. 568; 2 U.S.C. § 201 et seq.; superseded by P. L. 138; 83 Stat. 284; 2 U.S.C. § 381 et seq. And in 1865 Congress prohibited interference with the right to vote by any Army or Navy officer. Act of Feb. 25, 1865, c. 52, § 1, 13 Stat. 437; 42 U.S.C. 1972.

The first comprehensive package of legislation regulating federal elections was passed by Congress as part of the Reconstruction legislation right after the Civil War. This legislation, embodied in §§ 19–22 of the Act of May 31, 1870, 16 Stat. 254, and in the Act of June 19, 1872, 17 Stat. 347–349, made it unlawful to register falsely, to bribe a voter, to vote without a legal right, to make false returns, to interfere in any manner with officers of elections, and for any officer of an election to neglect any duty required of him by state or federal law. In addition, Congress authorized federal officers to register voters, and certify the results of elections, establishing complete federal control over federal elections. See *U. S. v Gradwell*, 243 U.S. 476, 482 (1916). Furthermore, Congress provided for the number and manner of apportionment of the House of Representatives, and required that all votes for representatives be by written or printed ballot. Act of Feb. 2, 1872, c. 11; 17 Stat. 28; 2 U.S.C. ——; Act of June, 18, 1929, c. 28 § 22, 46 Stat. 26, §§ 2, 6, 7, 8, and 9. Section 2 was superseded by 2 U.S.C. § 2a. *Smiley v. Holm*, 285 U.S. 355 (1932).

Congress repealed most of the sections passed as a part of the Reconstruction legislation in 1894 (Act of Feb. 8, 1894, 28 Stat. 36), with the hope expressed in the Committee Report which accompanied the repeal that the enactment of state laws to "protect the voter and purify the ballot" would be extended to "every state in the union." H.R. Rep. No. 18, 53d Cong., 1st Sess., p. 7.

After the turn of the century, however, Congress again found it necessary to enact legislation to protect the right to vote in Federal elections. Congress, in 1909, made it a crime: (1) for any officer or member of the armed forces to station Army or Navy troops at the polls or attempt to set the qualifications for voters to cast their ballot, and (2) for anyone in the service of the United States to solicit, be solicited for, or to make any political campaign contribution. Act of March 4, 1909, ch. 321, 35 Stat. 1902, 1903, 18 U.S.C. §§ 241 et seq. Congress in 1911 provided for the manner of nomination and election of members of the House of Representatives between the date of the census and the date of reapportionment. Act of Aug. 8, 1911, c. 5, 37 Stat. 15, 2 U.S.C. §§ 4 and 5. And in 1914 Congress established the time for the election of Senators.

Congress in 1925 and 1939 broadened federal control over the federal electoral process by enacting a set of statutes, supplementing those passed in 1909, that imposed criminal penalties upon certain financial transactions designed to influence candidates or voters. An offer to make an expenditure of money, or the receipt thereof, and a promise of appointment by a candidate to influence a persons' vote were explicitly declared to be unlawful, as were solicitations of political contributions of those employed by the United States or paid in part with federal funds, and political contributions by national banks, corporations or labor organizations. Act of June 25, 1948, c. 645, 62 Stat. 721, 18 U.S.C. §§ 597, 599, 609, and 610. The legislation of 1939 made it a crime; (1) for any person to initimidate voters; (2) for federal employees, or those paid in part by federal funds, to use their official authority over funds for public works projects, work relief, or employment in order to influence voters; or (3) for any person to solicit funds in a federal building or from persons on welfare. Act of Aug. 2, 1939, c. 410, 53 Stat. 1148, 18 U.S.C. §§ 594–95, 598, 600–601, 604–605.

In the decade of the forties, more additions were made regarding the manner in which federal elections were to be held. Legislation was enacted in 1940, which: (1) prohibited state or local employees paid in part or in whole with federal funds from using their position to intimidate, coerce or influence voters from taking an active part in partisan political campaigns and (2) prohibited firms or individuals contracting with the United States from making a political contribution of any kind. Act of July 19, 1940, c. 64, 54 Stat. 767, 772, 5 U.S.C. §§ 1501 et seq; 18 U.S.C. §§ 611. In addition, legislation was enacted during this period prohibiting anyone from polling a member of the armed forces on the way he intended to vote or had voted, and requiring political mailings to include the name of the person or group responsible for the distribution. Act of Sept. 16, 1942, c. 561, as added April 1, 1944, c. 150, 58 Stat. 146, 18 U.S.C. § 596; Act of Dec. 23, 1944, C. 706, 58 Stat. 914, 915, 18 U.S.C. § 612.

In the late fifties and early sixties additional legislation was passed under Con-

gress' constitutional authority to regulate federal elections. In 1957, Congress amended 42 U.S.C. 1971, adding thereto a section prohibiting any person acting under color of law from interfering with any other person's right to vote in federal elections. P.L. 85–315, 42 U.S.C. 1971 (b). In 1960 Congress required retention and preservation for a period of time of all records and papers relating to registration, or any other act requisite to voting in federal elections, by the officer of the election or such other custodian as provided by state law. P.L. 86–449, 42 U.S.C. 1974. Moreover, to further protect the integrity of federal elections, Congress, in 1960, made it a crime for any person acting under color of law to willfully interfere with a person's right to vote in federal elections by force or threat of force. P.L. 90–284, 82 Stat. 73, 18 U.S.C. 245.

As this summary points out, Congressional regulation of the "time, place and manner" of federal elections, has fluctuated over time, depending upon what Congress perceived the need to be. To assume from this, however, that Congress has only narrowly drawn authority to preserve the integrity of elections is unwarranted.

THE SUPREME COURT PRECEDENTS

The Supreme Court has repeatedly upheld legislation enacted to protect the integrity of federal elections under Art. 1 § 4 and under Article 1, § 8, "to make all laws which shall be necessary and proper." Legislation that protected the right of qualified voters to have their votes counted, *United States* v. *Mosley*, 238 U.S. 383 (1915); *Ex parte Yarbrough*, 110 U.S. 651 (1884), and legislation that protected the franchise against less outright denials, such as alteration of ballots, *United States* v. *Classic*, 313 U.S. 299 (1941) or dilution by stuffing of the ballot box, *United States* v. *Saylor*, 322 U.S. 385, have been upheld as constitutional exercises of the power of Congress.

The extent of Congressional authority has stretched beyond overt fraud to encompass many other matters, including insidious devices which Congress believed had the propensity to undermine the legitimacy of the federal electoral process. Legislation setting the date for meeting of Presidential electors (3 U.S.C. § 5) has been held to preempt state law setting a conflicting date. *McPherson* v. *Blacker*, 146 U.S. 1 (1892). Legislation defining the basis of apportionment of Congress (2 U.S.C. § 2a) has been upheld as a constitutional exercise of Congress' power to regulate federal elections, with a federal circuit court stating that "whenever a member of Congress is to be elected, Congress seeks by statute to protect the elections of its members against *any possible unfairness* by compelling every one concerned in holding the election to observe strict and scrupulous regard of every duty connected therewith, under the powers and penalties pronounced by that statute" (emphasis added). *U.S.* v. *Jackson*, 25 F. 548 (C.C. Tenn. 1885). Legislation regulating the time and manner of conducting election contests has been upheld as necessary and proper under the power of the House of Representatives to judge election contests conferred by section 5 of Article 1. (2 U.S.C. 201 et seq.) *In re Voorhis*, 271 F. 673 (D.C. N.Y. 1923); *In re Loney*, 134 U.S. 372 (1890). And legislation requiring ballots to be preserved and produced upon request (2 U.S.C. 219; 42 U.S.C. 1974) has been upheld on a number of occasions. *In re Howell*, 119 F. 465, 467 (D.C. Pa. 1902); *Kennedy* v. *Lewis*, 325 F. 2d 210 (C.A. Miss. 1963), cert. denied, 377 U.S. 932, rehearing denied, 377 U.S. 935; *Sallion* v. *Rogers*, 187 F. Supp. 848 (D.C. Ala. 1960), aff'd 285 F. 2d 430, cert. denied, 366 U.S. 913; *U.S.* v. *Assoc. of Citizens Council of La.*, 187 F. Supp. 846 (D.C. La 1960); *U.S.* v. *State of Miss.*, 229 F. Supp. 925 rev'd on other grounds, 380 U.S. 128, on remand, 256 F. Supp. 344.

The Supreme Court has been particularly wary of the temptations to corrupt federal elections, viewing such behavior as a constant source of danger. *Ex parte Yarbrough*, 110 U.S. 651, 666–67 (1884), quoted with approval in *Burroughs v. U.S.*, 290 U.S. 534, 546–47 (1934). Consequently, it is not surprising to find federal courts upholding legislation that prohibited: (1) the making of expenditures to influence voting (18 U.S.C. 597), *U.S. v. Blanton*, 77 F. Supp 812 (D.C. Mo. 1948); *U.S. v. Foote*, 42 F. Supp. 717 (D.C. Del. 1942); *In re Cohen*, 62 F. Supp. 2d 249 (C.C.A. N.Y. 1932); (2) The solicitation of political contributions upon federal property (18 U.S.C. 603), *U.S. v. Thayer*, 209 U.S. 39 (1908); and (3) the prohibition of political contributions by certain corporations and labor unions in an election at which federal officers are to be elected (18 U.S.C. 610), *U.S. v. Brewers' Ass'n*, 239 F. 163 (D.C. Pa. 1916); *U.S. v. CIO*, 77 F. Supp. 355 (D.C. 1948); *U.S. v. UAW–CIO*, 352 567 (1957), rehearing denied 353 U.S. 943.

Finally, proscription of the distribution of statements which might be erroneously attributed to one or another candidate by the electorate (18 U.S.C. 612) without disclosing the name of the person responsible for their distribution has been held to be within the power of Congress to preserve the integrity of federal elections. *U.S. v. Scott*, 195 F. Supp. 440 (D.C. N.D. 1961).

The right of the people to choose their federal officials, whatever may the constitutional allocation of authority of the states and the federal government to regulate the election of state officials "is a right established and guaranteed by the constitution and hence is one secured by it to those citizens and inhabitants of the state entitled to exercise the right," *U.S. v. Classic*, 313 U.S. 299 (1941); See also, *Ex parte Yarbrough*, 110 U.S. 651 (1884); *U.S. v. Mosley*, 238 U.S. 383 (1915). Obviously, included within this right to choose is the right of all qualified citizens to have their vote counted, *U.S. v. Classic, supra; Swafford v. Templeton, supra; United States v. Mosley, supra; Ex parte Siebold*, supra; *In re Coy*, 127 U.S. 731; *Hagan v. U.S.*, 144 U.S. 263. It seems incongruous that such a simple proposition could ever be doubted when the nature and theory of a representative democracy, the principles upon which it is supposed to rest, and the history of the constitution are carefully considered. *Yick Wo. v. Hopkins*, 118 U.S. 356, 369 (1885). "If a government, the essential character of which is republican and its President and Congress are elected directly by the people, is to be anything more than a mere aggregation of delegated powers from the various states, it must have the authority to protect the integrity of its elections. Otherwise it is left vulnerable to open violence and insidious corruption," *Ex parte Yarbrough*, 110 U.S. at 657–58; *Burroughs v. United States*, 290 U.S. 534, 546–47 (1934), "and its best powers, its highest purposes, the hope which it inspires, and the love which enshrines it, are at the mercy of the combination of those who respect no right but brute force on the one hand, and unprincipled corruption on the other." *Ex parte Yarbrough*, 110 U.S. at 666–67; *Burroughs v. U.S.* 290 U.S. 534, 547 (1934). Therefore, it follows that the Congress is *obligated* to see that Federal elections are free from corruption and open to all citizens who are qualified. "This duty does not arise solely from the interest of the party concerned, but from the necessity of the government itself . . . and that the votes by which its members of Congress and its President are elected shall be the *free* votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice." *Ex parte Yarbrough*, 110 U.S. 651, 662 (1884).

As recently as 1970, the Burger Court reaffirmed this principle. Justice Black found in the constitutional history authority for Congress to establish the voting age for federal elections, stating that "Congress has ultimate supervisory power over congressional elections . . ." *Oregon v. Mitchell*, 400 U.S. 112, 124 (1970). Justice Douglas, although he ruled upon the privileges and immunities clause of the Fourteenth Amendment in upholding the durational residency provision of the 1970 Voting Rights Act, stated that the "right to vote for national officers is a privilege and immunity of national citizenship," id. at 149, and that the choice of means to protect such a privilege presents a question primarily addressed to the judgment of Congress. Id at 150. Justices Brennan, Marshall and White did not state explicitly what their position was on Congress' authority to regulate federal elections but cited Justice Douglas' views in a footnote, and went on to base their affirmation of the durational residency provision of the 1970 Voting Rights Act on the right to travel. Id at 237, particularly footnote 16. Moreover, although Justices Stewart and Blackmun and Chief Justice Burger did not believe Congress' authority extended to include the reduction of the voting age requirement, in an opinion written by Justice Stewart they were careful to point out that Congress has the authority under Article I, section 4 and section 5 to pass such laws as are necessary to assure fair elections and to protect and facilitate the exercise of privileges of United States citizenship," citing both *United States v. Classic*, supra, and *Burroughs v. United States*, supra. Id., at 281ff.

THE SCOPE OF CONGRESS' AUTHORITY TO REGULATE ELECTIONS

Of particular importance in the area of voting rights is whether the right to choose Federal officials embraces the registration of voters.

It is fair to assume that the framers of the Constitution, in adopting Article I, section 4, did not have in mind modern registration statutes, "any more than they contemplated the application of the commerce clause to interstate telephone, telegraph and wireless communication, which are concededly within it. But in determining whether a provision applies to a subject matter," whether or not it was then in existence does not matter. *U.S.* v. *Classic*, 313 U.S. 299 316 (1941). In setting up an enduring framework of government, the framers intended the Constitution to last for an indefinite length of time, providing a set of fundamental principles which the Constitution itself defines to be applied to all the vicissitudes of the changing affairs of men. *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). Consequently, the Constitution is not to be read as legislative enactments which are subject to continuous legislative revision with the changing course of history, but in light of its plainly elicited purposes. *U.S.* v *Classic*, supra; *Davidson* v. *New Orleans*, 96 U.S. 97; *Brown* v. *Walker*, 161 U.S. 591, 195; *Robertson* v. *Baldwin*, 165 U.S. 275, 281–82; *U.S.* v. *Reese*, 92 U.S. 214, 217.

Article I, section 4, authorizes Congress to regulate the time, place and manner of holding federal elections, and Article I section 8 authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution" the powers of Congress. This leaves Congress free to select the means by which its constitutional powers are to be carried into execution, subject only to the limitation promulgated by Chief Justice Marshall in *McCulloch* v. *Maryland:*

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution are constitutional." 4 Wheat. 316, 421 (1819).

Thus whenever the Congressional decision is consistent with the "letter" and spirit of the Constitution, as a long line of cases has held from *McCulloch v. Maryland*, supra, to *Oregon v. Mitchell*, 400 U.S. 112 (1970), it will be upheld as a constitutional exercise

of Congressional authority. See *Ex parte Virginia*, 100 U.S. at 345–346 (1880); *South Carolina v. Katzenbach*, 383 U.S. 301, 376–77 (1965); *Katzenbach v. Morgan*, 384 U.S. 649, 650 (1965) and the opinions of the Justices of the present Court in *Oregon v. Mitchell*, supra, in which all of the Justices affirmed their adherence to the principle of *McCulloch v. Maryland*.

The right to participate in the selection of federal officials includes the right to cast a ballot and to have it counted at the general election, whether for the successful candidate or not. Where the state law has made registration an integral part of the procedure of choice, or where in fact registration controls the right to make that choice, the right of the citizen to be free from arbitrary application of qualification regulations is likewise included in the right protected by Article 1, section 2. Cf. *U.S. v. Classic*, supra, at 319.

There is no merit to the argument that Article I, section 4, and the Fourteenth Amendment deal only with the denial of the right to vote, not with the registration of voters, and therefore give Congress no power over registration. Cf. *U.S.* v. *Manning*, 215, F. Supp. 272 (1962). The Supreme Court set the record straight in striking down the "grandfather clause," one of the first schemes to deny registration to voters. *Guinn* v. *United States*, 238, U.S. 347 (1915). The Court pointed out in that case that the Fifteenth Amendment did not take away the State's power to fix qualifications, but it requires the tests for suffrage to be non-discriminatory. As the District Court stated in *U.S.* v. *Manning*:

Discrimination in the registration office is the worst kind of oppression of qualified voters, because it is oppression under color of law. *Discrimination by a registrar is especially harmful because it is the most effective method for denying the right to vote: it denies the right to vote before an individual has the chance to exercise it, and it bars not only the individual* concerned from all elections but inhibits other qualified voters from running the gauntlet of discriminatory and humiliating practices by a registar and his deputies. *It is unthinkable that Congress should not have the power to deal with the right to vote at the most vulnerable point in the electoral process.*

As the Supreme Court said, in an analogous context, in *Ex Parte Yarbrough*, 110 U.S. 651, 661–62 (1884):

It is only because of the Congress of the United States, through long habit and long years of forebearance, has, in deference and respect to the states, refrained from the exercise of these powers, that they are now questioned.

When the states, by sophisticated registration requirements coupled with discriminatory practices by registrars, deny suffrage to qualified voters, they cannot complain if Congress exercises its authority under Article I, section 4, to regulate the electoral process in federal elections and its Fourteenth-Fifteenth Amendment authority to prohibit discriminatory denial of the right to vote in federal and state elections" (emphasis added). 215 F. Supp. 272, 278–88 (1962).

The Supreme Court on a number of occasions has addressed itself to the question of the extent of the function contemplated by Article I, section 4, and the other sections of the Constitution regarding suffrage. The response directly applicable to registration was made in *Smiley v. Holm*, in which the Supreme Court stated:

"It cannot be doubted that these comprehensive words 'time, place and manner of holding elections for Senators and Representatives' embrace authority to provide a *complete code* for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, count of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which enforce the fundamental rights involved." (Emphasis added.) 285 U.S. 366–67 (1932).

The history of the Constitution, the legislation which has been enacted thereunder and the decisions upholding its constitutionality all lead to one inescapable conclusion. When it comes to federal elections, Congress may adopt as its own or supplement state regulations, and even substitute its own voter registration laws. Simply stated, Congress "has a general supervisory power over the whole subject." *Ex parte Siebold*, 100 U.S. 371, 387; *Ex parte Yarbrough*, 110 U.S. 651, 661; *Ex parte Clarke*, 100 U.S. 399; *United States* v. *Mosley*, 238 U.S. 383, 386; *Newberry v. United States*, 256 U.S. 232, 255; *Smiley v. Holm*, supra.

SUPPORT FOR FARM CREDIT ACT OF 1971

Mr. FULBRIGHT. Mr. President, I should like to record my support for the Farm Credit Act of 1971, S. 1483.

Over 15,000 Arkansas farmers and 65 Arkansas farmer cooperatives now have nearly $300 million in loans outstanding from the banks and associations of the cooperative farm credit system. These farmer-owned institutions have served the farmers of Arkansas well. But, as in so many things, there is a time when change is necessary.

In Arkansas, as in many other rural States, we are very much concerned about rural development. As I read the Farm Credit Act of 1971, I see in it some things that would aid our rural communities. The Farm Credit System need make no apology for its present role in building our rural areas. The mere fact that it operates only in rural America, making loans of all kinds to both farmers and their cooperatives, aids the rural economy. But more needs to be done and this legislation will provide the means by which more can be done.

I have received a great deal of mail from my State unanimously supporting this legislation, and I would like to comment on the provisions in it which I believe are especially significant.

Rural housing: There is no question that adequate funds are needed to finance nonfarm rural homes. Substandard housing is the rule rather than the exception in rural America. The lack of available financing is one of the prime reasons people do not build new homes in the country. This results, of course, in an exodus from the country to our already overcrowded cities. The provision in the Farm Credit Act of 1971 to allow the Federal land banks to make these kinds of loans will not solve all the housing problems in rural America, but it is certainly a step in the right direction. The availability of money for nonfarm rural homes will do more than provide places for people to live. It will provide jobs, stimulate business and broaden the tax base in these communities. The companion provision which would allow the production credit associations to make loans for the repair and maintenance of these rural homes is equally important. I think it a tribute to the farmer-owners of the farm credit system that they recognize the needs of their rural neighbors and are asking the permission of the Congress to help them.

Farm-related business loans: Many farmers today are plagued by the fact that they need large and expensive equipment and machinery to operate efficiently. Though they need such equipment, frequently they cannot justify its use when its cost is considered. The answer for many farmers is to turn to custom operators; businessmen who provide on-the-farm services which the farmer, under ordinary circumstances, would provide for himself. However, these farm-related businessmen have difficulty obtaining sufficient financing. Again, the Farm Credit Act of 1971 offers assistance by allowing its institutions to make loans to those who provide these services.

Loans to farmers' cooperatives: The Banks for Cooperatives are now providing an estimated 60 percent of all funds borrowed by farmers' cooperatives. More than half of all the cooperatives in existence are owners of these Banks. Many of those which are not borrower-owners simply cannot meet the rigid eligibility requirements. In order for a cooperative to be eligible for a loan, 90 percent of its voting control must be held by farmers. Now many of these cooperatives do sell supplies or provide petroleum products to nonfarmers, but the nature of cooperatives is such that these nonfarmers do hold stock in them. It is also true that many farmers keep their investments in cooperatives after they retire. This, of course, affects the voting control requirement. The Farm Credit Act of 1971 offers a solution. It would establish the eligibility of a borrowing cooperative as one in which farmers hold 66⅔ percent of voting control. So again, the rural economy is stimulated by the business a cooperative brings into rural areas and by the jobs it provides.

The cooperative Farm Credit System was initially established with funds provided by the U.S. Government. The farmers and their cooperatives who borrow from this system have demonstrated their ability to successfully operate it. They have repaid the Government with interest. They now completely own the banks and associations and have invested more than $1 billion in them. In effect, all they are asking is for us to allow them to modernize their system so it can better serve them and their rural neighbors. We should not only grant that permission by enacting this legislation, but we should grant it with our thanks.

MRS. IRIS POWERS, THE ARMY'S CONSULTANT TO THE FAMILIES OF PRISONERS AND MISSING

Mr. DOLE. Mr. President, in my activities on behalf of American servicemen who are missing in action or held as prisoners of war in Southeast Asia I have come to know a number of wives, mothers, fathers, and children of these men. Many have been members of the national League of Families of Prisoners and Missing in Southeast Asia, and all have been unique in their determination to do everything and anything they feel will possibly benefit the men who are captive or missing in North Vietnam, South Vietnam, Laos, and Cambodia.

These family members have long been involved in efforts to help their men, but now attention is being given to helping them. The Department of the Army has appointed a national coordinator of the League of Families to the job of assuring that the families of missing and captured army personnel are receiving all possible official help in meeting their needs and dealing with the problems they fare in their daily lives—Mrs. Iris Powers whose son, Lowell, has been missing for more than 2 years has been named consultant to the next of kin of missing/captured Army members in Southeast Asia. This delightful and highly capable woman brings unparalled energy, dedication and knowledge of the families' needs to her job, and has already proven the wisdom of her selection in the first few months on the job.

The July 1971 issue of Soldiers magazine contains an interview with Mrs. Powers, and I believe it merits every Senator's attention. Therefore, 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:

SPEAK FOR THE SILENT

(Mrs. Iris Powers, Interviewed by MSG Jack Holden)

EDITOR'S NOTE: One of the gravest unresolved problems of the Indo-China War is the enemy's treatment of U.S. Prisoners of War (PW) and those Missing in Southeast Asia. President Nixon has announced that as long as our men are held captive the United States will maintain an armed presence in South Vietnam. The issue of securing more humane treatment for interned U.S. servicemen has also rallied the support of thousands of Americans in every walk of life. To help cope with the many facets of the problem, the Army appointed Mrs. Iris Powers as its Consultant to the Next of Kin (NOK) of Missing/Captured Army Members in Southeast Asia. During her first 130 days on duty the former National Coordinator of the National League of Families of American Prisoners and Missing in Southeast Asia examined the problems faced by the loved ones of these PWs and Missing. In the following interview "Soldiers" reveals some of Mrs. Powers' thoughts and findings. It's the view of a woman personally involved with a problem basic to bringing an early return of peace to America.

How did you become involved in the PW problem?

Believe me, it was not intentional. You see, just like thousands of mothers during the past several years I saw my son off to war. I didn't know it then but that was the start of my concern with this remote area called Southtast Asia. Until then it was just a place on a globe and I'll confess that not unlike many Americans I knew next to nothing about the Army.

How did his service lead you to your present job?

Lowell was always deeply interested in flying, so combining his talent with his desire to do something for his country naturally led him to the assignment he sought—duty as an Army helicopter pilot. After completing helicopter training in the States, Lowell was appointed a Warrant Officer and joined the 101st Airborne Division (Airmobile) in the northern sector of South Vietnam. This was his second tour in 'Nam. He has been officially listed as missing since April 2, 1969. He was piloting a troop-carrying helicopter and that day's mission was to land a contingent of South Vietnamese troops somewhere in the Hue-Phu Bai sector. The craft developed mechanical failure and crashed?

What happened then?

All hell broke loose. Just 2 minutes after the crash the helicopter exploded. Lowell had told the co-pilot who survived that he was "all right." In the confusion that followed no one knew whether or not he got free of the wreckage before the blast. That's the terrible part, not knowing whether he's alive or dead.

What actually caused you to do something about your concern for your son?

Personal tragedy has a way of making a person more thoughtful, more sensitive. And time, you can't believe how time can drag in such a situation. The unbearable frustration of just waiting and wondering makes sleep hard to come by, so hard that nights and days seem to blend into one long nightmare. Then I learned about the National League of Families of American Prisoners and Missing in Southeast Asia—a group that was not just talking about their tragedies; they were doing something about them too. Its members were in the same boat as myself. I became its national coordinator and became more knowledgeable about these women and their problems. The PW/Missing issue came to be paramount in my life. It gave me a sense of doing something both for my son and the many other soldiers who suffer similar fates.

What led you to this job?

I knew I could contribute something of value. While attending a White House meeting last winter along with other PW and Missing members' families I met President Nixon and he proved very sympathetic to many of my ideas. A later conference with an Army staff official convinced me that I should take this assignment and do what I'm hopefully accomplishing right now—helping the next of kin of Army Missing and PWs. They need all the help they can get.

What background do you bring to this job?

It seems I have always been working very closely with people and their problems. For more than 13 years I assisted several doctors in working with patients with varying degrees of mental and emotional problems. I could get these very troubled people to confide in me, to trust me. That ability has helped a lot in dealing now with people who, for the most part, are unfamiliar with the Army or how to secure Army assistance.

What are some of your other work experiences?

At the time of my son's disappearance I was a counselor with the World Campus Afloat, a branch of Chapman College in Orange, CA. Its campus is the former luxury liner the *R.M.S. Queen Elizabeth* now berthed in San Diego. The college demonstrates that learning can be fun and exciting. I enjoyed working with those young students, helping them choose their life's work. And then too, I lived in Asia for many years prior to World War II. My husband was an engineer and I came to know the Philippines, Hong Kong and mainland China quite well. I think I know something about how the enemy thinks, especially about our prisoners and missing men. You can expect them to continue their tough line. They can be short on humanitarian instincts—that is, "humanity" as we in the West define it.

Have you been abroad in connection with this job?

Yes, in May I went to Switzerland where I joined league representatives in Geneva in an appeal through the International Red Cross to the enemy to provide our men with more humane treatment.

What have you been doing in your job with the Army?

It's been a moving experience in every sense of the word. A great deal of travel is involved, making staff visits to all the Army area headquarters in the U.S. to talk with officials and with the NOK of PWs and Missing members.

With whom did you talk?

Army area commanders, Army Community Service officers, representatives of National Red Cross chapters, adjutants general and unit personnel staffs, finance officers and chaplains. They all were of great assistance in helping me find out how effective Army aid has been.

How effective has it been?

Perhaps not as effective as it might have been but it is improving. Remember that prior to 1969 our Government's stand on PWs and Missing was to say nothing while hoping Hanoi would release them in due time. With this policy in effect Army awareness of the needs of NOK was not always the greatest. Once we started demanding that the enemy provide humanitarian treatment for our men then their treatment started to improve.

What have you found during your visits to the NOK?

These fathers and mothers, sisters and wives are holding up quite well, all factors considered. There are more than 700 of them and I wanted to visit each personally, but time has just not permitted this. But I did manage to visit more than 150 and was able to gain insight into their problems.

What group has been hit the hardest?

Undoubtedly, the young wives whose husbands are PWs or Missing. When you realize who and what these men are as a group then you start to understand. These girls were married for only a brief time before their husbands were sent off to combat. They have all the desires of other women their age, desires for a home, family, personal fulfillment. All these are to some extent being frustrated. Their future is very uncertain. Some are starting to crack under the strain—that is, their view of the war is changing. They want their husbands home. The older NOK, the mothers and fathers, have gone through other wars and are more patient but they too yearn for their sons' return. This war has caused many divisions. All the NOK are patriotic but all want their sons and husbands home and the sooner the better. Their problems aren't material. They are, naturally, emotional.

What is your view of the war?

I thought from the start that we should have accomplished more on the battlefield. But now my concern is for our PW's and Missing. The American people must not forget these men and I strongly back our Government's efforts to secure their release.

What do you believe is the greatest contribution you can make toward helping these NOK and eventually the men themselves?

Obviously, we must first make the public more aware that none of the Army men listed as PWs or Missing in Southeast Asia are known to be in North Vietnam. Some press corps members and most of the public are amazed when I tell them this fact. We believe the PWs are held in South Vietnam by the National Liberation Front (Viet Cong) or in Laos or Cambodia by the North Vietnamese, although neither group has identified any of these men outside North Vietnam. The enemy admits it holds Americans but simply refuses to talk about this problem.

Is there a difference in conditions in South Vietnam as opposed to North Vietnam?

Oh yes. The small bamboo cages that confine Americans in concealed jungle sites in South Vietnam, such as escaped PW Major James Rowe described, are unlike the prison camps in the north. Our PWs in the south are constantly moved around with the enemy and face the constant danger of death or injury from Allied firepower and combat operations. This danger is never discussed in accounts that we read here in the States. Also,

the unsanitary conditions these men must endure in no way meet Geneva Conventions requirements. Their treatment has been barbaric.

Has the letter writing campaign to Hanoi paid off?

This effort by the National League of Families and others has undoubtedly had some positive effect on the enemy. For one thing, our PWs in the north received more mail at Christmas time last year than in all other years combined. Then too, through this letter writing the enemy and the world learns that Americans do care about their fighting men, that they have not forgotten them. This realization helps temper Hanoi's thought that they can depend on U.S. disunity to gain in negotiation what they failed to gain on the battlefield.

What keeps you going?

Remembrances of my son and faith. My son was good natured and ambitious too. At 18, he was one of the leading thoroughbred race track callers in the Nation. But his sense of service and love of flying led him to the Army and piloting helicopters. Lowell didn't like the war any more than the next man but felt he had to do something for America. I'm not sorry he served but would be sorry if he were forgotten. I believe this country owes these men the debt of working for their release. I have faith that this will be done.

And about faith?

You must have faith in all sorts of things—spiritually, but also in one's self to overcome tragedy and deal with the uncertain. We must also have faith in our Government. One can only be hopeful that our men will one day be returned. Sometimes you can't see the light at the end of a tunnel but that doesn't mean you never will. Work toward it, and I believe the end will come into view much sooner.

Do you believe that your work with the Army and with the League of Families has been worthwhile in view of the fact that no U.S. PWs or Missing have as yet been returned?

This has been the most satisfying work I have ever done. You see, it's the working for future results that brings satisfaction. Dramatizing our men's plight and the plight of their families, I'm certain, will one day lead to their release and return to a hopefully more peaceful world.

OUTER SPACE LIABILITY

Mr. ANDERSON. Mr. President, agreement has been reached by the legal subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space on a draft convention on international liability for damage caused by the launching of objects into outer space. This new international agreement will be considered this fall in New York when the full committee meets and thereafter it is likely that the General Assembly will consider it.

This is the third outer space agreement negotiated within the structure of the United Nations.

First, we had the treaty on principles governing the activities of states in the exploration and use of outer space, including the moon and other celestial bodies, which was ratified on October 10, 1967.

Second, we had the agreement on the rescue of astronauts, the return of astronauts, and the return of objects launched into outer space, which was ratified on December 3, 1968.

The third agreement may come before the Senate next year for its advice and consent to ratification. I believe the Senate should be kept apprised of the negotiations.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter of notification I received from the Department of State, the text of the draft convention, and a statement explaining the covention by Mr. Herbert Reis, U.S. Representative to the U.N. Outer Space Legal Subcommittee.

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

DEPARTMENT OF STATE,
Washington, D.C., July 6, 1971.

Hon. CLINTON P. ANDERSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: I am pleased to inform you that the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space adopted the draft Liability Convention at its meeting on Tuesday, June 29, 1971, in Geneva. The 28-member Subcommittee, having worked on this Convention for nearly eight years, will now refer the draft agreement to the full Outer Space Committee which will meet this September in New York. We are optimistic that the Committee will adopt the Convention and send it to the General Assembly for approval during the 26th Session, after which the Convention will be open for signature.

The deadlock of the last three years which has blocked completion of the Convention was broken in mid-June when the U.S.S.R. Delegation agreed to two proposals supported or originated by the United States. On the issue of an appeal procedure for a claim that is not resolved by diplomatic negotiations between the claimant and the launching State, the Soviet Delegation accepted a United States proposal that gives the claimant or the launching State the right to appeal to a claims commission on the question of responsibility and compensation. The claims commission's award is to be advisory to the governments concerned, unless they agree to regard it as binding.

The other issue concerns applicable law, that is, the rules to be applied to determine whether particular elements of an individual claim are compensable. The Soviet Delegation accepted a Belgian formulation, in turn based on a United States proposal, which in a straightforward way states the purpose of compensation to be the restoration of the injured party to the condition that would have obtained had the damage not occurred.

I have enclosed a copy of the draft Convention for your information and will keep you informed as it moves toward approval by the General Assembly.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DRAFT CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY THE LAUNCHING OF OBJECTS INTO OUTER SPACE

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Taking into consideration that, notwithstanding the precautionary measures to be taken by States and international intergovernmental organizations involved in the launching of space objects, damage may on occasion be caused by such objects,

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage,

Believing that the establishment of such rules and procedures will contribute to the strengthening of international co-operation in the field of the exploration and use of outer space for peaceful purposes.

Have agreed on the following:

ARTICLE I

For the purposes of this Convention:

(a) the term "damage" means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organizations;

(d) the term "space object" includes comtempted launching;

(c) the term "launching State" means:

(1) a State which launches or procures the launching of a space object;

(2) a State from whose territory or facility a space object is launched;

(d) the term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

ARTICLE II

A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

ARTICLE III

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

ARTICLE IV

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

(a) if the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute:

(b) if the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.

2. In all cases of joint and several liability referred to in paragraph 1, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States that are jointly and severally liable.

ARTICLE V

1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which has paid compensation for damage shall have the right to

present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States that are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

ARTICLE VI

1. Subject to the provisions of paragraph 2, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

ARTICLE VII

The provisions of this Convention shall not apply to damage caused by a space object of a launching State to:

(a) nationals of that launching State;

(b) foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

ARTICLE VIII

1. A State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage.

2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory by any natural or juridical person, present a claim to a launching State.

3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.

ARTICLE IX

A claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the launching State concerned, it may request another State to present its claim to that launching State or otherwise represent its interests under this Convention. It may also present its claim through the Secretary-General of the United Nations, provided the claimant State and the launching State are both Members of the United Nations.

ARTICLE X

1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State which is liable.

2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State which is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year following the date on which the State could reasonably be expected to have learned of the facts through the exercise of due diligence.

3. The time-limits specified in paragraphs 1 and 2 shall apply even if the full extent of the damage may not be known. In this event, however, the claimant State shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

ARTICLE XI

1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies which may be available to a claimant State or to natural or juridical persons it represents.

2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not, however, be entitled to present a claim under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

ARTICLE XII

The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law, and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred.

ARTICLE XIII

Unless the claimant State and the State from which compensation is due under this Convention agree on another form of compensation, the compensation shall be paid in the currency of the claimant State or, if that State so requests, in the currency of the State from which compensation is due.

ARTICLE XIV

If no settlement of a claim is arrived at through diplomatic negotiations as provided for in Article IX, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party.

ARTICLE XV

1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Claims Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman within a further period of two months.

ARTICLE XVI

1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Claims Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.

3. The Claims Commission shall determine its own procedure.

4. The Claims Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a single-member Commission, all decisions and awards of the Claims Commission shall be by majority vote.

ARTICLE XVII

No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States so joined shall collectively appoint one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively appoint one member of the Commission in the same way. If the claimant States or the launching States do not make the appointment within the stipulated period, the Chairman shall constitute a single-member Commission.

ARTICLE XVIII

The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any.

ARTICLE XIX

1. The Commission shall act in accordance with the provisions of Article XII.

2. The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award.

3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment unless an extension of this period is found necessary by the Commission.

4. The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations.

ARTICLE XX

The expenses in regard to the Claims Commission shall be borne equally by the parties, unless otherwise decided by the Commission.

ARTICLE XXI

If the damage caused by a space object presents large-scale danger to human life or seriously interferes with the living conditions of the population or the functioning of vital centres, the States Parties, and in particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered the damage, when it so requests. However, nothing in this Article shall affect the rights or obligations of the States Parties under this Convention.

ARTICLE XXII

1. In this Convention, with the exception of Articles XXIV to XXVII, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

3. If an international intergovernmental organization is liable for damage by virtue of the provisions of this Convention, that organization and those of its members which are States Parties to this Convention shall be jointly and severally liable; provided, however, that:

(a) any claim for compensation in respect of such damage shall be first presented to the organization; and

(b) only where the organization has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage, may the claimant State invoke the liability of the members which are States Parties to this Convention for the payment of that sum.

4. Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organization which has made a declaration in accordance with paragraph 1 of this Article shall be presented by a State member of the organization which is a State Party to this Convention.

ARTICLE XXIII

1. The provisions of this Convention shall not affect other international agreements in force in so far as relations between the States parties to such agreements are concerned.

2. No provision of this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

ARTICLE XXIV

1. This Convention shall be open to all States for signature. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XXV

Any State Party to this Convention may propose amendments to this Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party to the Convention on the date of acceptance by it.

ARTICLE XXVI

Ten years after the entry into force of this Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, and at the request of one-third of the States Parties to the Convention, and with the Concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention.

ARTICLE XXVII

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

ARTICLE XXVIII

This Convention, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Convention.

Done in ——, at the cities of London, Moscow and Washington, the — day of — one thousand nine hundred and —.

STATEMENT BY HERBERT REIS, U.S. REPRESENTATIVE, TO THE U.N. OUTER SPACE LEGAL SUBCOMMITTEE, GENEVA, JUNE 30, 1971, ON THE OUTER SPACE LIABILITY CONVENTION

Mr. Chairman, the United States Delegation is pleased at the agreement reached in the Outer Space Legal Subcommittee yesterday on the draft Convention on International Liability for Damage Caused by Space Objects. We take pride in the fact that the Subcommittee adopted a number of United States suggestions for the solution of principal unresolved problems and that a number of U.S. formulations on important points have been incorporated into the text.

The United States Delegation considers that the text of the Liability Convention is sound. From a purely national viewpoint, it achieves the indispensable by offering a reasonable expectation of the prompt and fair payment of compensation to American citizens who may be injured by re-entering fragments of man-made space objects launched by another country. The twenty-seven other members of the Outer Space Committee who have participated in these negotiations may likewise be assured that the Convention offers this prospect to their citizens.

The reasonable expectation of prompt and fair compensation may seem an easy and obvious goal to those with a feeling for justice and a decent respect to the opinions of mankind. That has not been so. The only existing assurance of compensation is the broad general concept of what in international law is termed the principles of State responsibility and the general rule of Article VII of the Outer Space Treaty of 1967. That rule states that "Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the Moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or judicial persons by such object or its component parts on the Earth, in air space or in outer space, including the Moon and other celestial bodies." As a participant in the negotiation of the Outer Space Treaty some five years ago, I would say that we did strike new ground in achieving agreement on the Article VII rule. But the principal advantages of the Outer Space Treaty lie elsewhere—in the commitment not to orbit nuclear weapons and the other measures of arms limitation concerning specified military activities on celestial bodies, in the agreement that outer space and celestial bodies lie beyond the sovereignty of any country or countries, in the principle that outer space and celestial bodies are open to peaceful exploration and use by every country.

The participants in the Outer Space Treaty negotiations realized that while there was a need for a general statement on the responsibility of a State for any damage that its space objects might cause, the Outer Space Treaty, being a Treaty on Principles, could not deal at length with the complex of rules and procedures that would be required if the liability of the launching State was to have any practical meaning. Moreover, in these negotiations we had only begun to think through the problems of liability.

In short, Article VII of the Outer Space Treaty does not offer our citizens or others the prospect of fair and prompt payment of compensation. The draft Liability Convention offers precisely this expectation. To note only four of its substantive rules, the Convention includes; *first*, the principle that a launching State is absolutely liable for damage caused on the surface of the Earth and to aircraft in flight. The text expressly contradicts what could otherwise be asserted to be a presumption that a victim or his heirs would be obliged to show negligence on the part of the launching State in order to be entitled to compensation. *Second*, the Convention expressly overrules what might otherwise be thought to be the general rule that a State need not recognize a claim by another State on behalf of a citizen who has been injured unless the citizen or his heirs has pursued the remedies that the courts or administrative agencies of the State that caused the damage might offer. Whatever the value of such a principle, at other times and in other contexts, it would, if applied to the case of space fragments, effectively frustrate the possibility of recovery by our citizens. *Third*, the Convention establishes the principle of joint and several liability as among co-participants in a joint space activity. Its practical effect is to make each participant fully liable to the State whose citizen may be injured by a joint space activity; the claimant State need proceed against one participant only. It is left to the party proceeded against to seek appropriate restitution from its space partners. *Fourth*, the Convention establishes the rule that compensation is to be paid "in accordance with international law, and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person . . . on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred." This formula should facilitate the payment of full compensation. As Dr. Vranken, the Representative of Belgium said in introducing the text of what is now Article XII of the Convention, "Thus, the proposed text provides a basis for invoking the full panoply of principles in the arsenal of science and law in order to obtain optimum satisfaction for the victim in a given situation."

But it is in a *fifth* area that the draft Liability Convention achieves what amounts to a peaceful revolution in the existing law of protection of citizens. For the Convention contains a set of detailed articles, agreed on what amounts almost to a worldwide basis, to resolve claims that have not been settled to the satisfaction of claimant and launching States. Anyone who has had experience with presenting international claims and considering their payment knows that such matters, which are customarily handled through diplomatic channels, are almost invariably extremely slow, subject to abusive delays and often productive of a barely rudimentary justice. Claims for nationalization, for war damage and for wrongful death typi-

cally take many years to resolve, if they are resolved at all and, when they are resolved, often involve the payment of only a small portion of the loss.

The Outer Space Liability Convention is different. It sets a definite time limit of one year on the period for diplomatic negotiations for a mutually acceptable solution of a claim. Thereafter, if there has been no such settlement either party may proceed, without asking the consent of the other, to an impartial arbitral tribunal whose jurisdiction is to consist of determining whether the launching State in fact caused the damage and, if so, the amount of compensation the claimant State may properly claim under the law of the Convention. These procedures for arbitration are articulated in sufficient detail as to give reasonable guarantee that the arbitration will not be frustrated by the bad conduct of any one of the parties.

The Convention provides that the arbitral procedure shall culminate in the arbitral body's handing down an award constituting a recommendation to the parties, who are required to consider it in good faith. The text also reminds disputing States that, if they wish to do so, they may agree to treat the arbitral award as legally binding.

The United States is, of course, a country with a large territory whose people may on future occasion suffer injury caused by fragments of man-made space objects or associated launch vehicles, and it is also a major space power. We think the present Convention is desirable from the viewpoint of claimant and launching State alike. It offers the reasonable expectation of prompt and fair compensation but does not in any way seek to "penalize" a launching State whose particular space launching has caused injury. It holds a launching State liable for damage traceable directly to the launching, flight and re-entry of a space object associated launch vehicle but does not cover what some delegations earlier called remote or indirect damage and for which there is only a hypothetical causal connection with a particular space activity. It offers vindication to a claimant State that has been wrongly denied just compensation but offers protection to a launching State against inflated or frivolous claims. It is a victim-oriented Convention but one that is fair to and considerate of the challenges that face countries engaging in space activities.

With regard to the final clauses, I might note that the all-States accession clause has been used in the Liability Convention in view of the fact that the Convention implements the Outer Space Treaty of 1967 which contains an accession clause of this character. So, for that matter, does the Astronaut Agreement of 1968. It goes almost without saying that neither the all-States clause nor any act of signature, ratification or accession under this clause affects the status, positions, or claims of States or other political entities, in particular those situated in Europe.

Mr. Chairman, at the first session of the Outer Space Legal Subcommittee, the United States proposed a brief set of principles to govern liability for damage caused by space fragments. In 1963 we introduced the first complete treaty proposal on liability. While we are proud of our initiative, we are obliged to recognize that those early proposals were overly simple and not adequate to the large variety of factual circumstances surrounding space activities and developing patterns of space cooperation. What we now have before us is a long and complex treaty that is both realistically detailed and, we believe, sufficiently flexible to permit justice to be done.

Mr. Chairman, the United States will wish at the September session of the Outer Space Committee, when the draft Liability Convention is next considered, to review in greater detail the meaning and purport of the provisions of the Convention. I reserve the right of my Government to do so at that time.

RICHARD ROBBINS OF PRATT, KANS.

Mr. DOLE. Mr. President, one of Kansas' most distinguished and respected former citizens was recently memorialized in an editorial published by the Emporia Gazette. The late Richard Robbins of Pratt, Kans., was recalled with warmth and knowledgeable insight by his longtime friend Harold Parsons Trusher, who pointed out several incidents which exemplified the qualities for which Dick Robbins was admired and respected by all who knew him in business, political, and civic affairs—or just as a friendly and immensely involved and concerned person.

Many Members of the Senate and House of Representatives from States other than Kansas knew Dick Robbins through his participation in Republican Party politics, and I believe they, as well as many other Americans who benefited from his acquaintance would enjoy the tribute to him published in the July 12 Emporia Gazette. 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:

DICK ROBBINS: THE LAST OF THE GIANTS

When Girdner Crofoot called to tell me of Richard Robbins's death, my first and continuing reaction was "The Last of the Giants is gone." For Dick was a Giant intellectually, ethically, financially and socially. He had no facade or front dressing; he needed none. He was genuinely interested in every person and in every problem. He never contradicted anyone. If told some preposterous story, he merely replied, "It could be."

Born in southwestern Kansas, he was sent to live with an aunt in Hartford, Conn., as a boy to attend the Hartford High School. At that time this school was ranked with the Ivy prep schools of New England. Latin, mathematics, English and even Greek . . . Upon graduation he entered Yale from which he graduated in 1913.

He spent some time at Carnegie Tech. How much I don't know.

Dick once told me that from his six years of Greek, he got only the ability to converse with his bootblack. But he was very high on Latin, saying it was the foundation of our language, and of great benefit to anyone wishing to understand precise English.

Somehow he became acquainted with the Mellons, the DuPonts, and the General Motors crowd. Some or all of them must have financed the organization of Trans Western Airways in the late 1920's. Dick served as President of T.W.A. from 1931 to 1935.

It was during his presidency that President Roosevelt cancelled the air mail contracts between the government and the private air lines. He decreed that the Army Air Corps should fly the mail. The training for flying a bomber under most favorable conditions and the training for flying passenger planes regardless of weather, apparently were quite different. At any rate, the losses of pilots and planes by the Army Air Corps were so great and so constant that the plan soon was abandoned and the contracts were reopened with the private carriers.

During one of his campaigns President Roosevelt made an impassioned radio address expressing his sympathy for the "forgotten man." In depression times it was most effective politics. Pundits gave Roosevelt great credit for creating the phrase.

Not so, said Dick. That is the phrase of William Graham Sumner. Sumner was the very great professor of the Science of Society at Yale long before Dick's time.

I am able to report that Dick was correct. Sumner used the "Forgotten Man" as the subject of a lecture before the Brooklyn Historical Society on Jan. 30th, 1883 (Essays of William Graham Sumner, Volume 1, Page 467).

Sumner's example went something like this: Do-gooders A and B have a meeting, and contrive to do something for downtrodden D. And C pays for it. C is the forgotten man. Quite differently than the way Roosevelt used it, Dick would chuckle.

Dick told me that when he was in Pittsburgh he at one time owned two shares in the Mellon family holding corporation, which came to be worth $28,000 per share. The younger Mellons wanted to split it up 100 or 1,000 for one but Andrew Mellon, then the Dean of the family, said no, he wanted it to be the highest priced stock in the world.

After his TWA days Dick returned to Kansas, where his heart remained ever after. He maintained his eastern contacts and was frequently in Chicago and New York.

In 1941 he was elected a director of the Santa Fe and continued in that position until he retired in 1967 at the age of 75. I suspect they must have changed the by-laws to permit him to remain on the board at that age. But in addition to being immensely popular with all the Santa Fe crowd he happened to own more stock than most of the other directors combined.

During the 20 years before his death in 1951, Lacy Haynes was unquestionably the most powerful political force in Kansas. He had a secure base as Kansas Manager for the Kansas City Star, but he also had the faculty for making friends and knowing which ones would make good elected officials and also who could be elected. Mr. Haynes and Mr. Robbins became close friends. Dick was a Western Kansas man. Circulation of the Kansas City Star did not extend much west of Emporia so the combination of the two was perfect, at least mathematically. Dick Robbins never ran for public office (nor did Mr. Haynes). They were in politics for the joy of it and both had the confidence of all the political figures worthy of mention. This did not prevent Dick, in 1952, from supporting Robert Taft, his Yale friend, instead of Dwight Eisenhower, a fellow Kansan. But, of course, the Taft movement in Kansas was quickly smothered.

In 1964 Dick furnished the balance of power which elected Sam Mellinger as Republican National Committeeman. And after Sam's untimely death in 1966, Dick used all his influence for the election of Jerenne Mellinger as Republican National Committeewoman. Dick has high regard for the Mellingers.

Some five years ago the Davy Evanses, J. L. Morgans and Truslers were in New York together. Dick Robbins chanced to be there at the same time. Among other rallies he took us to the University Club for a luncheon. During his T.W.A. days, Dick's first assistant was Charles Lindbergh and they both stayed at the University Club. Mr. Lindbergh was a national hero and so many people wished to shake his hand that Dick said it was hard to find time for dinner together.

When we were with him at the University Club in 1966 several of the old-time waiters came around to speak to him and ask about Lindbergh. This after a lapse of 30 years.

For this particular afternoon I had obtained tickets for the smash English comedy "Half a Sixpence." When luncheon was over

Dick said he would get the cabs to take us to the theater. But there were no cabs (in New York one cannot call a cab, for the driver is legally bound to stop for the first pedestrian who signals him). Dick tried to get limousines but the only ones in sight had stony-faced drivers who were waiting for their mistresses to finish lunch. It was an extremely hot day. We were all in wool clothes, and Dick was sweating not only from the heat but intense frustration. It is the only time I have ever seen Dick Robbins unable to accomplish his purpose. As time was running on, and I had paid substantially for the theater tickets, I finally suggested we get on one of the crowded Fifth Avenue buses and ride 10 blocks south. Then walk westward to the theater. Dick did not like the idea, but it was the only idea there was. So this we did and thoroughly enjoyed the show, although the four-block walk from the Fifth Avenue bus to the theater, facing the blazing sun, has not been forgotten by any of us.

Dick seldom missed a Republican National Convention. Others have written about his political power. And also about his immense land, cattle, and securities operations. So I shall not attempt to touch on them.

I might add a recollection which rather illustrates Dick's innate modesty. George Davis of Kansas City was one of the important directors of the First National Bank. He also owned a great deal of land in Chase, Morris and Wabaunsee counties. After Mr. Davis's death, the president of the First National Bank called Dick and asked him to be a director of the bank, to take George Davis's place. Dick replied, "I will be flattered to sit on the Board, but I doubt I can take George Davis's place."

In April of 1967 Dick had the good fortune to marry the very charming Mrs. Vigil Teeter, widow of a Hutchinson banker and long family friend. I think the remaining four years of his life were among his most happy ones.—Harold Parsons Trusher

GOV. ALFRED M. LANDON'S RECORD ON U.S. POLICY TOWARD CHINA

Mr. DOLE. Mr. President, the State of Kansas and the Republican Party have been extremely fortunate to have had the longstanding counsel and service of a man whose vision, wisdom, and commonsense have been timely and highly reliable. I am, of course, speaking of Alfred M. Landon, former Governor of his State, 1936 presidential nominee of his party and a true elder statesman of his country.

Over the years Governor Landon has been outspoken on a broad range of topics, and his thoughts and analyses have in the light of history proven to be incisive, free from the influences of momentarily popular expediencies and frequently are shown to be uncannily accurate, and influential on future policies.

One subject of particular interest to Governor Landon in recent years has been the state of relations between the United States and mainland China. For years he has been pointing out the pragmatic necessity of drawing the world's most populous country into the mainstream of international life, and over the last few years he has encouraged this country's leaders to open doors to greater communications with mainland China and its leaders. Governor Landon has, of course, enthusiastically supported President Nixon's initiatives toward China, and I believe the Senate would find it informative to study Governor Landon's consistent advice and advocacy for such a change in American foreign policy. I ask unanimous consent that three speeches by Governor Landon, the first given at Columbus, Ohio, on October 20, 1964; the second at Independence, Kans., on February 18, 1969; and the third given July 14, 1971, at Topeka, Kans., be printed in the RECORD.

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

FOR AN OPEN DOOR POLICY

(By Alf M. Landon, Ohio Petroleum Marketers Association, Columbus, Ohio, Oct. 20, 1964)

I speak tonight of the world-shaking and world-shaping changes that occurred just 5 days ago. In close to one 24-hour period, we had the Russian upheaval—the Chinese bomb—and the British election.

A future historian may well mark the middle of October 1964, as the start of a chain of decisions that shaped the lives of all the world peoples.

Those changes are and will continue to be controversial. They involve a reversal of not only our basic foreign policies, but of other countries also.

Right now, it would be hard to find a subject on which there are more widespread and divergent views than relations with China and Russia.

Five days ago, China exploded its first nuclear bomb—an event of more immediate political than military significance.

China is a long way from the stockpile of nuclear weapons—or ways and means for their effective use—that military action or threat of action requires.

Mao accompanied the firing of the bomb with a formal proposal: "to governments of the world that a summit conference of all the countries of the world be convened to discuss the question of the complete prohibition and destruction of nuclear weapons."

This proposal is more of interest and significance than the bomb itself, because of Mao's previous belligerent position—the size of China—her natural resources—the political place it occupies with the nonalined countries of Asia and Africa.

I completely disagree with Senator PASTORE, who said that—while he agrees with the need for that conference of nuclear powers—he did not believe in letting Mao take the initiative.

Of course, there is nothing new in Mao's proposal. Disarmament or limitation of armaments is an old vision of mankind. Who cares about the initiative? We should be alert to any opening for a realistic discussion of these ideal international relations.

Secretary of State Rusk's first reaction was that it was simply Mao's smokescreen for his other plans.

So what? Mao has probably not suddenly changed from his Genghis Kahn role to that of a great humanitarian leader—unless it fits his policies for Chinese and Communist conquest of the world. But it could be that he has.

We must be alert to that possibility. Of course, Mao is thinking of China's interests first—just as we must think first of America's interest.

America would be in a stronger and better position if we approached Mao's formal proposal to all the countries of the world with cordiality and caution rather than with coldness and negativity.

China is showing the same internal strain as Russia and other Communist countries in the failure of the Marxian principles to work. There is the same doubt and confusion in top Chinese circles that there is in Russia and the European Communist countries.

With China's economy having a bad time, Mao's proposal would relieve China of the financial burden and staggering cost of building real nuclear power and the effective means of delivering it. It would also be the best way of getting into the world markets China needs—and laying the ground for mending Mao's relations with other peoples and governments he badly needs. And it would give him a better opportunity for subversive activities if diplomatic relations are established and China is admitted to the United Nations.

It can't be stated too often that of even greater importance and significance in the life of the world than the successful explosion of the Chinese bomb itself was Mao's call for a summit meeting of all nuclear powers and nations possessing nuclear power for the destruction of nuclear weapons.

Equally important—that is a total reversal of Mao's hitherto belligerent position of deliberately planning a nuclear war for Chinese Communist conquest of the world.

Mao, in his planning for a nuclear war, has said, according to no less authority than Pandit Nehru, that the loss of 200 million Chinese or more in that war meant nothing because there will be more of them left than any other peoples in the world.

There is no doubt in my mind of the intrinsic value of Mao's proposal for a summit meeting of nuclear powers, to be followed by a meeting of all countries, for the purpose of limiting the spread of nuclear technology for military purposes.

It is not only the holocaust of a nuclear war that confronts us. It is the question of the effect on unborn generations—in simply testing for one—that no one knows for sure and won't know for another 25 or 30 years or more.

The dramatic and unexpected change in Russia's leadership 5 days ago sent shock waves into every foreign office and stock market in the world. Of more than passing interest to all peoples is that the first grab of the new Russian leaders was of editors and broadcasters to insure control of the dissemination of the news.

There is little doubt in my mind as to the vital place that Leonid Brezhnev, the new head of the Soviet, as Chairman of the Soviet Central Committee, now occupies and the vital part his policies will play in any design for stability and peace in the world.

It may cause more of a pause among some of the nonalined nations on deciding when to get off their fence and what side to land on.

If the new leadership in Russia continues Khrushchev's basic policy at home, the same as abroad, it has the advantage of a fresh start unhandicapped by personal likes and dislikes that have played such a part in all governments and international relations throughout history.

Certainly, for the time being, world foreign policies will be in a confused state. There is no area in the total world picture where we and the Russians are not involved to some extent and generally deeply.

The first appraisal will be on the effect of the transition in Russia.

The internal change in policy is not yet apparent. One vital devision is on continuance of reversal of Khrushchev's policies of diluting the unworkable Marx-Lenin dogmas with the capitalistic principles of individual incentive profit motives—freer discussion.

A shock to the Communist world—along with the bitter split between Russia and China—is the split in Russia between the moderates and the Stalinists. These divisions have been aggravated by the letter of Togliatti written to Khrushchev that was released after the Italian's death several weeks ago.

Togliatti, the leader of the biggest Communist Party in any country outside the Communist bloc, wrote Khrushchev that the

failures of the Communist dogmas of Marx and Lenin were evident—that they no longer could be concealed. Togliatti emphasized that mankind inherently demanded freedom of discussion and spiritual values instead of purely materialistic policies.

Not to be overlooked in the problem confronting Brezhnev's formulation of his policies is the change taking place—with more looming ahead—in the European Communist bloc. Poland, Hungary, Rumania, and others are following the example set by Yugoslavia in achieving a measure of national independence.

But the big foreign question was Chairman Brezhnev's relations with China. There was no hesitation regarding that. He did not wait 48 hours to settle the crucial question in his international policy—whether he was going to continue Khrushchev's policies with China—or reverse them.

Mr. Brezhnev turned loose in Pravda a slashing attack on Peiping.

In that, he supports and maintains Khrushchev's policies that Mother Russia's vital interests preclude allowing China to establish positions of strength on its boundary line with Russia—the longest boundary line between countries by far in all the world.

Then came a flat statement from top Soviet leaders calling on all the people of the world to "struggle for the complete ending of nuclear weapons tests." Whether that was meant as a friendly answer to Mao's proposal or not remains for further developments. At least, it was a statement of like intent.

Then there is De Gaulle. France refused to sign the ban nuclear bomb testing treaty. Keep in mind that the French nuclear power is more sophisticated and highly developed than that of the Chinese.

That brings me to our own American policies in the light of the accomplished Chinese nuclear bomb—and Secretary of Defense McNamara's recent prediction that in a decade or two, "tens of nations" will have usable nuclear weapons.

President Johnson—in last Sunday's national broadcast—went all around Mao's formal proposal. While keeping the door open by his general statements of policy—he did not get into it. A President cannot be expected to discuss in a public address a matter of such importance until he has had time to give it serious and vigilent consideration and to consult with our allies.

He did invite Mao to join the nuclear test ban treaty.

Since 1948, I have urged the recognition of Red China and its admission to the United Nations. I have said that discussions of limitation of world armament—a world court—even the United Nations—were useless without including China, with a fourth of the world's population; that China could no more be ignored than Pikes Peak. It would be as if the jurisdiction of the Kansas Supreme Court did not cover the largest county in Kansas. Above all, why cement the Orient and the Occident together?

Therefore, if we are to seriously examine Mao's proposal for a summit conference of nuclear powers to deal with control of nuclear weapons—as I believe we should—in all good faith—we must be prepared to reverse our policy of nonrecognition of China and opposition to its admission in the United Nations. Maybe that will give the U.N. the lift it badly needs.

All that follows—one step after the other—as day does night.

Perhaps the time is ripe for the five nuclear powers to meet preliminary to a larger meeting of all governments.

I emphasize the "perhaps"—until preliminary discussions have taken place with Mao—with Chairman Brezhnev—with the Russian Premier Alexi Kosygin—with the new British Prime Minister, Harold Wilson—with De Gaulle of France—Ehrhardt of West Germany—with Japan—with the other great nations of the Western Hemisphere.

With Mao himself, no one knows just what kind of a workable agreement can be arrived at to preserve mankind from the spread of nuclear weapons testing and possible nuclear war.

If agreements come among the powers of nuclear limitation, we must keep in mind that they will involve a host of major decisions affecting every facet of international relations.

Most certainly, while Mao's changed policy—whether he means it or not—in the final analysis—points in the direction of world disarmament—it calls for serious intent and prompt consideration. It must be approached with caution and vigilance in searching for a meeting of minds on all the vital questions involved in protecting national interests and security in this meeting of the major nuclear powers.

We have been getting the cart before the horse in all this talk about eroding nationalism as necessary to establishing a world without arms.

We are always going to have national interests and patriotic love of country. There never will be a world of peoples without a country.

But a world without at least nuclear weapons is a practical proposition—if we do not try to swallow too much at one gulp—and worth thorough and complete explorations with our associated free nations. That calls for negotiation with Mao to find out what his real intentions are.

It is President Johnson's responsibility to move promptly and firmly in these first steps—though making it clear that we are looking for general world peace—not responding to blackmail.

This is the time for nonpartisan foreign policy. Republican party representatives should be included and have a full and complete part in all negotiations from the first to the last. They should be as fully and completely informed as the President himself.

I would now agree to putting off the United Nations meeting to consider Russia's nonpayment of dues. What was a major point of difference becomes somewhat of a minor one now and should not interfere with considering—negotiating—and settling, one way or the other, this momentous proposal of Mao.

If it falls, we can well see the collapse of the United Nations—and a rush of nations to join the nuclear club—as it were.

With France—and probably Egypt and Israel—getting in—Prime Minister Wilson may change his mind that Britain should depend on the United States of America in another major war and not set aside Britain's independent nuclear weapons in its own defense.

I must confess I am disappointed at all the attention being paid to discounting the significance of the Chinese bomb itself—and the failure to pay more attention to Mao's infinitely more important proposal for a conference of the present five nuclear powers—America—Russia—France—Great Britain—and now China—leading to a worldwide meeting on nuclear disarmament.

One factor is sure. The military might of the free world nations—their enormous resources—their immense economics—preclude any suspicion that China's bomb is worth being concerned about—any more than any other nuclear nations.

If Mao's proposal is simply a change in tactics—the quicker that is known, the better it will be for all the peoples of the world.

If it is a change in policy—that might—only might—join the nations of the world together in a workable agreement that recognizes and protects their national interests and, at the same time, removes the menace of the holocaust of a nuclear world war and the threats to the health of future generations in even preparing for one by increased and continuous testing of nuclear weapons.

I am simply arguing that America should at least keep the door open for the pooling of the resources of energy and experience of mankind in pushing the new opening for an operational agreement for peace. That has always been America's traditional policy.

A universal dominion for peace has hitherto been beyond the grasp of mankind. It may now be within man's grasp—and who gives a tinker's dam who gets the credit—just so the job is done.

EPOCHAL 4 YEARS AHEAD

Tonight I outline briefly the emotion-packed high-tension decisions in foreign affairs staring our President and the Congress and the governments of the world in the face that will shape the destiny of mankind for years to come. The big powers are all facing internal troubles. The Soviet invasion of Czechoslovakia has split world Communism.

There has been quite a flurry of activity in the last 30 days or so toward better political relations and workable accommodations between governments—rather than building stronger military positions.

1. The prelude was President Nixon's immediate acceptance of China's suggestion last November for a renewal of the Warsaw talks after a year or more had gone by without any meeting.

2. Then came Italy's announcement of negotiations with China, leading to establishing formal diplomatic relations between the two.

3. Then came the French proposal for a four power conference to work for a liveable solution of the perilous guerrilla wars in the Middle East.

4. Now Canada is exploring with China arrangements for establishment of formal diplomatic relations.

Early in 1968, there was the Chinese-Albanian treaty that gave China a military base for the first time in Europe.

That was followed by the Soviet's brutal and barbaric rape of Czechoslovakia that leaves the biggest Russian army in Europe since World War Two.

Put together—these make an impressive list of forces in motion that call for fresh thinking and realistic, responsible decisions leading toward peaceful solutions of unresolved difficulties in foreign affairs.

Nothing will do as much to relieve this tension as the successful outcome of renewal of de facto discussions between China and the United States. Day after tomorrow—on February 20—the conversations start again in Warsaw at the embassadorial level for the first time in over a year. Their effect may be nothing. Their consequences can be incalculable.

The attention of foreign offices all over the world will be focused on Warsaw next Thursday. China and Russia—the Orient and the Occident—are not natural allies.

As a matter of fact, the United States government gave China de facto recognition in 1955 under President Eisenhower, when we began these ambassadorial talks in Warsaw. Now President Nixon is looking forward to this Warsaw meeting with interest as the opportunity to cover a wide range of Chinese-American affairs, in the light of substantive changes in the past several years in international relations.

The Middle East is linked with Vietnam in the mounting crisis of international relations.

In his presidential election campaign, Mr. Nixon said, quote:

"The next President must conduct a series of meetings at the presidential and other levels with the leaders of the Soviet Union. I would always talk with the Soviets. I think we have got to have negotiations with the Soviet Union. There are certain areas—the

Mid-East is an example—where the U.S. and the Soviet Union simply have to sit down and talk; otherwise we are headed toward a confrontation that could explode into a nuclear war in the Mid-East."

I would add Vietnam as paralleling the Mid-East—as far as the possibility of a military confrontation with Russia is concerned.

Three weeks ago, the Soviet blamed the United States for increased fighting in Laos. England—co-chairman with Russia to protect the neutrality of Laos—in a formal reply to another Soviet lie—placed the blame for increased fighting in Laos right dab on the Communists.

It has been obvious from the start that the Soviet is the key to a realistic settlement of the Vietnam war—just as it is in the Middle East. The Soviet's ambivalent policy and customary duplicity with Czechoslovakia has heated up the cold war and generated old major questions that fading NATO has never answered. Dennis Healy—British Defense Minister—the other day—pointing to a potential drift of the world into two super power spheres controlled by the United States and the Soviet Union—warned:

"If Europe is not prepared to maintain a common and unified position on the problems now being debated by America and Russia—then it can hardly expect to have the slightest influence on any such dialogues."

Once more, it has opened the question of whether it is a swing to the beastly barbarism of Stalin the Terrible of conquering the world by force—and how far the Soviets can be trusted in negotiations for a meaningful—actual—and sincere coexistence based on peace and national growth.

At the same time—inside Russia—freedom has been stifled within the past months by secret trials—censorship and secret police.

Despite all this double talk and the cold war tactics of the Soviet—as I said years ago—as long as we are talking, we are not shooting.

In the Middle East—our President is confronted with explosive events over which he had no control that called for immediate crucial decisions.

Basically, they are of coexistence also. They are the open and continuing adjustment to the first Israeli government—since the Roman conquest. In all the Middle East, there were centuries of relative peace under the Roman Empire—under the Islamic Califs and the Ottoman Empire—when that area slept for centuries except for two Christian crusades. By the beginning of the 20th Century, peace was shattered by the rise of Arab nationalist governments at the time of the first World War and the Israeli government at the end of World War Two—and really has not been restored since then.

In a nutshell, it is the case of two new competing nationalisms that exists elsewhere today.

Another obvious potentially explosive case that will sooner or later dominate international relations is the new developing nationalism of China—a huge country with one-fourth of the world's population—virtually untapped immense natural resources and expanding nuclear power.

Despite our de facto recognition, the United States really refuses to face the fact of the existence of China—just as the Arabs refuse to face the fact of the existence of Israel. President Nixon now has the opportunity—in concert with other Asian allies—to correct our unrealistic China policy based on the premise that America occupied such a preeminent position in world affairs that its boycott of China would work.

With one stroke of his pen, President Nixon can make the biggest—the most constructive and substantive change in the world's international affairs—by taking the lead in coordinating normal relations with China—just as President Franklin Roosevelt did in 1933 by establishing diplomatic relations with Russia—after the United States and Soviet Russia had established de facto ties in a number of fields in President Coolidge's administration.

Professor James C. Thomson, Jr., of Harvard—Asian specialist in the State Department from 1961 to 1966—said recently:

"There can be no viable peace and little stability in East Asia until deadlock gives way to mutual accommodations in Sino-American relations."

I supported Mr. Roosevelt in this Russian policy. Since 1948, I have urged recognition of the existence of China by the United States and its admission to the United Nations.

For really the first time since President Johnson rejected China's proposal in October, 1964, for a conference of world powers to abolish nuclear weapons—China is showing interest in renewing conversations that can lead to meaningful changes.

Then the Soviet—after two years of silence ignoring it—accepted President Johnson's invitation to discuss limitation of the arms race.

The China policy remains an open question for our new President—who is not tied to a previous fixation that the peace of the world depends on the United States' cold war containment policy.

If China is changing its policy of isolation—and other great countries like Italy and Canada are once more establishing normal diplomatic relations—that will be a far better foundation for avoiding a nuclear war than the non-poliferation treaty that is now pending ratification in the U.S. Senate.

As I have said repeatedly in my strong support of President Johnson's building bridges with Russia and China—I did not want to sleep in the same room with Kosygin—with my pocketbook in my pants over the back of a chair. The same goes for Mao.

Diplomatic recognition and diplomatic relations do not involve trust between two governments.

Look at Indonesia. That incipient power kicked out the Chinese Communists' attempt to conquer it by subversive tactics and assassination; yet both countries still maintained their diplomatic relations. Look at India—that still maintains diplomatic relations with China—despite that country's crossing the Himalayas and taking Indian territory by force.

With the substantive changes in the last few years in world affairs—President Nixon has the opportunity to encourage and develop new and better contacts in our de facto relations with China.

China may be thinking that way, too.

Diplomatic relations does not necessarily mean friendly relations. It is the oldest way known to mankind to relieve tensions—by talking.

It can be a big factor in a satisfactory settlement of the Vietnam War—for that war is a part and parcel of entire international relations. It can open big new markets in China for American products—agricultural and manufactured. Oh, yes, I know that transistors, sewing machines, textiles and steel from Japan are selling in American markets. However, a government policy that prevents its citizens from trading with one-fourth of the world's population does not make sense.

The recognition that a Chinese government actually exists is much more than a shift in our foreign policy. Merely developing better diplomatic relations between the United States of America and China will be a change that will be felt around the world . . . a favorable one—except in the Kremlin. It will transform all international relations and shape immediately a new political world.

I am not talking about a treaty of any kind—or the complicated questions involved in China's admission to the United Nations. Nor does it involve any question of so-called hawks or doves—negotiating political problems from superior—or sufficient—military strength—or that political problems must be settled preceding any discussion of limitations on arms. It is just the first step that, in time, can well lead to other more complicated steps. It is simply a thaw that permits work to start in the seedbed of sounder international relations. This will not be accomplished over night or in one harvest.

The simple mutual exchange of embassies between governments enables each country to better understand the thinking of the other.

However, that is more than a procedural form. It provides face to face discussion of more difficult matters. There will be a long way to go to reach any workable settlement of new and viable peaceful international relations in Asia and elsewhere in the world.

Because Mr. Nixon made no fixed and definite prediction in his campaign on his foreign policies, he is now able to take a fresh look at international affairs. He is in a flexible position where he can follow a reasonable and realistic quid pro quo policy.

The London Times describes President Nixon's foreign policy position as an enigma. So far, this mystery has brought about some indications—slight as they may be—of more flexibility in China's and Russia's foreign policies. If President Nixon succeeds in building with China simple diplomatic relations—that means far-reaching changes of infinite importance in our own policy—which was based on the old balance of power theory of Russia and the United States supervising world affairs. President Nixon has already made it clear that his policy will be coordination and cooperation with other governments when and where that is possible.

In a nutshell, the conference to be held at Warsaw between America and China can have more significance than the peace conference now going on in Paris.

That will take some time to develop just what change the Soviet and Mao really intend in their heretofore intransigent positions. It is somewhat obscure whether China really has a stable government. The upheaval in China may have put Mao in a position where he, too, wants to create a diversion. That can also be true of the Soviet.

For sure, one place it can manifest itself is in the Paris Conference with the Vietnamese. For both Russia and China are keys to the settlement that may be arrived at there.

So that change, if any, in Moscow's and Peking's foreign policy is not for the future. It is immediate—not only for the end of the Vietnam War—but also for our domestic problems—for the streets and alleys of America—as well as the jungles and rice swamps of Vietnam.

If we want to move toward a general relaxation of tension in the world, the quickest way is to move toward a basic change in our China policy.

We have been repeatedly admonished that—if we just had patience—we could win the Vietnam War. In a nutshell, I am arguing that we need that same patience to find a sound, peaceful political solution to foreign affairs.

Establishing normal diplomatic relations involves no concessions by either government. The impact of diplomatic relations between China and America will have the same effect on our defensive role in Asia and governments throughout the world as beginning the withdrawal of American troops from South Vietnam.

A reversal of a major policy is never easy for any government. Our President can well be confronted at any time with serious events over which he has no control that will call for immediate crucial decisions.

Mere establishing of diplomatic relations with China is only the beginning of a realistic change in the American concept that Communists are straight from hell and that

the Chinese are double-damned. That has been drilled into us for a generation. And, of course, China has that same picture of us. They called our soldiers "foreign devils" and "devil devils." What is evil to the Chinese is not evil to Americans. Anyhow, you do not abolish evil by ignoring it.

These are truly fast changing times. Therefore, it is essential to have the first complete inventory of our world affairs. "The Cost of World Leadership," recently published by the American Bankers Association, is a realistic appraisal of our nation's involvements.

James W. Fulbright, as Chairman of the Foreign Relations Committee of the Senate, has just started the essential sweeping detailed review of our foreign policies—excepting Vietnam. "It is hoped," the powerful and courageous Senator said, "that this review will result in constructive recommendations concerning the involvement of the United States armed forces abroad—the impact of United States overseas commitments and the military capacity to honor them"—such as—

1. By treaty, the United States may now be committed under varying circumstances to use its armed forces in defense of 42 countries.

2. Five major congressional resolutions delegate various degrees of authority to the President to involve the United States in military—economic or political action abroad in places such as Formosa—the Middle East—Berlin—Cuba and Southeast Asia.

3. Bilateral economic aid is provided to 73 countries and military aid to 48 countries.

4. The proposed 1971 budget estimates an expenditure of 81.5 billion dollars for national defense, plus 3.7 billion dollars for international affairs and finance.

As Senator Fulbright so correctly said, "These foreign commitments and other foreign involvements which may be short of commitments—obviously have a significant impact on United States diplomacy and vice versa."

Another dire necessity is an inventory that covers the state of our national defenses. Our President has wisely frozen the construction of the "thin" ABM system.

Our national security depends on the efficiency of our national defenses. Our political policies—domestic as well as foreign—depend on the state of our national defenses.

I do not believe the American people are aware of the extent of the lag that has occurred in the last five years in stretching out our military equipment beyond the safety factor because of the cost of the Vietnam War.

This calls for a complete reassessment and re-evaluation of what America needs to provide a margin of safety for its existence as the greatest and most powerful republic in the world. America seeks neither land—nor colonies—nor gold—nor domination of other peoples—as the Russian hierarchy and the Chinese hierarchy do. We do not need any of these for our existence—as the fearful men in Moscow and Peking believe they need for their existence. The growth and development of nuclear weapons and mass communication has not only eliminated the old balance of power policy. That is also restricting dreams of world conquest by any would be conquerers.

In the last five years or so there has been a dangerous lag in our military hardware equipment inventory—particularly in the Air Force—both in obsolescence of the present equipment and in its numbers.

Senator Stuart Symington told the Senate last October that "The United States has not produced a single new fighter plane since 1955—despite spending billions of dollars on aircraft development. . . . The Soviet Union has flown 18 new fighter models, seven of which were first photographed at the July, 1967, Moscow Air Show."

Without going into details of the hearings before the Armed Forces Committee of the U.S. Senate—this highly dangerous status of our Air Force needs to be corrected forthwith—regardless of cost.

The same is true—to some extent—of the Navy. Building nuclear powered submarines and carriers has lagged—along with the modernization and improvement of our strategic missiles. I quote President Nixon as of last October: "America must come to grips with two critical facts: First, the Soviet Union is making a very impressive bid to become the world's No. 1 sea power. Second, the United States has not been doing what it should to keep them from overtaking us."

There is a drastic need for an overhauling of Defense Department planning and buying methods. I am not advocating a crash program. I am advocating an orderly program that will be based, say, on the next four years—each year fitting into the previous year in the essential and critical rebuilding of our national defenses. The Army, the Navy and the Air Force plan to supplement each other and do the specialized work they are best equipped to carry out efficiently.

Along with the political crisis in world affairs is the monetary maelstrom highlighted by the failure to find any long lasting solution to the world's currency problems.

I have always believed—and still do—that chronic deficit financing created economic and political instability that produces restlessness—turbulence—uncertainty—trouble—that make difficulties in the development of a sound equitable policy by a government recognizing its responsibility in maintaining and expanding opportunities for the good life. By that, I mean the happy—healthy life. By and large—our American government has given the American people the greatest measure of happiness of any peoples in the world. That does not mean that we cannot do a still better job now.

National security—full employment—national growth—a rising standard of living and a stable currency are what any one—right or left—would be happy to achieve.

All these factors must be kept in focus—as they are all intermeshed with our foreign policies on trade—the price of gold—confidence in our national administration—ability to keep its agreements with other governments—creating new markets by political and financial assistance—opening up new markets in Africa, Asia and the Western Hemisphere—all with practically unscratched immense natural resources.

The left think that goal can be reached only by a planned and controlled inflation—and that talk of a balanced budget is for the birds. That is the Keynesian theory of the new school of economics—despite the fact that, in all history, there has been no example of a controlled inflation. Yet it is this very lack of balance that underlines that inflation is still a serious problem that handicaps effective organization of sound and workable domestic programs.

They even ignore current history of the United States, England and France—all with that same goal and the same road of mounting inflation, and that the West German mark is the strongest currency because it has followed the old time tested fiscal policies of a balanced budget.

The English pound and the French franc have gone through one crisis after another and have been steadily devalued. The pound sterling is no longer a reserve for banking and government funds in the world. Both the pound and the franc have been saved temporarily from further devaluation only by foreign aid from other countries.

Whether they can survive this year without disastrous devaluation is still a monetary question that directly affects the life of every Frenchman and Englishman and many, many other peoples, also. If the franc and the pound are devalued, the pressure on the American dollar is greatly increased.

Our dollar has been in an extremely precarious position for several years. It was saved two years ago by the courageous action of William Martin, Jr., Chairman of the Federal Reserve Bank, in raising interest rates as a brake on inflation. They were lowered when it accomplished that purpose. They were raised again two months ago to prevent a new surge of inflation. Inflation, in simple terms, means a new surge in boosting the cost of living.

Another courageous and powerful leader in the Congress from Arkansas is Wilbur D. Mills, who—as Chairman of the House of Representatives Ways and Means Committee—actually controls the fiscal legislation of the Congress. Congressman Mills said recently that tax legislation required vigorous and strong leadership by a president.

It can also be said that the support of Chairman Mills and his House Committee is also essential to a president in persuading the Congress to enact his fiscal recommendations. Mounting inflation has changed more governments than wars. Therefore, accord between President Nixon and Chairman Mills on fiscal and trade legislation is of the utmost importance and necessity for our stable national economy, and sound national growth that are the base of our national leadership for world peace.

Last Thursday, Under-Secretary of State Richardson in Paris at the International Economic Forum, clarified another major Nixon policy—pledging the administration's support for "a more open system of world trade." Mr. Richardson—referring specifically to America's monetary policy—said:

"We intend to intensify our efforts to restore price stability and to go about it properly. It is a basic objective of the new administration to regain control of the price and wage situation in the United States. To this end, we shall hold to a sound budgetary position."

Thus, our President continues to waste no time laying the crucial decisions right on the line on foreign policy—national defense—banking and trade—in a strong way that dispels doubts and wins support from bi-partisan sources.

Basically—these vast and intricate issues are as old as the protests of the prophets on the hills of Judea against the leadership of their world; as new as mass communications, mass production, mass population, malnutrition, automation, super jets, spacecraft, and the shadow of mass death in a nuclear war. That is the time we live in.

America—still a young nation—and with the greatest economic resources in the world, the greatest popular government in this world in size, with blocs of voters still influenced in their thinking by older ethnic origins, with a great variety of interests, both domestic and foreign, the Atlantic coast historically more interested in Europe and the Pacific coast in Asia, with the greatest mass communications in the world, requires a national leadership with the back-up ability to get over to American voters the soundness of his policies. A president who has that ability can mold the whole atmosphere and tone of American political—social and economic life.

In his hands is the fate of civilization. All over the world, countless millions of faces are turned toward him—watching for his fateful decisions.

That is the destiny of our President. Mr. Nixon is not shrinking from it.

POLITICS AND POLICIES

I shall deal with both tonight because they are intertwined.

The first is the art of winning primaries and elections in the dust of the arena.

The second deals with issues and the back-breaking details of the art of governing a

great and mighty people in a free and open society. Timing is as important in both as in a football game.

The future historian will give President Nixon a distinguished place in history in both fields.

His administration marks the first basic change in the United States of America's foreign policy over twenty years. It is a complete and total reversal of the policies of the Truman-Eisenhower-Kennedy and Johnson administrations' foreign policy of containment of Communism by military force.

Take a look at the workable way Richard Nixon developed his new china policy in February, 1969, with a proposal for trade and cultural exchange, his first almost unnoticed small step toward a more normal relation between that government and the United States of America. The president knew, despite the flexibility a president has in foreign affairs, he would face organized opposition in both political parties.

Up to that time, America had vigorously supported Chiang Kai Shek in Formosa against China—refused to recognize the established Mao government—opposed admission to the United Nations and even refused in October, 1964, to accept Chou and Mao's proposal for a world conference for discussion to eliminate nuclear weapons immediately after their first nuclear bomb. I immediately urged that we do so. U Thant, Secretary General of the United Nations, endorsed my remarks the next day.

In May, 1964, I said we could not win the Vietnam War by bombing. I critcized President Johnson's description of our military forces as trainees or advisors as a deliberate intent to deceive, saying, "A song *'It Is Classified'* ought to be written to the tune of 'Old Man River.'" Wes Gallagher, General Manager of the Associated Press, said the same month, speaking of the suppression of Vietname news by Washington, "This was not political censorship but it was an attempt to create an image for the public that was neither justified nor true by manipulating news at the source."

A historian told me of the inability of government agencies to apply security classifications uniformly, with often the same document being stamped "secret" by one department agency, "confidential" by another, and being unclassified by a third. No wonder—when 32,000 people in the Defense Department have been given the authority according to recent testimony by an assistant secretary of defense before a congressional committee to decide security classifications.

As Arnold Toynbee said, "In the Foreign Office during the First World War, I had watched official documents being made and had sometimes myself had a hand in the making of them, and I had learnt that one purpose for which no official document has ever been made is to provide information for historians."

Change is slow in basic foreign policies by governments in international relations. Over two years after the February, 1969, initiative, the new foreign policy of President Nixon with China, based on developing cultural and trade exchange, broke to the astonished world by the famous Ping Pong Games.

That is not as ridiculous as the Divine Right of Kings, which was used for many centuries to mark changes in government policies.

There are many major questions yet to be settled between these two major powers and there is a long way to go in establishing a more settled relation between them. In the words of the old hymn, one step at a time is good enough for me. That is the course President Nixon has set for his administration and the United States of America.

With a second major power—Russia—there is a realistic recognition by the Nixon administration of the existence of the Communist bloc in Europe—just as it is recognizing the existence of China, the largest country in the world, for the first time, under a Communist regime.

Another change is possibly evident. That is Russia's present increased interest in establishing better relations with Europe and the United States of America. The spread of polemics against either is subsiding from Peking and Moscow. It remains to be seen whether this is a change in strategy or a change in policies.

Now the Soviet Union has renewed the proposal for a disarmament conference of the five nuclear powers—United States of America, Russia, China, France and Britain. That can be a most important meeting for extension of peace in the world and indeed even survival of life.

Also, there is a new change in European governments in their Russian policies that fits the new approaches of the American president and the Russian and Chinese leaders.

Brandt, in western Germany, is reversing the militant policy of Adenauer toward Russia. France has abandoned its opposition to England's admittance to the European Common Market. That means that other European countries will now be joined in this gigantic economic bloc with accompanying influence for a more stable and tranquil world in widespread international relations.

There was the talk at Lisbon initiated by Russia to discuss possible reduction of Russian troops in Europe. No definite agreement was reached. However, the talks are to continue.

There was the conference at Brussels on the future role of NATO—to be continued with the possibility of at least reaching a more constructive policy. The talks at Helsinki on limitations of nuclear weapons are also continuing.

With Japan, a great economic power with growing military potential, our president is establishing a new, realistic relationship, just as he is all over the world. We are phasing out many of our military bases in Japan and are returning sovereignty in Okinawa to that power.

China is facing—on her Asian flank—the growing power of Japan, and—on her European flank—Russia—centuries old traditional enemies, while, with America, it is facing a traditional friendship.

North Vietnam is also looking over its shoulder at the new incipient constructive relations being worked out by the Nixon administration with other governments all over the world, and Russia, China and the two Vietnams, in particular, which recently won the praise of Speaker Carl Albert and Senate Majority Leader Mike Mansfield.

For some years, I have said on several occasions that the Vietnam War was part and parcel of the entire world situation.

It may well be that the changing international relations I have outlined will be a bigger factor in moderating the truculent militant position of North Vietnam and obstinate American miscalculations of the 1960's that have prevented peace in Vietnam than the so-called Vietnamization policy of President Nixon in settling the Vietnam War.

In the Middle East, there is an armed truce that has lasted for almost a year. There, again, the strong support President Nixon is giving to Israel in contrast to his predecessors may well be a factor in creating a more cautious attitude on the part of both sides. At least, the longer the present lull continues, the more hope there is for a modus vivendi there. Rexford Tugwell, who served on President Roosevelt's first Brain Trust, and who is now a Center Fellow, in his recent article, "A New Dealer Looks at Nixon," sums up the president's foreign policy, saying, ". . . prospects of a viable coexistence were open for the first time since 1945."

That brings me to the pressing and complex problems of America's expanding inflationary industrial society.

It is a simple solution to lay the blame on the Vietnam War. However, ending that war is not going to solve acute and deplorable problems of unemployment, inflation and taxation that are basic.

Nor is the solution a simple one of revenue sharing with cities and states—regardless of the sponsorship amount or the channels through which it is funneled. It comes right smack dab on the ability of people of our great debt-ridden cities to govern themselves—the quality and the ability of the leadership they have selected over the years.

The paramount problem is that the cities' leadership has not fitted public services to municipal income. In a nutshell, it is poor bookkeeping and inept accounting. The cities' leadership has too often refused to raise taxes to cover new services. That leadership has indeed pushed through new services often at the cost of adequately maintaining old and more essential services—a change, incidentally, that can be applied to many of our schools and colleges. Often it has meant the cities' administrations pointed with pride at shamefully offering more services but less adequately than ever before. I must say, that applies to many of our state administrations also.

Before we start bailing out the large cities, we should first inquire as to the extent to which they have been willing to tax themselves for the support of city functions and school services. There appears to be no national study which has thoroughly analyzed this matter of local effort. However, a study from the State of New York indicates that there is a substantial question as to whether the large cities have made reasonable tax effort. The school districts of the five largest cities in New York State are fiscally dependent upon the city government.

In terms of tax effort, New York City levies 16.6 mills for schools while the 56 independent cities in New York State average 19.50 mills. Both of these figures reflect comparable rates of assessment. Very clearly the smaller cities appear to be making greater effort from their own tax sources than the larger cities.

By way of another comparison, Wichita, when adjusted to relative assessment rates with New York, is levying 25 mills for elementary and secondary schools, compared with the 16.6 mills in New York City.

Social Security is another example of a problem that will not be resolved by ending the Vietnam War. The average working man finds himself bedeviled by a constantly mounting burden of Social Security taxes—the largest single tax bite in the country for the average citizen, aside from federal income tax. Yet it is clear that what is returned to Social Security recipients is inadequate to their basic living needs. In short, we are chained to a Social Security system which is sadly outdated, both in what it pays its beneficiaries and in how it is financed.

For a starter, a perfect cutback satisfactory to all except a few daydreamers is to eliminate Social Security payments to those whose outside income from any source is sufficient to maintain a decent living standard, and thus remove this big part of the burden from the laboring man, who bears the brunt of inadequate Social Security payments.

As we look over the world tonight, change is not only here at home, but elsewhere—and not only in government. It is evident in churches and businesses. It is evident in technology—education—science — education and fiscal problems. It is evident in mores and traditional values. Free and open governments are threatened by the burden of big government—big business and big labor.

Democratic processes and civil rights are threatened by mobs on the streets in cities and planned and unplanned violence here in America and throughout the world.

The threat to our democratic process comes from both what in the vernacular are called the right and the left.

It comes from those whose fear of an incipient police state limited their concern at rising disorder and rioting on city streets, and a shocking growing crime rate.

Those who are excited and concerned in favor of a volunteer army instead of a peace time draft have not the long view of their course of action. That means that, for the first time in the United States of America, we would have a sizeable career army. A draft army is a civilian army, anxious to serve their required training and get back to their plans at home. A regular sizeable volunteer army means men who plan to make that their life's work because they like it. So, for the first time, we would create a military class in America.

While I have repeatedly urged over the years on many occasions the foreign policies initiated by President Nixon for world peace, I have always said our great and beloved country must not be second militarily to any nation. I am greatly concerned that we are drifting into that critical and perilous situation. As I have put it, I was willing to sleep in the same bedroom with Khrushchev (now Kosygin) but not to leave my wallet in my pants over the back of a chair.

A definite factor in the rising tide of neo-isolationism — protectionism — anti-militarism—is the reaction to the two crusades of world wars, with their romantic idealistic slogans.

The revelation of the duplicity of President Johnson's administration regarding its military policies in the 1964 election is a repetition of the duplicity of Franklin Roosevelt's military policies in the 1940 presidential election.

President Johnson had us in the Vietnam War before he even had the Tonkin Resolution to stretch into the fantastic interpretation of a congressional declaration of war—directly contrary to his public military position and promises in his campaign for reelection in 1964.

That was also true of President Roosevelt. He had us committing belligerent acts long before his campaign for re-election in 1940—or asking Congress for a declaration of war.

I repeatedly called on Mr. Roosevelt to be frank with the American people and to trust them to follow his leadership.

All this brings to a head what, to me, is the basic issue. It is indeed terrifying how a succession of American presidents have exercised the equivalent of the old discredited divine right of monarchs by waging wars on their own initiative, while, at the same time, misleading the Congress and the public and acting without adequate constitutional authority.

Senator Fulbright is trying to arouse the Congress to the need of reclaiming its constitutional responsibility and authority in this matter of war and peace that has priority over any other act of government. The Congress—a representative legislative body—does not have, and should not have, control over fighting a war. It does have a constitutional authority and control over whether a war is to be fought.

A distinguished professor of history wrote me after the 1936 election that he did not know of a people who would be as far involved as Americans who ever recovered their liberty. I disagreed, because of our widespread and broad-based educational system.

Now this excellent widespread educational system so essential in the development of our capitalistic-socialistic government—based on the old progressive party slogan, "Pass Prosperity Around," is also equipped to ask its local, state and national administration for an accounting.

No other country anywhere in the world—at any time—has had an educational system resembling that of the United States of America in its scope and in the vast number of grade schools, high schools, colleges and universities—each level fitting into and reinforcing the other. The local school concept is an ever-broadening one.

When President James McCain, of Kansas State University, was lent to the government of Iran by our government at their request to help them start their educational system, he emphasized the necessity of starting with an educational system in the primary and grade schools. I quote from his report to the National Ministry of Education:

"It has been often demonstrated that the quality of a university seldom rises above that of the secondary schools preparing its students. In more than one of my conferences with university officials, I heard the complaint that Iranian universities were forced to lower their academic standards to match the substandard preparation of their students."

I regret that some of our schools of higher learning here in America are lowering their standards, many voluntarily.

The trouble our schools are in today comes not so much from public indifference to the vital problems of a viable educational system as it does from many educators' indifference to the value of public interest responsibility expressed through the unique American system of local and state school boards.

No other country in the world has the highly important local school boards that provide, through our local schools, the widespread educational system so essential to the free and open society of our great and beloved country. These school boards and boards of regents for colleges and universities serve for many long hours, not as bureaucrats, but as unpaid public spirited representatives of their fellow citizens.

The school boards and boards of regents have been the vital link between our great pioneer system of free public education and public support for our schools. These boards must continue to see that public schools serve the genuine needs of the people, as well as to lead in stimulating the necessary public support of our schools—schools which have made Americans the best educated people in the world. The schools cannot continue their achievement unless educators and people, represented by their school and college boards, see eye to eye on the nation's needs.

RETIREMENT OF U.S. JUDGES AT AGE 60—RECOMMITTAL OF S. 2330

Mr. BURDICK. Mr. President, I ask unanimous consent that Calendar No. 275, S. 2330, be recommitted to the Committee on the Judiciary.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and of course I shall not object, but just for the record, I ask the distinguished Senator if this matter has been cleared with the chairman of the Committee on the Judiciary and the ranking minority member thereof.

Mr. BURDICK. It is my understanding that it has.

Mr. BYRD of West Virginia. I thank the Senator. I have no objection.

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

ANNOUNCEMENT ON VOTE OF SENATOR SPONG ON THE MOTION TO TABLE THE COTTON AMENDMENT

Mr. BYRD of West Virginia. Mr. President, due to a failure of the group alert system, the bells, and other notification procedures, the distinguished junior Senator from Virginia (Mr. SPONG) missed the vote today on the motion by the Senator from California (Mr. CRANSTON) to lay on the table the amendment of the Senator from New Hampshire (Mr. COTTON).

Had he been properly notified, the Senator from Virginia would have voted on the question, and he would have voted against the motion to lay on the table the amendment of the Senator from New Hampshire.

I make this statement for the record in explanation of the reason why the junior Senator from Virginia missed that vote.

The PRESIDING OFFICER. Is there further morning business?

THE RHODESIAN EMBARGO

Mr. BYRD of Virginia. Mr. President, Robert S. Allen, the able Washington syndicated correspondent, sent a column to the many newspapers which carry his service, on Tuesday, July 27, entitled "Must U.S. Pay Soviet Millions for United Nations Embargo?"

Mr. President, that column by Mr. Allen calls attention to what I think is a very important problem to be considered by Congress—namely, whether the United States should be dependent upon Communist Russia for 60 percent of its chrome ore.

Mr. President, chrome is a vital defense material. It is necessary and essential for the construction of jet aircraft, nuclear submarines, and many other military weapons. It does not seem very logical to me for our Government to be spending $70 billion for defense and yet be dependent upon Communist Russia for a vital defense material. The reason we are dependent upon Communist Russia for this material is that most of the chrome is obtained from two sources—Rhodesia and Russia.

A few years ago, beginning in 1966, President Johnson, by unilateral action on his own part, without submission to Congress, declared an embargo on all trade with Rhodesia. As a result, the United States no longer can obtain chrome from Rhodesia and must buy chrome at a highly inflated price from Communist Russia. Yet, it is because of the potential threat of Russian aggression that our country finds it necessary to have the tremendous budget we have.

With that in mind, on March 29 I introduced S. 1404. The cosponsors of this measure are the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), and the senior Senator from Arizona (Mr. FANNIN).

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will yield my time to the able senior Senator from Virginia.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD of Virginia. I thank the Senator from West Virginia.

Mr. President, a hearing was held on S. 1404 by a subcommittee of the Committee on Foreign Relations; and immediately following that hearing, the chairman of the subcommittee told reporters that he would recommend that the Foreign Relations Committee not approve S. 1404.

Subsequent to that, I read into the record, on the floor of the Senate, all the testimony before the Foreign Relations Subcommittee—those who favored S. 1404, including former Secretary of State Dean Acheson, and those who oppose it, who appeared before the committee in opposition to S. 1404.

I feel very strongly, Mr. President, that the Senate itself should have an opportunity to vote on this measure, and I intend to see that it is presented to the Senate in one form or another, so that the Members of the Senate can decide for themselves whether it is logical for the United States to be dependent on Communist Russia for a vital defense material.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a column written by Robert S. Allen, of Tuesday, July 27, captioned, "Must U.S. Pay Soviet Millions for U.N. Embargo?"

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

MUST U.S. PAY SOVIET MILLIONS FOR U.N. EMBARGO?

(By Robert S. Allen)

WASHINGTON.—Congress is going to have the chance to determine whether the U.S. continues to pay millions of dollars annually to Russia for vital supplies of metallurgical chrome essential for key weapons production—because of complying with the United Nations embargo against Rhodesia.

Sen. Harry Byrd, Ind-Va., is forcefully setting the stage for a showdown vote on the issue of paying this UN-imposed tribute to the Soviet—at a cost last year of $13.7 million and certain to be higher this year. Since the UN embargo in 1966, Russia, which now provides 60 per cent of U.S. chrome needs, has hiked the price from $25 to $72 a ton—188 per cent.

The punitive embargo was levied against Rhodesia by a bloc consisting of communist, black African and Arab states.

Prior to the sanctions, Rhodesia was this country's largest single source of metallurgical chrome that is critical in the manufacture of jet aircraft, missiles and nuclear submarines. There is no U.S. production of this indispensable ore.

As a consequence of the UN embargo, in which Russia played a leading role in the Security Council, not only has the Soviet gained a highly lucrative trade asset, but now has a potentially crippling hand on U.S. weapons output and the communications and transportation industries. Says Senator Byrd:

"The constant increase in price of this essential ore is bad enough, but what concerns me most—and what prompted me to introduce my bill—is that the United States has placed itself in the position of dependence upon Russia for a strategic commodity. To me, that is dangerous and wholly illogical. It just doesn't make sense."

Last year the U.S. imported a total of 703,000 tons of chrome—of which 409,000 tons came from Russia, 135,000 tons from Turkey, 97,000 tons from South Africa, and 62,000 tons from other countries.

LINE OF ATTACK

Sen. Byrd's bill proposes a direct attack on this grave problem.

It would amend the 1945 act under which the U.S. joined the United Nations 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."

A number of Democratic and Republican senators are co-sponsoring this remedial legislation. Also, former Secretary of State Dean Acheson is vigorously supporting it. He strongly urged its enactment at hearings held earlier this month by a Senate Foreign Relations Subcommittee.

It was opposed by the State Department—which reportedly is covertly lobbying against it by trying to prevent a showdown vote in the full Senate.

With Congress due to shut down next week for a month's vacation, this significant test is unlikely before fall. But Byrd will definitely force a roll call vote because under Senate rules he can offer his measure as an amendment to pending legislation.

Exactly when that will be done is not being disclosed.

LEAKY EMBARGO

From available information, the U.S. apparently is the only big country taking the sanctions against Rhodesia seriously.

Latest UN reports disclose that a number of nations are disregarding the embargo—foremost among them Switzerland, Portugal, South Africa, Zambia, Batswana and Malawi. Another 25 UN members have declined to even answer inquiries about the matter from Secretary General U Thant. Many others stated they had never had any trade with Rhodesia to begin with.

On top of all that, enforcement of the boycott has been largely a bust.

Last year a special UN committee reported more than 60 violations, and since then numerous other infractions have brought the total to well over 100.

The State Department raised three main objections to Byrd's bill—Rhodesia is ruled by a minority; it threatens world peace; the embargo is effective.

Byrd derides the first two arguments as "positively ludicrous" and "obviously absurd," and the third as patently unfounded. He also bluntly stresses the senselessness of "continuing 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," points out the Virginia legislator. "Russia is the number one reason—and indeed almost the sole reason—for our huge defense expenditure."

As for Rhodesia being governed by a minority, Byrd caustically notes: "If the United Nations 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 Security Council—the Soviet Union, where 240 million people are ruled by a tiny handful of communist party leaders."

And as for Rhodesia threatening world peace, that's so asinine it's not worth answering. "No one actually believes that," snorts Byrd.

"My legislation does one thing and one thing only," he asserts. "It simply provides that the President could not prohibit imports of a strategic material from a free world country if imports of the same material are permitted from a communist-dominated country. I firmly believe that is fair and proper and just, and it is my determined intention to ensure that the Senate is given the chance to register its will on this vital question."

* * * * *

SPACE CONTRADICTION

The U.S. leads the world in space exploration, but it has only a small tin hanger in which to display its history-making craft and other equipment.

Sen. Barry Goldwater, a licensed pilot, indignantly wants to do something about that. He is trying to get Congress to provide money for a National Air and Space Museum that was formally authorized way back in 1966.

Plans for the museum are drawn up and ready and waiting. But the project has been stalled for five years because the Senate committee in approving the authorizing bill included in its report a hobbling comment, "Appropriations should not be requested unless and until there is a substantial reduction in our military expenditure in Vietnam."

Actually, this statement is merely a declamation and does not have the force of law. But it has been observed as such by default.

Sen. Goldwater, in his drive to get funds to start construction of the Air and Space Museum, told a House Appropriations subcommittee the pronuncement is no longer binding. He contends its effectiveness has lapsed. He also noted that since the statement, Congress has voted money to renovate two Smithsonian display buildings—the National Portrait Gallery and the Renwick Gallery.

Sen. Goldwater also forcefully stressed that when the Wright Brothers' 1903 Kitty Hawk plane was returned to the U.S. from England, an explicit promise was made to the executor of the Wright estate that a "distinctive museum" would be erected to house the historic craft.

"Some 23 years have gone by since that pledge was made," Goldwater declared, "and it's still unfulfilled. That's not very creditable to us as a nation."

ORDER FOR ADJOURNMENT FROM SATURDAY, JULY 31, TO 11 A.M., MONDAY, AUGUST 2, 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 11 a.m. on Monday next.

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. I presume this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the

standing order, the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

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

ORDER FOR CONSIDERATION OF PUBLIC WORKS APPROPRIATION BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Virginia (Mr. BYRD) on tomorrow, the Senate proceed to the consideration of H.R. 10090, a bill making appropriations for public works.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. and, immediately after the recognition of the two leaders under the standing order, the distinguished senior Senator from Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes, following which the Senate will proceed to the consideration of H.R. 10090, a bill making appropriations for public works. A time agreement has been entered into whereby 1 hour will be allocated to debate on the bill, with 30 minutes on any amendment thereto. A rollcall vote has already been ordered on final passage. There may be other rollcall votes on amendments.

Following disposition of H.R. 10090, a bill making appropriations for public works, the Senate will probably resume the consideration of S. 2308, to authorize emergency loan guarantees to major business enterprises. A cloture motion was sent to the desk on that bill today, with a vote to occur thereon, on Monday next, in accordance with rule XXII.

ADJOURNMENT TO 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 6 o'clock and 2 minutes p.m.) the Senate adjourned, until tomorrow, July 31, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 30, 1971:

DIPLOMATIC AND FOREIGN SERVICE

Edwin W. Martin, of Maryland, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

U.S. COAST GUARD

The following-named temporary officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant (junior grade):

Timothy C. Hess
Thomas B. McCarty
John A. McGough
Robert C. Herold
Arthur R. Wittum
Malcolm W. Gray
James H. Oliver
John H. Powers III
Lavere E. Amundson
Frank C. Lewis
Dennis W. Mahar
John F. Weseman
Karl Kaufman
Ernest R. Smith, Jr.
Michael W. Wade
Thuren M. Drown
Brian W. Mills
Donald L. Dobbs
Frank K. Cole
Brian Pickhover
Carl D. Fry
Robert L. Melville
Paul C. Monette
Michael L. Kelly
Gerald F. Arens
Michael G. Cavett
Raymond L. McFadden
Richard F. Mattingly, Jr.
Herman F. Hirsh III
Gerald D. Johnson
Robert J. Parsons
David W. Thiel
Thomas E. Ross III
Douglas D. Lundberg
Robert B. Swart
Thomas B. Urbanowicz
Calvin F. Perkins, Jr.
Donald F. Walker
Theodore T. Musselman
Duane I. Preston
Richard A. Gelinas
Robert F. O'Toole
Paul J. McClendon
Gerald R. Murphy, Jr.
John S. Wenter
Stephen A. Dickerson
Robert A. Happel
William E. Pitt, Jr.
Jon C. Deichert
Harvey A. Hudson
Philip K. Hauenstein
Donald A. Kirkham
Jerry E. Bowersox
Robert B. Millson
James L. O'Brien
Robert M. McAllister
James L. Jones
Gary A. Bird
Theodore C. Scheeser
Paul E. Hill
John E. Steve
Richard L. Youdal
Robert L. Hoyt
William J. Hamilton
Michael T. Burnett
Ronnie T. Wheeler
John H. Burger
Paul D. Huffman
Miller R. Chappell
Curtis J. Olds, Jr.
Carl R. Sosna
Richard D. Carmack

The following-named officers of the Coast Guard for promotion to grade of lieutenant:

Charles H. Eason
Timothy C. Hess
Thomas B. McCarty
William F. Nettell
John A. McGough
Preston L. Foskey
Thomas B. Urbanowicz
Robert C. Herold
Arthur R. Wittum
Malcolm W. Gray
James H. Oliver
John H. Powers III
Lavere E. Amundson
Frank C. Lewis
Dennis W. Mahar
John F. Weseman
Karl Kaufman
Michael W. Wade
Ernest R. Smith, Jr.
Thuren M. Drown
Brian W. Mills
Donald L. Dobbs
Frank K. Cole
Brian Pickhover
Carl D. Fry
Robert L. Melville
Paul C. Monette
Michael L. Kelly
Gerald F. Arens
Michael G. Cavett
Raymond L. McFadden
Richard F. Mattingly, Jr.
Herman F. Hirsh III
Gerald D. Johnson
Robert J. Parsons
David W. Thiel
Thomas E. Ross III
Douglas D. Lundberg
David A. Potter
Fred L. Ames
Walter F. Malec, Jr.
William R. Hodges, Jr.
Norman V. Scurria, Jr.
Glen J. Pruiksma
Thomas H. Jenkins
Larry V. Grant
Richard W. Schneider
James T. Ingham
Larry J. Olson
Richard J. Asaro
Terry R. Fondow
Norman C. Edwards
Nicholas Stramandi
Victor P. Primfaux
Michael J. Edwards
Joseph F. Olivo, Jr.
John T. Tozzi
Frank J. Scaraglino
Joseph E. Cassaday
John H. Legwin III
Dennis P. Purves
Mont J. Smith
Arthur W. McGrath, Jr.
Alexander T. T. Polasky
Kenneth B. Allen
Richard B. Meyer
Ralph W. Brown, Jr.
Michael E. Tovcimak
Ronald F. Schafer
James G. Soland
Stanley M. Phillips
Fedrick V. Minson
John A. Bastek
Robert J. Lachowicz
William F. Mueller
Kenneth J. McPartlin
John J. Mulligan, Jr.
Leighton T. Anderson
Peter A. Poerschke
William C. Hain III
James M. MacDonald
John R. Taylor
Daniel J. Schatte
Larry E. Parkin
Gregory T. Wilson
Brian P. M. Kelly
Dennis L. Bryant
Thomas S. Johnson III
Ronald K. Losch
Clifton K. Vogelsberg, Jr.
James T. Paskewich
William R. Johanek
David L. Powell
Steven J. Delaney
Daniel B. McKinley
John R. Ryland
Theodore J. Sampson
Thomas H. Collins
Richard W. Hauschildt
George R. Perreault
Ronald S. Matthew
Stephen R. Welch
Ernest R. Riutta
Edmund I. Kiley
John A. Magiera
Peter M. A. Tennis
James W. Milas
Glendon L. Moyer
James L. Hested
Paul N. Fanolis
Edward C. Karnis
John K. Kastorff, Jr.
George H. Mercier
Richard L. Maguire
Walter R. Guest
James C. Haedt
Phillip J. Stager
James A. Smith
Juan T. Salas
Thomas E. Thompson
Paul Ibsen
Ronald L. Edmiston
Paul V. Gorman, Jr.
Robert B. Bower
John D. McDevitt
Richard R. Clark
James C. Clow
Douglas A. Macadam
Stephen L. Swann
Floyd W. Thomas
Victor E. Hipkiss
Robert P. Bender
Robert B. Vanasse
Arthur F. Shires
Kenneth R. Riordon
Stanley C. Brobeck, Jr.
Kevin V. Feeney
Dennis M. Majerski
Peter D. Lish
Lonnie E. Steverson
Edward C. Cooke
Ronnie L. Sharp
Ronald F. Hough
Joel E. Karr
William J. Theroux
Graham J. Chynoweth
Robert E. Gronberg
Dennis R. Erlandson
Roger D. Mowery
Jack W. Scarborough
Anthony H. Schieck
Jeffrey S. Wagner
Mark J. Costello
James L. Lambert
Frank P. Murray
Roy C. Samuelson, Jr.
Roger B. Streeter
Dennis L. McCord
Richard L. Cashdollar
Harold B. Dickey
Charles J. Hermann
Edward B. P. Kangeter III
John R. Vitt, Jr.
Thomas D. Brennan
Francis T. E. Marcotte
Bruce E. Weule
Terry L. Grindstaff
Wayne Young
John W. McBride
George T. Oakley
Wayne K. Six
Geoffrey M. Harben
John A. Mantyla, Jr.
Jay A. Creech
William F. Holt
John R. Hruska
Robert K. Jones
Olav R. Haneberg
Roger J. Beer
Ronald C. Hoover
Michael M. Storey
Robert B. Swart
Calvin F. Perkins, Jr.
Donald F. Walker
Theodore T. Musselman
Duane I. Preston
Richard A. Gelinas
Robert F. O'Toole
Paul J. McClendon
Gerald R. Murphy, Jr.
John S. Wenter
Stephen A. Dickerson
Robert A. Happel
William E. Pitt, Jr.
Jon C. Deichert
Harvey A. Hudson
Michael A. Haponik
Philip K. Hauenstein
Donald A. Kirkham
Jerry E. Bowersox
Robert B. Millson
James L. O'Brien
Robert M. McAllister
James L. Jones
Gary A. Bird
Theodore C. Scheeser
Paul E. Hill
John E. Steve
Richard L. Youdal
Robert L. Hoyt
William J. Hamilton
Michael T. Burnett
Ronnie T. Wheeler
John H. Burger
Paul D. Huffman
Miller R. Chappell
Curtis J. Olds, Jr.
Carl R. Sosna
Richard D. Carmack

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade indicated:

Lieutenant commander

Gerald T. Willis.

Lieutenant

Roland H. Boughton
James B. Wallace
Norman E. King
Frank M. Readinger
Carl J. Muehlenbeck
Edward K. Roe, Jr.
Clinton W. Carter

The following-named officer to be a permanent commissioned warrant officer in the Coast Guard, in the grade of chief warrant officer (W–2), having been recalled to active duty from the temporary disability retired list.

George T. Causey.